HOUSE OF ASSEMBLY

Thursday 1 June 1995

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Emergency Services): I move:

That the sitting of the House be not suspended during the conference on the Bill.

Motion carried.

LOCAL GOVERNMENT (CLOSURE OF ROADS) AMENDMENT BILL

Mr ATKINSON (Spence) obtained leave and introduced a Bill for an Act to amend the Local Government Act 1934. Read a first time.

Mr ATKINSON: I move:

That this Bill be now read a second time.

This Bill introduces a fair system for the permanent closure of local government-owned roads that connect one municipality with another. It does not try to regulate the permanent closure of roads that lie entirely within one municipality and which do not connect it with any other municipality.

The usual provision for closing roads permanently in South Australia is the Roads (Opening and Closing) Act. Under that Act a local government body may decide that it wants to close a road or part of a road permanently and it then advertises its intention and gives notice to affected land-holders.

There is a period during which affected people can make submissions in writing to the council and lodge formal objections to the permanent closure of that road. The council has to hear those objectors in person (if they wish to appear in person) and then, after that natural justice procedure, the council makes its decision on the permanent closure or partial closure of the road. The council's decision under the Roads (Opening and Closing) Act is then referred to the Surveyor-General in the Lands Department, who in turn makes a recommendation to the Minister for the Environment and Natural Resources on the question whether the road should be closed permanently. The Minister then either ratifies or does not ratify the council's decision.

In my opinion, that is a sensible provision that balances the interests of residents with those of motorists and cyclists who wish to use the road. This procedure was passed by the Parliament without dissent only a few years ago. The mischief that this Bill seeks to remedy is the use of section 359 of the Local Government Act by local councils to achieve the same effect as the Roads (Opening and Closing) Act provisions, but without going through those procedures.

The present wording of section 359 of the Local Government Act was introduced into the principal Act in 1986 and at the time it was introduced it was represented to the House both by the Government and the Opposition as the temporary control of traffic or the temporary closure of a road.

Mr Brindal: Are you wasting our time on Barton Road again?

Mr ATKINSON: I have not mentioned that road thus far.

Mr Brindal interjecting:

Mr ATKINSON: I have to tell the member for Unley that this affects a lot more than just Barton Road. I ask the honourable member to think about the effect on the western suburbs of Adelaide of Adelaide City Council's plan to close War Memorial Drive. Think for a moment, if you are from the west, about Adelaide City Council's long-term plan to close Jeffcott Street and Jeffcott Road. Think about the Adelaide City Council's closure of Beaumont Road, particularly if you are the member for Unley or the member for Bragg. And think about the Thebarton Council's restrictions on Ashley Street at Torrensville. I think that answers the member for Unley's interjection.

Section 359 of the Local Government Act provides for temporary control or closure. When the John Martin's pageant takes place the Adelaide City Council is able to pass a resolution providing for the streets along the path of the pageant to be closed for the duration of the pageant and a reasonable time before and afterwards. If road works are to be done, then section 359 is used by a local council to close the road temporarily while those road works are completed.

But alas, in pique, at the Lands Minister's refusal of Adelaide City Council's application to close Barton Road in 1993 under the Roads (Opening and Closing) Act, the Adelaide City Council purported to use section 359 of the Local Government Act to close Barton Road, not temporarily but permanently, so that when the notice was published in the *Gazette* that Barton Road would be closed under section 359 of the Local Government Act, that gazettal did not contain the duration on the closure.

Most gazettals under section 359 provide that the road will close at such and such a date and reopen on another date. But there was no prediction about the duration of the Barton Road closure; no duration was placed on it. That section of the Local Government Act was never intended to be used for permanent closures. At the time the section was last considered by Parliament, the clause notes to section 359 stated:

Clause 27 amends section 359 of the principal Act so as to allow part only of a street, road or public place to be closed on a temporary basis.

That is what Parliament was told by the Minister.

Mr Becker: What did Gordon Howie say?

Mr ATKINSON: Much. The Opposition's spokesman on local government, who is now the Minister for Transport, said at the time:

A further amendment to section 359 is to close public pathways and walkways on a temporary basis.

The Hon. Diana Laidlaw went on to say that the amendment related to street fairs and the like. Section 359 of the Local Government Act, which my Bill seeks to amend, was never designed for the permanent closure of roads. There was a good reason for that. Section 359 of the Local Government Act contains no procedure for giving notice to the general public that the closure is to come in. It contains no provision for notice to affected land-holders who might reside nearby and use that road. It contains no provision for the council to hear representations for or against its proposal to close the road.

Mr Brindal: Where is a copy of this Bill?

Mr ATKINSON: The same place the Shop Trading Hours Bill was before the debate yesterday.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I am most interested in the honourable member's Bill but I do

not have a copy. Does the House not need to have a copy of the Bill before we can debate it?

The SPEAKER: The answer is 'No'.

Mr ATKINSON: For the information of the member for Unley, the Bill was offered to the relevant people on Tuesday.

Mr Brindal: So, I am not one of the relevant people.

Mr ATKINSON: Before I go through the proposed procedure, bear in mind that the Bill I am proposing does not affect the closure of a road under section 359 if that road lies entirely within one municipality and does not affect the movement of traffic from one municipality to another. So, members, local streets in your municipalities can be closed under this provision by your local council without any need to go through this procedure because, presumably, the street in which you live does not connect your municipality with another municipality. The Bill I am proposing has a very limited application. Also, it only applies to closures of roads that will last for more than six months—a very important point—so it has limited application.

However, if the street in question does connect one municipality to another so that it affects people living in two municipalities, and it is not really a temporary closure but a permanent closure, namely, a closure lasting more than six months, then this procedure applies. Under this procedure the local government concerned must give notice in a newspaper that circulates generally throughout the State inviting interested persons to make submissions on the proposed closure. The council must also give notice in writing to landholders who are affected by the proposed closure and it must notify each other council whose area is affected by the closure.

So, for instance, the closure of Ashley Street at Torrensville, as the member for Peake would well know, affects not just the people of the Town of Thebarton, which passed that closure, but also the people to the west over in the City of West Torrens, who get no say in the matter because Ashley Street is owned by the Thebarton council. Notice would have to be given of the proposal to close the road permanently. Then the council would have to take into account the representations for and against the proposed permanent closure. Having done that, before the closure was gazetted it would have to be confirmed by the Minister for Transport. It seems that where there is a conflict between two municipalities over a road and that controversial road is proposed to be closed, the State Government of the day ought to take some political responsibility for that conflict between two autonomous local government bodies.

So, under my Bill the closure could not be gazetted until the Minister for Transport confirmed the closure. In some respects, my procedure under section 359 of the Local Government Act resembles the procedure under the Roads (Opening and Closing) Act, an Act of this Parliament which was agreed to unanimously only about three years ago, although the procedure under my Bill is considerably less complicated and less onerous than the procedure under the Roads (Opening and Closing) Act.

It seems that where there is a conflict over the use of a road between two different municipalities, there ought to be some procedure whereby the people affected are given notice that the closure is to be permanent and have a chance to make representations about that road. After all, public roads are an important public asset and they ought not to be closed lightly. The Bill I have before the House is an attempt to do what the Minister for Transport herself proposed to do in response to a question I asked her last year. I asked the Minister what she would do when Adelaide City Council closed War Memorial Drive permanently, as it may well do. War Memorial Drive is not very important to people who live in North Adelaide but is very important to the rest of us who live in metropolitan Adelaide. The Minister said that some procedure had to come in to reconcile the interests of one council with another council or a group of councils. This is just what I have done for the Minister: I have brought in a procedure which, in a simple way, could resolve that conflict. I urge the House to support that procedure.

Mr BASS secured the adjournment of the debate.

ECONOMIC AND FINANCE COMMITTEE: MOTOR VEHICLE INSURANCE

Mr BECKER (Peake): I move:

That the report of the committee on compulsory third party property motor vehicle insurance be noted.

This reference was given to the Economic and Finance Committee by the Minister for Transport, Hon. Diana Laidlaw, and members of the committee took considerable personal interest in the reference because most of us have had some experience in dealing with constituents whose motor vehicles have been damaged beyond repair or who have suffered thousands of dollars of damage because of people crashing into the back of their vehicles and claiming that they have no third party property insurance and that they are not in a financial position to compensate the owner for the loss or costs involved in repairing or writing off the motor vehicle. We believe there are many cases in South Australia of people suffering financial hardship through the irresponsible actions of others. The committee set out to ascertain the attitude of various organisations and they are listed in the report's appendix. The committee held several public hearings and sought information from many organisations involved in the legal, automobile and insurance industries. The committee received about 24 submissions from insurance companies, automobile clubs and private citizens in South Australia.

The most influential organisation in South Australia dealing with motor vehicle owners' problems is the Royal Automobile Association which, for some time, has been vigorously opposed to the compulsion aspect of third party property motor vehicle insurance. In bringing down the report and our findings the committee has given the insurance industry and the RAA 12 months to come up with an improved ratio of people taking out a third party property motor vehicle policy, a policy that is understandable, that covers the damage to another person's vehicle in the event of a crash and, more importantly, a policy whose provisions everyone understands.

I have yet to see any evidence of action taken by the RAA or by insurance companies in South Australia, and they are fast running out of time. If the insurance industry does not improve the ratio of cars that are insured in South Australia I will not hesitate to recommend to the committee that we introduce compulsion, that is, nationalisation of that part of insurance. Such action would add to the overall registration and insurance cost of motor vehicles, which is an aspect the committee is conscious of. Our report concludes:

While recognising the very real problems caused by inadequate insurance coverage, the committee is not persuaded that compulsion will satisfactorily resolve those problems, nor that it would not itself generate a different set of problems.

Mr Lewis: Like fraud?

Mr BECKER: Yes, we were well aware of problems involving knock for knock damage and all sorts of attempts to defraud the system. That is one area that the insurance industry itself is capable of dealing with. Certainly, it should be doing a lot more than it is and I think the insurance industry has a lot to answer for in regard to consumers in this country. Therefore, the committee does not favour the introduction of a compulsory third party property damage insurance scheme at this time. The main points that were made by the committee are as follows:

· In South Australia, as 30 June 1994, there were 1 156 470 motor vehicles registered; every vehicle required to be registered must be covered by compulsory third party (CTP) insurance, which relates to personal (bodily) injury.

· No such compulsion exists in the case of damage to another party's vehicle, but the majority of drivers take out policies providing them with cover over both their own and other's vehicles ('comprehensive'), or 'third party property (damage)' which covers only the third party's vehicle, leaving the motorist so insured to bear his or her own third party costs.

Through evidence we found—and we kept checking this, and unfortunately this is the best we can do—

· Between 10 and 14 per cent of all vehicles on South Australian roads carry no property damage insurance cover at all.

That is not a very large number. However, that 10 to 14 per cent obviously must be the most active 10 to 14 per cent because we believe they are causing a lot of problems. The committee also states:

· In addition, there is another small group of motorists who are themselves insured for third party property damage but who find in the event of an accident that the other party has no similar coverage, or has invalidated whatever coverage they have by committing an offence which voids the policy.

That is one of the big problems: many motorists do not understand the terms of their insurance policy. The insurance agents and brokers, the Insurance Council and the industry itself do not adequately inform the consumer that certain illegal acts, such as drink driving, can invalidate their insurance policy. Driving a motor vehicle with bald tyres can also impact on an insurance policy. The committee continues:

· It is these latter cases which have led to calls to make third party property damage cover the legal minimum, by making 'third party property' insurance compulsory. All drivers would therefore have to have either comprehensive cover or third party property cover in addition to registration and compulsory third party insurance.

· Accidents involving uninsured drivers can cause severe hardship to all parties involved, regardless of fault; compulsory schemes are designed to minimise financial loss and litigation, by affording every motorist the financial protection of third party property insurance. Such a scheme could utilise its claims records to implement targeted (and therefore more effective) driver education and road safety programs.

· Information from a 1990 survey conducted by an insurer, and provided to the committee, indicates that 48 per cent of motorists surveyed gave the reason for not being insured as 'cannot afford it', while 33 per cent claimed that 'vehicle not worth it'. The survey also found that 28 per cent of uninsured motorists wrongly believed that compulsory third party (personal injury) insurance covered damage to the other driver's vehicle.

· A lack of knowledge about motor vehicle insurance is evidently widespread. Many motorists simply fail to realise that they are liable to pay for damage to other vehicles and property if found at fault.

· It is estimated that between 2 and 5 per cent of vehicles on the road are not registered and therefore have no compulsory third party insurance and no property damage cover; up to 30 per cent of motorists are late in renewing their registration and similarly are not covered between expiry and renewal.

That finding worried the committee, so much so that we have made a submission to the Registrar of Motor Vehicles suggesting that the procedures for motor vehicle registration be renewed. Up to 30 per cent of motorists are late in renewing the registration of their motor vehicles. Apparently a lot of motorists believe they have 14 days free cover, and so forth.

I advise all motorists to pay their registration well before the due date and, if they have financial difficulties, to make arrangements to take their vehicle off the road or insure it properly, because the time will come when people start taking action against motorists and individuals, and people could easily be bankrupted if they have no insurance. Somehow, the insurance industry must get out and follow the practice of doing something for the benefit of consumers—their clients—and looking after their own scope, because it is there. The big problem is that, if you bring in compulsory insurance with the registration of the motor vehicle and it becomes too expensive, people do not pay. That is what is happening, and that is why 30 per cent are late in paying now.

Another problem we looked at is that, if you force people into compulsory insurance at the time they register their motor vehicle, some will register for third party compulsory property damage so they meet the legal requirement but go to the insurance company the next day and seek a refund of the premiums they have paid. So, we have to overcome that situation as well. I believe that better informed consumers would accept their responsibility to insure against the possibility of legal action and/or liability in the case of a crash. The committee states:

Compulsory third party property damage insurance schemes rely on linking evidence of insurance cover with registration; while a minority of drivers remain unregistered, it is not possible to achieve universal coverage.

The committee also states:

The committee recognises that voluntary schemes are unlikely ever to achieve 100 per cent coverage of all motorists, even though the insurance industry has developed new products and targeted the property damage market. The insurance industry is generally opposed to compulsory third party property schemes and argues that such schemes undermine the comprehensive insurance market, increase premiums for all drivers and increase the incidence of fraudulent claims; there will still be drivers who do not register at all, and others who invalidate their coverage by various offences, so compulsion will also fail to achieve 100 per cent coverage.

[However,] the committee, on examination of the evidence submitted by both proponents and opponents of a compulsory third party property damage insurance scheme, has concluded that the real task is to increase the number of adequately insured motorists; that is, to reduce the number of unregistered (and hence uninsured) vehicles operating on the State's roads, and to increase the proportion of motorists carrying (as a minimum) third party property insurance cover.

I commend the members of the committee on this report because they worked hard, diligently and with genuine concern that somehow we have to attempt to resolve the problem. The insurance industry now has about 10½ months to prove to us that it and the RAA are genuine in doing something for motorists in South Australia. If not, I am quite sure we would recommend compulsory insurance for third party property.

Mr QUIRKE (Playford): I think the Chairman of the committee has made most of the points I would make, but a couple of things need to be said. First, he said that if the insurance position of many of the vehicles out there does not improve then at some stage in the future compulsory insurance of one type or another is a possibility and even a probability. I must say that when I went into this inquiry I was mindful of many resolutions of ALP branches over the

years. In fact, many constituents have come to my office and said, 'We think it a good idea that at the very least third party fire, theft and damage to vehicle insurance ought to be mandatory on everyone who drives a car on the road.'

As I understand it, a fair number of motor vehicles are comprehensively insured, so that covers those sorts of problems. However, there are cars on the road that are not insured; indeed, they are not even insured for third party bodily injury because their registration has not been renewed. From time to time, this problem has seen a large number of people go through the court system. Mandatory sentences are imposed. I think one penalty is a period of time off the road for any driver who is caught driving a vehicle that is not properly registered or who is not carrying the appropriate third party bodily insurance.

As I understand it, from information provided to the committee, about 3.5 per cent of vehicles come under that category. There is a further category of vehicles that are not properly insured against damage to other vehicles or are not properly insured, or even insured at all, for damage to material items. They may be covered for bodily injury, but they are not covered for any material damage that these vehicles and their drivers may cause. People have come to my office and said that an uninsured person has driven into their car, that they have lost their no claim bonus, and that it has cost them a great deal of money and inconvenience because, of course, motor vehicles do not repair themselves and sometimes, particularly if there is a protracted problem between the two parties, it can be months before a vehicle gets back on the road or before the owner can get together enough money to buy another vehicle.

Many constituents have said these sorts of things to members of this place. However, we found when examining this matter that the problem is smaller than members would think. Most vehicles, certainly the majority, are covered in one form or another. We also found that, because of competition within the insurance industry, particularly over the past five or six years, the cost of comprehensive premiums in both nominal and real terms has dropped dramatically. Consequently, the coverage of motor vehicles in this category is wider. The other thing that the committee found is that, today, most insurance companies have various conditions attached to no claim bonuses. Indeed, it is possible to buy an insurance policy to protect your no claim bonus. I confess that in respect of one of the vehicles that is registered in my name I was given the option to pay an extra $25 a year or whatever to take out an insurance policy on my rating one status, and I chose to exercise that option.

So there is greater competition and productivity in the whole insurance area. That has solved a lot of the hassles that people have. It has not solved all of them, but the evidence that we heard on the other side was surprising. I guess that, when it comes down to it, the insurance industry is speaking with one voice on this matter. It said, 'If you go down this road, premiums will be increased greatly, and there will be the danger of having more uninsured cars on the road by dint of the fact that they won't be registered or insured against third party bodily injury as well.' The insurance industry again spoke with one voice and said, 'We cannot handle the problem of fraud should there be a universal requirement for full comprehensive insurance or for all the other non-bodily functions of third party insurance.'

In the end, the committee reluctantly said that to recommend to the House that it be compulsory was obviously not only putting it in the too hard basket but it might have exactly the opposite effect from what the committee wanted. With respect to the 3.5 per cent of drivers who currently drive unregistered vehicles, although SGIC cover includes the nominal defendant provision (and that means a person is still covered), our most important consideration was not to increase the number of unregistered vehicles because of the impact on the compulsory third party pool of insurance. The Opposition supports the report.

Mr BASS (Florey): I will be very brief with my comments in relation to the report. My colleague the member for Peake and the member for Playford have covered admirably most of the recommendations. I would like to raise one issue that concerns me and no doubt many other people in the motoring world: although people do have insurance, very often it is only third party property insurance, or property insurance. The figure given by the Insurance Council of Australia for vehicles at risk is approximately .16 per cent, but that is really false.

Consider the example of two drivers, both with third party property insurance, who collide. The driver of one vehicle is found to be driving with a blood alcohol limit exceeding .05; notwithstanding the fact that his insurance is paid up and covers that vehicle at the time, when a claim is made, the insurance company rejects the claim. So, the Insurance Council's figure regarding the probability of an uninsured vehicle colliding with another uninsured vehicle, that is, 1 per cent of 830 000 cars, is not factual. You have to look at what happens after the accident when, very often, the person insured has the insurance cover withdrawn simply because they have breached the Road Traffic Act to such an extent that it has nullified their cover. The person found guilty of drunk driving is punished by law and he or she is left with a damaged vehicle, but what of the innocent party who has been driving, cold sober, has insurance cover, is involved in the accident and then finds they are left with a damage bill of some $2 000? They have no insurance for it and the insurance of the other driver is no longer valid.

So, the figures indicated by the Insurance Council of Australia are not exactly correct. I say the percentage of vehicles at risk is substantially higher when you look at all the figures in respect of what happens after an accident. I am concerned about the excess that very often applies to third party property or simple property insurance. I know that some of the younger drivers do drive rather recklessly when they first obtain their licence. Notwithstanding that most of us here would have to think back a long way to when we first got our licence—

Mr Quirke: Some further than others!

Mr BASS: I agree with the honourable member. It was exciting to get into a vehicle the first time you had a driver's licence. I would suggest that those of us who have to think back a long time would have obtained it in circumstances that left a lot to be desired. I know that on the morning of my sixteenth birthday I was at the Murray Bridge police station at 9 o'clock. I answered 12 questions. Question no. 3 consisted of four little diagrams about right of way, and I think I got 11 out of the 12 correct, including the right of way question. I was given a bit of paper and I hopped in the car that my mother had driven, and I drove it back very proudly. They did not know whether I had any experience or not, but I received a driver's licence. Actually, I did have some experience because I had a traffic conviction at 14 for driving unregistered and uninsured, but that is another story.

The high cost of the excess for all young drivers is very

unfair. Yes, you need it there originally because in those first years it is very hard to resist the temptation to speed, but, for a driver who has an excellent record, there is no reason why his or her excess cannot reduce as the years go by. I have two children who have recently had vehicles and for both of them their standard excess is $250, but there is a $600 excess because they are under 21 years of age. I agree, when a driver begins, that that is appropriate, but I believe that as they prove they are able to handle vehicles and they are responsible, then the excess should reduce. In the case of drivers with a bad record, whether they are young, middle aged or elderly, they should have their excess increased—and I think they usually do, but not to the extent that the young people do. According to the recommendations of the committee, it believes insurers have both the responsibility and a commercial incentive to ensure that the provisions of their motor vehicle insurance products are intelligible and competitively priced to entice that part of the market that has currently declined to insure to do so. That is a good recommendation. I know that people shop around to obtain the cheapest policies and very often they do not really understand what is in the policy.

Again, I quote from experience of a recent accident of my son. When I went to the insurance company it advised me that the insurance covered X, Y and Z. I suppose I could blame myself for not reading all the small print, but when you take out an insurance policy and there are 12 pages of small print, I do not think anybody reads it in depth. It is critical, and a must, that the Insurance Council ensure that people know and understand the contents of the insurance policy. The investigation by the Economic and Finance Committee has been thorough. I support the recommendations that have been made and I look forward to this time next year when the Insurance Council of Australia will have improved its methods of issuing policies. I commend the report to the House.

Mr LEWIS (Ridley): My contribution will not be long, but I hope it is relevant. I commend the committee for its work. The two significant areas upon which I wish to comment are: I think the committee got it right when it said that there is too much risk to the insurance industry of escalating expense to motorists if we were to adopt compulsory third party property damage in motor vehicle insurance. There is risk of fraud, and the Presiding Member of the committee drew attention to that in the course of his remarks. That would cause premiums to escalate and, accordingly, I comment upon that aspect. It is too easy for insurance companies now, and their actuarial analysts and marketing directors, to determine to increase premiums rather than to address the root cause of the problem that is causing the increase in their costs of pay-outs. They use the least difficult option for them, and there seems to be a cartel, this sort of tribal mentality amongst all insurance companies, that if one is doing it the whole lot do it.

There are other ways of addressing that problem. Both the Presiding Member of the committee and other contributors to this debate, the members for Playford and Florey, have intimated that an alternative solution is to pursue the people who are causing the greatest costs. Whilst that may not appear relevant to compulsory third party property damage insurance, it is relevant to any third party property damage insurance and, indeed, any property damage insurance in motor vehicle use, and not unrelated to our desire to provide for general protection against those irresponsible drivers who, through that irresponsibility and incompetence, cause the rest of us great personal expense, and there is no way we can get recompense.

That brings me to the next point. I was surprised the committee did not consider recommending changes to the civil law enabling a person who has had their property severely damaged to pursue the party who caused that damage whilst using a motor vehicle, in a way which enabled them immediately to do what the State does, and that is simply sell up assets rather than go to the court to get a court order against a party who has no money; requiring that party to pay something; and then have them default. The end result of that is one of two things: they are required by the court on a subsequent hearing to pay something like 20¢ a week off a $100 000 bill for the rest of their lives, on which they then default and it costs more to pursue it than it is worth. These people know they will get away with it. It is the widespread belief amongst this class of hoons who form a significant percentage of the population.

The other alternative is that they otherwise go to gaol by refusing to pay even that paltry amount and, by that means, get off the hook. The way to solve that problem, in my judgment, is to change the civil law, perhaps in the Wrongs Act, to enable the aggrieved party to take immediate action to take possession of other personal assets and liquidate them. We should give them the right to a Sheriff's order and to sell any assets they can seize to recover their funds.

That should occur only in circumstances where the damage arising from the irresponsible use of a motor vehicle has also resulted in prosecutions from the police for a criminal act. That is, people have driven a motor vehicle so irresponsibly that they have been guilty of an offence which is a criminal offence, not just an offence which is dealt with in summary jurisdictions and for which there is often only an expiation fee. Furthermore, that would include then, as you would know, Madam Acting Speaker, driving under the influence of a drug, and alcohol is included in that because it is a drug. It would quickly clear up the problems created by people who get stoned or get a high from any other kind of drug, alcohol included, and who—thinking they can drive better than Ayrton Senna ever did—attempt to drive a vehicle, causing any person with whom they collide great personal loss.

Quite apart from any injury which might result to any one of us, there is our personal loss of property. That way we would be sending a pretty stiff message to drivers who take motor vehicles onto the road and damage other people's property—whether that be other motor cars, stationary or moving, or houses or fences—that the law enables the aggrieved party to collect from them by simply taking possession of their property, selling it for the best possible price and using the proceeds to defray the costs which they have caused us to incur in repairing our damage.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE: GRANT FUNDS

Mr BECKER (Peake): I move:

That the report of the committee on the disbursement of grant funds by South Australian Government agencies be noted.

The committee on its own reference undertook this inquiry after noting that on several occasions the Auditor-General had indicated in his reports over the years that he was concerned at the accountability of grant moneys disbursed by various Government agencies. Although the investigations have not

uncovered areas of misuse of public funds or impropriety, there is room for improvement in the administration of grant funding by Government agencies. The committee did not set out to look at any individual organisation; it did not set out on a witch hunt in the style of the Federal Parliament, which looked at moneys allocated by the then Minister for Sport, the Hon. Ros Kelly. Instead it was looking at the overall accountability of Government moneys. Something in the vicinity of $270 million was involved in the examples that the committee examined, and they did not cover all the Government grants.

The inquiry arose from the committee's commitment to support continuous improvement in the level of accountability in all areas of public expenditure, and the committee examined accountability in the area of grants and also examined the level of availability and allocation of funds to potential service providers. The findings were similar to those of earlier inquiries indicating that problems identified still need to be resolved. That is one of the disappointing features of the work of the committee: it goes to the trouble of investigating certain issues, makes recommendations which it believes are workable, but at a later stage it finds that the situation has not been resolved. The committee has recommended that all recipients of funds be required to either make a formal submission for funding or provide an annual status report on historically funded projects, and that historically funded programs be regularly reviewed and evaluated to ensure that they continue to meet program objectives in an efficient and cost effective manner.

In the agencies surveyed only a little over $1.1 million in grant funds was openly available; hence, competition from newer and perhaps more efficient organisations or innovative individuals is being discouraged. Many years ago there was a joke that it was harder to get out of the State cricket team than to get into it. One can be forgiven for thinking that there is a similar situation when looking for and dealing with a voluntary agency seeking Government support.

The committee supports a broader and more active advertising campaign promoting grant funding programs and has recommended that the availability of funds under grant programs be made more widely known through advertising and other publicity. The apparent lack of guidelines for the approval of funding in some programs leaves approving agencies and their officers open to criticism. The committee has recommended that all funding programs should have guidelines which set out criteria for the eligibility of applicants, program objectives, evaluation and accountability arrangements, a documented process for approval of funds allocation and provide written reports to the funding agency regarding the disposition of funds.

The committee sees the introduction of more stringent accountability requirements as vital and supports the enforcement of sanctions on organisations and individuals who do not undertake to complete or comply with funding agreements. Changes to current accountability arrangements need to be introduced in a manner that is, while systematic, also sensitive to the cost impact of changed arrangements, the potential conflict between service provision and administrative demands and the expectations of fund recipients based on experience and existing funding agreements.

We could get the situation where the Government, through the Department for Family and Community Services, makes grants to senior citizens' clubs sometimes of $150 or $250 for cutlery, crockery, tables and chairs, etc. Then, by insisting on a bureaucratic maze of reports, auditing requirements, and so on, the supervision of those grants can cost just as much as the grant. We do not want it to go to that extent, but we believe that the bigger agencies should be subject to such supervision because very large sums of money have been allocated, as indicated in Appendix II of the report: for instance, Autistic Children's Association, $290 000; Catholic Education Office, $488 000; Lady Gowrie Child Care Centre, $81 000; Odeon Theatre, $57 000; Roxby Downs Child Care Centre, $50 000.

I do not want to pick on anybody and I am not being critical of these organisations, but the grants that came to our attention were wide and varied. For example, Surf Lifesaving SA received $130 000. I am involved with that organisation, and I can say that is a very small amount because one will not get a better run organisation than that. Other organisations in receipt of grants are Womensport & Recreation, $30 000; YMCA, $3 000; YWCA, $11 800. It is varied. Indeed, there are some quite large grants running into millions connected with education. For example, Commonwealth Government funding for the Home and Community Care Program is $35.3 million compared with $21.9 million by the State. Of course, it spins out from there.

The inquiry found that the relative roles and responsibilities of State and Commonwealth agencies, including the jurisdictional boundaries of State and Commonwealth Auditors-General, need to be clarified during the negotiation of future funding arrangements. The problem is that we have State moneys sometimes matching Federal grants, *vice versa*, or in ratio. Some of these funds are audited by the State Auditor-General and others by the Commonwealth Auditor-General. I understand that legislation is still before or is about to pass the Federal Parliament amending the Federal Auditor-General's Act, and that will have some impact on the State.

The committee concluded that many funding agencies and funding recipients do not at present approach best practice in the administration of and accounting for grant moneys. That was disappointing. The committee has recommended that appropriate State central agencies identify world best practice standards for the administration of grant funds for dissemination and adoption by agencies and recipients. I understand that the Minister for Family and Community Services is quite concerned about this area and for some time has had his department implementing a system that would provide better accountability, and I commend him for that. He is the only Minister so far who has shown me evidence of this concern. The report contains guidelines and calls on the State Government and various Government departments to improve accountability. It is something that we all need in this day and age. Consideration should be given to the huge sums of money that are made available by the State and the calls on the State (and Governments in general) to assist agencies within the community. I commend the report to the Parliament.

Mr QUIRKE (Playford): This matter was raised by the Economic and Finance Committee, and a number of problems are associated with Government grants. A number of agencies rely on Government grants, one of the largest recipients at both State and Federal level being the private school system in Australia. To suggest that there are not sufficient guidelines for some of these grant moneys going out is probably correct. To further make the case that that was intentional on the part of a number of Governments is also the case. The committee believes that there should be adequate guidelines, but it would be a fairly brave person who would want to go

too far into this area, for a number of very good reasons. There is no evidence to suggest that grant moneys that have gone out to private schools, in particular, have been misappropriated or have wound up in somebody's pocket. It could well be argued that you would need to put more money into private schools, in particular, if you wanted a stringent set of accounting and reporting standards.

Some of the systemic schools receive grant moneys through their head office for various projects, some of which they have never even heard of. At the end of the day the money that goes in there supports the private school system in South Australia as in other States. It can generally be said that there is value for the tax paying dollar. One reason for that is that parents make a large contribution towards the cost of the education of a child in that education system. If they choose to send, as I have at this stage, two children to the local State school, the cost to the State is so many dollars. To send them to a private school, the cost is considerably less to the State: it is borne by the parents, by the local parish and by various other agencies.

By giving money to private schools and by topping up those direct grants with a series of other grant moneys that come through, the State helps in the process of education and gives a choice to a large number of parents. These parents usually do this because it provides the type of education they prefer for their children, although that is not necessarily always so; it is their choice. If they wish to make a direct contribution to the education of their children, that is fine.

The issue that has been raised here by the committee is a good one, but I warned the committee and now advise the House that, where large amounts of money go out to the private schools system in one form or another, it is generally well spent. Some concern exists that money goes out for particular projects and may wind up being spent on others. They are not concerns with which I want to take up the time of the House. It is necessary to ensure that, in general, if moneys are being paid for specific purposes, the bulk if not all of the money winds up on those projects.

I also think, on behalf of other agencies to which a number of payments are made, that whilst the Economic and Finance Committee makes all sorts of statements about the necessity of guidelines, with which I agree, most of us as local members get a great deal of pleasure from seeing money going into neighbourhood houses and a number of community projects. We are all at the front of the queue to hand out cheques at morning teas and so on, and in many instances we see many good works going on in the community that are supported with only small amounts of money from the State Government. With those remarks from this side, we support the recommendation that this report be noted.

Mr BASS (Florey): I agree totally with everything said by the members for Peake and Playford. We do all line up to hand over that cheque to the recipient, whether it be a school or a senior citizens group, and we do get enjoyment from doing it. If we are honest, we also seek a bit of publicity from it. However, we must remember that we are dealing with public money. When the Economic and Finance Committee looked at the matter, it amounted to something like $276 million. That is a lot of money and it must be accounted for. I refer to recommendations 6 and 7 on page 26 of our report, which state:

> Funding agencies pursue the satisfactory completion and signing off of outstanding funding agreements with increased vigour and implement stringent action to achieve compliance with accountability arrangements where recipients are providing inadequate or no information. Where necessary, time limits beyond which funding will cease should be set and a contingency plan developed to ensure service continuation.

Recommendation 7 states:

> The committee recommended that, where the jurisdiction to undertake audit is unclear, funding agencies pursue resolution of the matter and, if necessary, specify as a condition of the future funding the level of audit required, who is responsible for undertaking that audit and how effectiveness should be assessed.

If those recommendations are followed, we will have accountability. I compliment most of the agencies involved. As the member for Peake said, we found no shonkiness. Agencies have handled most of their grants efficiently and effectively and, if recommendations 6 and 7 are followed at all times, the money will be closely monitored and accountability will be maintained. I commend the report.

Mr LEWIS (Ridley): Again, I want to commend the committee for the work done in this area. It underlines the importance of having parliamentary committees, one of which you chair, Madam Acting Speaker. Were it not for the fact that such committees existed, two things would possibly be occurring. There would be public disquiet about whether the public interest was being served by the way in which Government agencies went about their business, whether it was the dispersal of grant funds or making decisions about development of one kind or another: material development of surroundings or social development and so on.

Parliamentary committees are a vital part of the system and in this instance the Economic and Finance Committee examination of how funds provided from taxpayer sources are being used and accounted for, reassures the public that they are properly disbursed and accounted for, in the main. Fraud is not significant. We are not bedevilled by the sorts of problems that exist in other countries. Our nearest neighbour, Papua New Guinea, has a different view of this approach, for instance, and members in that Parliament actually get a slush fund—each of them—which they can disburse to their electorates how they like and for which there is not the same kind of rigour in accounting—if any accounting—for how it is used, why it is used in the way in which it is said to be used.

Therefore, we are less likely to suffer the consequences of corruption which can otherwise arise where there is too much risk of political patronage being undertaken by the Government Party or by an individual in a position of disproportionate power and influence (an individual member in particular is what I am referring to in that context). Specifically, to illustrate my concern and to underline some of the feelings and opinions of the committee in its report I would say, too, that those organisations which are the beneficiaries of public funds from Government agencies and which are outside the control of Government in my experience have done a better job of accounting for the way in which they spend that money. They have done a more honourable disbursement of those funds according to the way which they said they would spend them when they sought to obtain them than Government agencies have done. I have to say that I have been appalled at the incompetence that I have discovered—

Mr Atkinson interjecting:

Mr LEWIS: I am always appalled and, when I am appalled, I need to bring it to the attention of this place, where it is in the public interest to do so.

Mr Atkinson: Must you?

Mr LEWIS: Yes, because schools are terrible in the way they account for the money they get, where they spend it and the purposes to which it is applied. I am astonished that teachers are willing to allow that to continue to happen, whether they be school principals or anyone down the line. In fact, they find it convenient to use a flexibility in the system that I do not think ought to be there. The Economic and Finance Committee got that right and some further study of it ought to be done. Standards ought to be established by which schools and other Government agencies report the way in which they disburse money received from public sources, particularly public schools. It is worse in Government schools than in other schools by a long chalk. Until we do something about that we will never get the kind of people into school councils that we should be attracting there. The levels of understanding and commitment to the public interest and the ability to discharge both of those aspects, that is, understanding of public interest and commitment to it, are the sorts of things that ought to attract people to seek election to school councils, but at present that is not what is happening.

There is no requirement on the school councils or the schools to be anything more than absolutely sloppy in the way they disburse the funds that they are allocated. That needs to change. If that were the case in the hospital system, we would have no means whatever of knowing what was going on. Because it is a current problem within the school system, we cannot devolve power away from the core of the department to the communities in which the schools are located and in which they have been established to serve. Yet that should be the direction in which we go. It ought to be. It is the direction in which we are going in the provision of all other Government services. The sooner we do something about it, the better off we will be, because it will send a signal not only to existing school councils and the teaching profession but more particularly to the democratically elected representatives of the students in those schools as they emerge from their school days to responsible adult roles in the community in which they choose to live.

They will come to understand the necessity for it and learn the ways of doing it whilst they are there in the school, as part of the process in which they are presently involved where they have been democratically elected to represent their peers, on the school council. They will see the way business is done, and their respect for adults will immediately go up. Presently, the older generations do not enjoy the confidence and respect of young people at that age to the extent that is otherwise possible if we did something about it. We ought to be rapidly moving towards that standard in accounting which at least shows where got, where gone, both in the proposal form and in the way in which the moneys so allocated are finally spent.

Motion carried.

FINANCIAL INSTITUTIONS (ACCOUNT KEEPING FEES) BILL

Mr QUIRKE (Playford) obtained leave and introduced a Bill for an Act to prohibit financial institutions from charging account keeping fees on savings or cheque accounts. Read a first time.

Mr QUIRKE: I move:

That this Bill be now read a second time.

I want to put a few remarks on the record with respect to this legislation, which seeks to prohibit banks, building societies and other financial institutions in South Australia from charging an account keeping fee in respect of a minimum monthly balance. I intend leaving this legislation on the table until about July so that other members can look at it, and with the other express intention of waiting to see what the Prices Surveillance Authority report comes down with on this matter. It may well be some time before this legislation is debated further in this House. Of course, it is the property of other members, but I introduce it to get the debate going in the community and in this House.

As members will see, in this legislation I am not moving to prohibit banks from charging more for interface in the banks with respect to the number of transactions for which one bank in particular charges each month. I am not seeking to stop charging for a whole range of different services in respect of bank accounts. It seems to me that, if banks (and one bank in particular) force people to go from the tellers to the automatic teller machines, that is a matter on which a person will vote with their feet: if they do not like it, they will go to another bank and open an account where that is not a problem.

I am concerned about the way a large number of my constituents are forced to have bank accounts because of Social Security and other payments that they receive, such as Child Support Agency payments, which are made into these accounts. The customers of the big commercial banks may not have the wherewithal to have $500 per month as a minimum balance. Indeed, for some of my constituents, $500 is about how much money they have in discretionary expenditure per month. So, it is a bit rich to ask them to have a month's allocation of funds as the absolute minimum in the bank. BankSA has a slightly lower threshold: it is $300 per month. As I have said in a grievance debate, it is an absolute disgrace that that institution is doing that. After the level of funding that has been secured through the State Government to keep that place afloat and the community support out there, the fact that BankSA goes out there and does that sort of thing, where it brings in this fee to screw a couple of dollars a month—amounting to $24 in a whole year—out of the poorest element of our society is dreadful.

The banks are saying, 'We do not want your business; we are happy to have your mortgage and make money out of it; we are happy to make money out of your personal loans and to organise finance for a car; and we are quite happy to have finance companies out there that will also make a healthy profit out of you; but, in terms of your normal bank account, which you must have, you will pay for it whether or not you like it, or you can go off to one of the building societies or credit unions. Wherever you go, it is your business.'

When I thought about this measure I was concerned about the constitutional provisions because, generally, banking is held to remain within the constitutional powers of the Government. I sought a legal opinion on the matter and a further opinion from the Federal Treasurer. Both opinions were to the effect that, if there are no Federal Acts which take precedence and no subordinate legislation (regulations, etc.) that covers this topic, we in this jurisdiction can move on the matter. Make no bones about it: in this jurisdiction we can deal with building societies and credit unions. We are also able to deal with banks if no other Federal legislation gets in the way.

I referred earlier to the Prices Surveillance Authority's inquiry into bank account charges. This year will be another interesting year in a range of different ways. I do not believe that the community will continue to support the total

deregulation of banking while banks continue to act in this way. In my view, the deregulation of banks, which took place 12 years ago, has produced a number of positive benefits. There have also been a number of famous drawbacks, such as the problems of BankSA (formerly the State Bank) and Westpac. The other downside is that they have turned their back on a whole class of customers, and that is what this legislation is about: it reminds us that a large number of customers will not be able to meet the minimum requirements each month.

When I took legal advice on this measure I was told that in this jurisdiction it was impossible for us to do something about it, and I was given a number of options with which to approach this question. One option was that all banks should attract some charge each month, very much in the same way as going to a delicatessen and buying a product, because of course you will have to pay for it. I would have thought that banking, and in particular a number of the services that banks provide, is so profitable that the least banks could do is to ensure that bank accounts are universally available to anyone in Australia regardless of their means or their ability to maintain a minimum balance each month.

I also take the view—and I think a large number of people would agree with me—that banks cannot have it all their own way. They want to make a profit out of every activity they undertake. They believe that they have no social obligations whatsoever. When you deregulate something it must be for the good of the general community. I think that, in general, despite all the problems, the deregulation of banking has been successful, but if the banks carry on in the way they are at present—turning their back on a whole class of customers and saying, 'We don't want your business any more; we are quite happy to make a profit out of you from all the other activities such as household mortgages, etc., but we won't let you have an account with us except on our terms'—the Government will have to step in and regulate. It is my view that Government regulation has a social purpose to build into the banks of Australia some level of conscience so that they cannot do this.

I want to turn to the obligations of the Government and Government members in South Australia. We can make sure that this situation in South Australia is stopped.

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

A quorum having been formed:

Mr QUIRKE: I intend to leave this legislation on the table for some time. I hope Government members will take it seriously in their Party room so they will adopt the same position as has the Opposition—that account keeping fees is beyond the pale. It is particularly important that this House express its support for the position I have taken. It will send a signal, not only to the banks but also to the Federal Government, that the level of deregulation has gone too far and that the banks have some community service obligations.

Anyone would think that the banks were going bad. Anyone would think that the banks were not making profits. Indeed, they are collectively making billions of dollars in profit, more than they have ever made, and they are becoming greedier than they have ever been. I find it amusing that BankSA, with its level of community support, and with the sorts of activities it has had over the years, is one of the banks screwing people who have no choice but to have bank accounts but cannot afford minimum balances that in some instances represent weeks, possibly even one month, of the income support level that they have.

I commend the legislation to the House and it is my hope that the Government will support it. I hope the Prices Surveillance Authority and the resolution of the House through the passage of this Bill will get the Commonwealth Government to deal with the banks on these matters.

Mr MEIER secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: MOTOR VEHICLE INSPECTIONS

Mrs KOTZ (Newland): I move:

That the report of the committee on compulsory motor vehicle inspections be noted.

The sheer number of vehicles on our roads leads to a variety of problems and, most obviously, cars pollute our cities and, when they crash, they kill and maim. It is also a common perception that these problems are exacerbated by the age of the cars on our roads and by their unroadworthy condition. In the course of its examination of compulsory inspections, the committee heard from a number of experts and interested parties and undertook an extensive review of the relevant literature. The comprehensive nature of the committee's inquiry is reflected in the size of our report, but it is also a large report because of our concern accurately to reflect all the conflicting and contradictory evidence presented to us on these important issues.

Given the ageing of the Australian car fleet, and of the South Australian fleet in particular, it seems obvious that improving the condition of the cars on our roads will lead to safer roads and a cleaner environment. It was therefore a source of considerable surprise for the committee to discover, as a result of its inquiry, that there is little hard evidence currently available to support these commonsense conclusions. The committee therefore registers its disappointment about the level of information currently being collected by our various agencies of Government and other organisations about the possible cause of accidents in this State and about the general condition of the State's light motor vehicle fleet.

Our report includes several important recommendations designed to improve the situation. The committee has made clear that we are willing to revisit a number of our major findings if further and better evidence about the matters in dispute among supporters and opponents of compulsory inspections subsequently comes to light. In general, however, the committee's principal finding is that the claimed benefits of compulsory checks, in terms of road safety, the environment, consumer protection and theft reduction, have not been proved and that there is little evidence to suggest that substantial benefit would be derived from the introduction of compulsory periodic roadworthiness and identity inspections. It is important to note, however, that the committee heard considerable evidence from a variety of witnesses about alternative methods of achieving the same benefits claimed for compulsory inspections.

Throughout our report we have made a series of recommendations drawing attention to many of these alternative strategies, which the committee believes will be more effective than compulsory inspections in addressing the problems created by motor vehicles in our community. I also wish to draw attention to the many positive recommendations by the committee in the areas of road safety, the environment, consumer protection and vehicle theft. Turning to the first critical area of road safety, our report recites some familiar

but, nonetheless, shocking facts about the carnage on our roads: 3 000 people are killed on Australian roads every year, making road crashes the third largest cause of death after heart disease and cancer.

On average in this State a crash occurs every 15 minutes, an injury every 60 minutes, and a death every 48 hours. Road trauma is not only a major public health issue but also a major economic issue. In 1988 the total cost of road accidents to the nation was estimated by the Bureau of Transport and Communications Economics to have been an astounding $6.1 billion. South Australia's share of the annual cost of road accidents is estimated at $500 million. In the light of this huge public cost and the incalculable private pain and suffering which goes with it, we have an obligation to thoroughly explore every possible means of reducing accidents, including compulsory motor vehicle inspections.

The main questions to be answered by the committee in deciding whether compulsory periodic roadworthiness checks are worthwhile were: to what extent defects contributed to accidents, and whether periodic inspection programs have an impact on the incidence of accidents or on their severity. In attempting to answer the first question the committee looked at several local, interstate and overseas in-depth accident studies and at a number of regularly reported statistics. We concluded that there is a safety benefit from vehicle inspection programs, but on the basis of available evidence we found that vehicle defects cause only a very small percentage of road accidents.

In attempting to answer the second question about the effectiveness of compulsory inspection schemes we looked at a number of cross-jurisdiction comparisons and time-series analysis. We concluded that there was very little support for the proposition that compulsory inspection programs significantly reduce road accidents. The committee therefore could not recommend that compulsory checks at change of ownership be introduced on road safety grounds. I urge all members to examine chapter 3 of our report for details of how and why we arrived at these conclusions. Our report recommends, first, that the Government closely examine the use of on-road random inspections interstate to see whether they represent a cost-effective method of improving vehicle roadworthiness in this State.

Secondly, we recommend that the South Australian police develop firm proposals for combining simple road worthiness tests with existing random breath testing programs and, thirdly, that in the design and implementation of public road safety education campaigns both the State and Commonwealth Governments give increased emphasis to the importance of owners maintaining their cars in a roadworthy condition. Several examples of successful education campaigns were provided to the committee in the course of its inquiry. The committee was particularly impressed by the Safety Sunday campaign which concentrates on the importance of maintaining tyre condition and which is run interstate by the Australian Tyre Manufacturers' Association.

When its representatives appeared before the committee I urged the association to consider extending its program to South Australia. I am pleased to report to this House that this year, for the first time, the Safety Sunday campaign was introduced in South Australia in the lead-up to Easter and in conjunction with the Eastern States. As its final recommendation in this chapter of the report, the committee urged the State Government to continue to concentrate its efforts in the arena of road safety on improving physical road and traffic conditions and improving driver behaviour.

Our report also looked in detail at the contribution of motor vehicles to environmental problems, at the legislative controls on vehicle emissions and noise, which are designed to enhance our environment, and how compliance with those controls is monitored. Again, we have drawn attention to the inadequacy of current monitoring and to the search for alternatives. There was considerable debate before the committee about the possibility of simply checking whether vehicles comply with emission control requirements. On the surface the case for compulsory roadworthiness tests on environment protection grounds is simple and superficially compelling. However, it suffers from a fundamental defect, namely, the fact that no simple, practical, in-service test has yet been developed. The committee could not recommend a proposal that has not yet been clearly demonstrated. In the meantime, a range of strategies has been proposed for dealing with the environmental problems created by motor vehicles, and I refer interested members to chapter 4 of the report for details of those recommendations.

Moving to the area of vehicle theft we concluded that in isolation there is little evidence to suggest that substantial benefits will be derived from compulsory periodic identity inspections. However, we were convinced that there was an appropriate place for identity checks within the range of broader strategies currently being adopted to deal with vehicle theft. The committee therefore recommended that the Government consider the introduction of identity checks in conjunction with increased random on-road worthiness and emissions testing.

In the area of consumer protection, the committee concluded that there was little merit in introducing compulsory checks because of the extent of the protection already existing for consumers. Purchasers of motor vehicles are currently protected both by the legislation and the common law, which applies to their transactions in this State as well as by the assistance provided to consumers by the Commissioner for Consumer Affairs. Our report recommends that consumers continue to be encouraged to protect themselves by having independent pre-purchase tests carried out on the vehicles they propose to purchase and by checking the register of unencumbered vehicles before committing themselves to a purchase. We ask the Government to consider making the provision of this advice mandatory in all contracts for the sale of secondhand vehicles. We also believe that there is merit in forcing sellers to openly declare the existence of known defects when they offer cars for sale.

Going back to the vehicle theft area, I point out that, standing alone, it is clear that there is little justification for the wholesale periodic testing of hundreds and thousands of cars on the grounds of possibly detecting a relatively small number of stolen vehicles or of improving the integrity of the State vehicle register. However, in the area of consumer protection, our report has recommended that the Government consider making it a requirement for all sellers of unroadworthy secondhand cars to inform prospective purchasers of the existence and nature of the defects in the cars which render them unroadworthy, with a failure to make appropriate disclosures giving purchasers the right to rescind their contracts.

Our report also canvasses the dangers for consumers in introducing any future program of compulsory inspections. The committee found that the extra cost of inspections would be likely to impact most on those in our community least able to afford it. For us, this finding adds extra force to the requirement that the possible benefits of such inspections be

demonstrated clearly and unambiguously before any compulsory scheme is introduced into South Australia. Our report recommends that, where private contractors are used to carry out compulsory tests, they must be registered to perform those inspections and they must be supervised by way of random inspections and performance audits by Government officials.

We also recommend that care be taken in the design and implementation of any compulsory inspection schemes for the future to accommodate the concerns expressed to us by a number of country people and their representatives. As in Queensland and Tasmania, the use of mobile testing stations and equipment to test light vehicles throughout the State should be considered. Despite its rejection of compulsory inspections, the report also contains a range of positive recommendations designed to overcome many of the major problems created in our community by the use of motor vehicles.

In conclusion, I thank the committee members for their commitment and adherence to detail in this vast ranging report and I acknowledge the invaluable contributions made to the committee by Mr Ray Dennis, our Research Officer, and Mrs Geraldine Sladden, our Executive Officer. I certainly thank the ever diligent members of *Hansard* for their always professional support. I commend this report to the House. It is a very detailed report and I hope that members take the opportunity to read through it into the many aspects that were not able to be covered in this short summary of the report. I certainly also look forward to the Government's detailed response to the whole range of recommendations that the report covers.

Ms HURLEY secured the adjournment of the debate.

ADELAIDE CITY SOCCER CLUB

Mrs HALL (Coles): I move:

That this House congratulates Adelaide City Soccer Club on an outstanding 1994-95 season in the National Soccer League and pays tribute to the magnificent record of their coach of more than a decade, Zoran Matic, and the achievement of Sergio Melta, National Soccer League record holder of 445 games, and applauds their outstanding contribution to the success of soccer and its following in this State.

Six months ago I moved my electorate office. Once all the furniture was in place, I was left only to make the vital decision about decorating the wall behind my desk, a spot traditionally reserved in many offices as the place of honour for heroes. I have seen Menzies on a few walls, Reagan, Thatcher, Jack and Bobby Kennedy; I have seen people as diverse as the Pope, the Queen, Einstein and Beethoven. All have been put there in the hope that they will provide some inspiration when needed: all fine choices, but none of them mine. I chose instead a large poster of Adelaide City Soccer Club—20 fine-looking gentlemen on the beach wearing tuxedos. The caption says it all, 'A Class Act'. Indeed, Adelaide City is a class act and worthy of the public's plaudits and our commendation.

I am a relative newcomer to the business of being a soccer fan, but my status as a novice certainly does not dim my fervour. I might not be versed in the vagaries of the game, much less understand the interpretations of the referees and the offside rule, but, along with thousands of South Australians, I have derived both inspiration and pleasure from Adelaide City's performance.

Let us look at that performance. Since they joined the National Soccer League in 1977, they have played in five grand finals and been victorious in 1986, 1992 and 1994. On 7 May this year they played the first ever National Soccer League grand final in Adelaide before a crowd of about 17 000 jammed to the rafters to support their heroes.

That Adelaide City is the greatest soccer club in the NSL is no accident: it was planned that way. One of the major architects of this sustained success has been Zoran Matic, legendary coach of the Zebras for 278 games—a record for any Australian coach with a single club in consecutive seasons. Zoran, who was coach of the year in 1991 and again this year, is handing in his stripes to spend more time with his wife Mira and their family. He will be remembered variously as dogmatic, charismatic, earnest, industrial and unsmiling, but he will also be remembered fondly for his passion for perfection now very much ingrained at Adelaide City. Who better to sum up Zoran than the players he has nurtured. Of Zoran, Zebra Joe Mullen says:

He is a hard man. Motivation is his greatest strength, along with an ability to analyse people's strengths and their weaknesses.

Joe Mullen's team mate, Sergio Melta, said:

When you first meet him you probably think he is a grumpy old sod, but when you get to know him you realise he is one of the fairest, nicest men you will ever meet.

He added:

There is a saying at the club that you do it Zoran's way or no way at all.

Sergio Melta should know. He has played 445 NSL games and 57 cup ties with the Zebras—a record for any national soccer league player. He played for his country four times. Johnny Perrin, the Adelaide City legend who has taken the coaching reigns from Zoran Matic, has described Melta as 'unbelievable—he is the greatest serving player that any code of football will ever have'. Sergio will be a big loss for City and the game of soccer. The champion mid-fielder and defender was the NSL player of the year in 1984. He was twice the Adelaide City player of the year, and the South Australian Soccer Federation has named its South Australian Player of the Year Award the Melta Medal. During an illustrious and exemplary career Sergio was red carded only once, and as it transpired it was for someone else's transgression. Thank you Sergio Melta, you are a champion. Good luck with your new adventure in sport: the triathlon.

Adelaide City has built its firm foundation on rocks such as these. Soccer is not our nation's number one football code—it may never be—but the Zebras have captured the hearts of sports fans everywhere. They have taken soccer to new levels of interest in this country. Where some soccer clubs still look to the past and the nations of Europe for their traditions, this modern club that began life in 1946 as Adelaide Juventus, playing in the now demolished Rowley Park, is bound by no such ancient regional tribalism. That is not to deny the huge continuing and important influence of those Australians of Italian origin whose energy and commitment built this club from its humble origins.

The names of those who represented the Zebras in their recent grand final reflect a real divergence of backgrounds: Captain Alex Tobin, John Gibson, Goran Lozanovski, Damian Mori, Jason Petkovic, Carlo Talladira, Tony Vidmar, Brad Hassell, Milan Ivanovic, Angie Goutzioulis, Sergio Melta, Joe Mullen, Mark Yates, coach Zoran Matic and trainer Brian Bannan.

Today, they are all as Australian as they come, with five Socceroos and two Olyroos from among their squad. They are playing the world game and mixing it with the best. Three former Adelaide City stars are playing professionally in Europe, and it seems that they will soon be joined by others. These City stars provide a great example for the ever growing number of young aspirants playing the round ball game. In fact, there are some 20 000 school age children playing soccer in South Australia today. The public acceptance of soccer has been gradual and a long time coming. It might seem ironic but it is indicative of public taste that in their younger days both Adelaide City President, Charlie Zollo, and Secretary, Joe Di Pinto, played Aussie Rules with distinction; in their maturity, however, their love is soccer, and they are not alone.

Just how many now take a keen interest in the game was clearly evidenced in the two-week lead up to the grand final. The media did a great job in building support for the Zebras, its personalities and, importantly, the game itself. Suddenly, everyone wanted a ticket to see the big clash. It soon became obvious that there would be a lot of disappointed Adelaide City fans who could not buy a ticket. Happily, the Government—the Major Events Corporation—stepped in to somewhat alleviate that sorry situation. I thank Ray Weiland from the Grand Prix Board for installing extra seating at Hindmarsh Stadium, and on time, along with support from the Woodville Council, the Adelaide Entertainment Centre and the South Australian Soccer Federation.

I am happy to be a member of a Government that has at last recognised the value of soccer to our community. A $6.5 million upgrade will take place at Hindmarsh Stadium and bring it up to international standard as we prepare to host preliminary matches for the Sydney Olympics in the year 2000. The new two-tiered grandstand will house 6 000 seats and will be completed by 1997. Premier Dean Brown and sports Minister John Oswald have driven this project to ensure that the upgrade goes ahead. They both know well that the extensions will benefit not only soccer but also the wider South Australian community.

I regard it as a privilege to have worked so closely with the soccer community over the several weeks preceding the grand final. There was a contagious spirit of cooperation and a very real enthusiasm for the hard work that needed to be done quickly. The grand final breakfast, hosted by tourism Minister and Adelaide City supporter Graham Ingerson, which took a great deal of organisation, was a magnificent event that went off without a hitch. Among those attending were representatives of the South Australian premier and State leagues, women's and junior soccer, plus vast numbers from the wider soccer community. Tourism Minister Ingerson is deserving of our thanks for his generosity in making this happen. Special thanks also to John McDonnell from the Tourism Commission for his exhausting commitment to make sure it all worked and on time. It was a memorable start to the day which, unfortunately, ended sadly with the Zebras going down to the Melbourne Knights. But never mind; there is always next year.

I warmly congratulate the entire Adelaide City family on another extremely successful and pace-setting season, in particular Charlie Zollo and the board, whose untiring commitment to excellence will see the club continue to grow stronger in the years ahead. Adelaide City has generous major sponsors—nearly 100 in all. The club boasts 750 members and an active and distinguished membership of the City Slickers coterie, led by Coz Boffa. With the upgrade of Hindmarsh Stadium and the relocation of the Zebras' clubrooms there, I am sure the numbers will swell substantially. Also, I extend my great gratitude to Irene Toner—Adelaide City's one in a million General Manager—Bec Boulton and Max Huffa, for their friendship and commitment to Adelaide City and soccer. Truly, they are all class acts as a club and as individuals—inspirational and extremely worthy of our praise.

The Hon. M.D. RANN (Leader of the Opposition): I am delighted to second the motion by the member for Coles. As a Vice-President of Adelaide City and member of the City Slickers, I know, as we all do, that Adelaide City is the premier soccer club in the country and one with a massive future. The member for Coles is right in talking about the shift of young people to soccer. Soccer is the world's sport. It is growing in support here in South Australia. We have an opportunity to make Hindmarsh Stadium the national hub of soccer, because it is the only stadium in the country with two NSL teams located there. Adelaide City has done spectacularly in recent years, both in terms of soccer and in terms of what it is doing to help promote our State interstate and overseas.

I want to pay tribute to the staff and management of Adelaide City. The member for Coles mentioned Irene Toner, who is an outstanding asset to the club, supported by Becky, Max and people like Charlie Capogreco who do an outstanding job. With the upgrade of Hindmarsh Stadium it was good to see both Parties working on that in a bipartisan way, and that is the way it should be. Recently, I spoke to the Prime Minister (Paul Keating) and arranged for him to talk to Tony Farrugia, Secretary of the South Australian Soccer Federation. I want to see some support from the Federal Government for the upgrade of Hindmarsh Stadium. I recently went to Sydney to talk to the Sydney Olympics head and also spoke by phone to Michael Knight, the Minister responsible for the Olympics. Mal Hemmerling, Michael Knight and others have agreed to come to Adelaide for talks with Adelaide City and with the Soccer Federation to ensure that we get quality preliminary matches before the Year 2000 Olympic Games.

Today we want to pay tribute to Zoran Matic, who has retired after a decade as coach of Adelaide City. Zoran is an outstanding, world-class coach who has been an enormous asset to South Australia. It is pleasing to see the media, if somewhat belatedly, getting behind soccer in the lead-up to the grand final against the Melbourne Knights and also in the recent game against Nottingham Forest. It was good to see the media at last giving credit to a great club and a great coach. Certainly, there is a big future for Adelaide City as it moves to broaden its membership and that of its City Slickers support base. There is a big future in terms of sponsorship and an expanded membership. I want to pay tribute to Charlie Zollo and his board for their work in putting soccer on the map, not just here in South Australia but helping to shift soccer forward nationally.

That is what people like Tony Farrugia and Irene Toner are doing: they are broadening it out, moving it forward, bringing more people in and being inclusive rather than exclusive and enjoying support across the spectrum of politics—and that is the way it should be. I go to every Adelaide City home match and will continue to do so because soccer is my passion other than politics. I want to pay tribute to what Adelaide City is doing with junior soccer. Adelaide City has a strong belief in building a base through junior

soccer. My young son (aged 10) attended a clinic run by Alex Tobin, who is a world-class player who can match anyone. He has matched Maradona and others, and the work that Alex Tobin is doing with young people is of enormous benefit. Adelaide City has a big future, and I have great pleasure in supporting the motion.

Mr SCALZI secured the adjournment of the debate.

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

A quorum having been formed:

SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I move:

That the time for bringing up the report of the committee be extended until Thursday 8 June 1995.

Motion carried.

ELECTORAL (POLITICAL CONTRIBUTIONS AND ELECTORAL EXPENDITURE) BILL

Adjourned debate on second reading.

(Continued from 6 April. Page 2206.)

Mr ATKINSON (Spence): I rise to support the measure before the House. Members will recall the controversy over the donations to the Liberal Party from Catch Tim and Moriki Products. These were donations not merely from shelf companies with post office box addresses but from companies in another country. So the Bill tries to—

Mr Quirke: Theoretically from another country.

Mr ATKINSON: As the member for Playford says, 'Theoretically from another country,' although I must say, in the case of the Catch Tim donation it is fair to say that, given what was ultimately dragged from the Premier by our line of questioning in the House, the donation was indeed from another country, although from a foreign national with a substantial interest in South Australia. The Bill imposes a ban on donations from foreign companies not registered in Australia and from individuals not resident in this country. It also requires the listing of directors and key shareholders of the company making the donation. It may be that the Australian Electoral Commission has cleared the Liberal Party of criminality regarding the Catch Tim and Moriki donations. That clearance by the Australian Electoral Commission of the Liberal Party shows the defects of our law. Our electoral law is not doing what we thought it would do, that is, to give a true picture of the people and companies making political donations.

The origin of the current controversy was the leadership struggle between the now Premier and the now Minister for Industry. What happened was that the Minister for Industry had the numbers to assume the Liberal leadership and the now Premier was desperate to overcome that honourable member's lead. A friend of the now Premier, Mr Rob Gerard, the proprietor of Gerard Industries and Clipsal, said, 'Look, if you elect my boy Dean I will supply the Liberal Party in South Australia with all the money necessary to fight the next State election.' Given that the Liberal Party was in dire financial straits at the time (as I must say are most State branches of political Parties in Australia—Labor, Liberal and Democrat—relying as we now do on the largesse of the Federal taxpayers), this offer by Rob Gerard was accepted with alacrity by a majority of Liberal members of the House of Assembly, and the then member for Alexandra was made the Leader of the parliamentary Liberal Party.

One thing I will say for Mr Gerard is that he is a man of his word, because he delivered something like a quarter of a million dollars to the Liberal Party to fight the 1993 State election, but he did so under a variety of names, one of which was Catch Tim, as is now conceded, and the other was Moriki Products. If Mr Gerard had made those donations under his own name there would be much less controversy about this than there was when he or his company made those donations under the names Catch Tim and Moriki Products. So, the mischief this Bill is intended to remedy is the making of donations under false and misleading names. This is the purpose of the Bill and I would hope that all members support it.

Another question is whether we should allow foreign nationals to make donations for the purposes of Australian elections. That is a matter about which the House can have a legitimate disagreement, especially now that we have such an international economy, so much international trade, the free movement of people between different countries for the purposes of business and so many dual citizens, of which I am one, I confess. It seems to me that it is a diminution of the sovereignty of Australia to allow foreign nationals to make donations to Australian political Parties. Throughout history it has been regarded as undesirable that foreign nationals influence the political process within a sovereign State. So, for many years the Communist Party of Australia and to some extent the Labor movement were accused of being funded by Moscow gold, and certain politicians in Great Britain from time to time were accused of being funded by Spanish or French gold or whatever.

The Bill seeks to make it law that a foreign national cannot donate to an Australian political Party. I would be most interested to hear members opposite justify donation of money by foreign nationals to Australian political Parties. When the Ba'ath Socialist Party of Iraq was shown to be making a political donation to the Federal office of the Australian Labor Party in 1976 that was regarded as a major political scandal, and the Liberal Party jumped on the political bandwagon to criticise the Australian Labor Party.

We now find that Mr Victor Lo, a Hong Kong businessman, in cahoots with Mr Rod Gerard, has made a donation of $100 000 to the South Australian branch of the Liberal Party. There is silence from the Liberal Party about the morality of that donation. I hope that this Bill will encourage open debate about whether foreign nationals should make such substantial donations to Australian political Parties. I am interested to hear what members opposite have to say about that. Perhaps there are good reasons why foreign nationals, foreign embassies and foreign political Parties should be able to make donations to Australian political Parties. If there are good reasons for that, I would like to know what they are. I, for one, was embarrassed in 1976 when my political Party proposed to accept donations from the Iraqi Ba'ath Socialist Party.

What the Bill also achieves is the listing of members of the board and the substantial shareholders of corporations which make donations to political Parties. My union, the Shop Distributive and Allied Employees' Association, is a corporation of a sort registered under Commonwealth and State law. It seems to me that anyone who notices that the

SDA has made a $4 000 donation to me should be able to look at the return and see who are the principal officers of that organisation. That would be achieved by this Bill, so I hope members opposite will support it. Where I cannot agree with some Liberal backbenchers is when they say that every financial member of the SDA should be listed on the return. Listing the names and addresses of more than 20 000 people does not seem to me to be worthwhile, but by all means list the names of board members and major shareholders. I think the political pain for the Liberal Party would have been much less if we had known from the outset the names of the directors and major shareholders of Catch Tim and Moriki. I commend the Bill to the House.

Mr BRINDAL (Unley): The member for Spence excels himself this morning. I have heard him speak some rubbish in this House, but today's contribution takes the cake. This is a stunt, and I am quite sure that most members of the Government see it and call it for what it is: a political stunt. Purity is something that has come lately to the Labor Party, but it seems to have come—

Mr Atkinson interjecting:

Mr BRINDAL: The member for Spence quite correctly interjects that the Labor Party never had purity. If he wants to so demean his own Party, so be it—let it be on the public record. Let us just say—

An honourable member interjecting:

Mr BRINDAL: Yes. On behalf of the whole House I welcome back the Deputy Leader of the Opposition who seemed to have lost his way to the Chamber over the past couple of days—I cannot quite work out why. The member for Spence asks why foreign nationals should be able to contribute to a political Party. Let me ask the member for Spence this question: does he mean that by this legislation—and I am sure this will be its effect—no non-naturalised Australian citizen who is even resident in this country will be able to contribute, because clearly they are foreign nationals? They might be a permanent resident of Australia, but they are—

Mr Atkinson interjecting:

Mr BRINDAL: Now we are drawing the line. We are not worried about Mr Lo investing but the fact that he has a foreign company.

Mr Atkinson interjecting:

Mr BRINDAL: I should have worked that out. I am sorry, but I have limited intelligence, and I did not understand the machinations. Instead of wasting the time of this Chamber, I recommend to members opposite Frank Hardy's book *Power Without Glory*. If members opposite want to work out how to try to buy a system, they should read *Power Without Glory*. It does not mention anything about foreign nationals and foreign interests or raising the spectre of racism, which is what this legislation is about.

Somehow the honourable member opposite is saying that, because it is a sovereign territory, nobody outside that territory has any interest. I point out to members that Mr Rupert Murdoch is an American citizen; therefore, he is a foreign national. He controls the largest chain of media outlets in this country. What will they do about controlling Mr Murdoch and his interest in the political process in Australia through his editorial comment? Is that a donation? They have not thought this through. They are on a political band wagon. They think they scored some points in respect of Catch Tim. I do not know what points they think they scored.

Mr Clarke interjecting:

Mr BRINDAL: The Deputy Leader of the Opposition says he thinks they did. He has been out of this place for a number of days. He did not even understand how he was kicked out. That shows the perspicacity of the member for Ross Smith. This is no more or no less than a stunt. Why should we come into this place not only wasting our time but passing laws that will not stand up and just will not work? I would not mind if his were a serious law that would work, but it will not work. It is like taxation law. The minute you bring in a new law, the dishonest people (and that is who you are trying to address, and I applaud that) find another loophole.

Mr Clarke interjecting:

Mr BRINDAL: Yes, they do. With this legislation, those people who do not wish to disclose their identity can simply pay $500 to set up an Australian company as a front, funnel the money in and donate it through the Australian company. What will the legislation achieve? It will achieve a greater level of paperwork and more bureaucracy for no tangible return.

I notice that the member for Spence accedes to my argument, because he cannot be bothered listening. If there is one telltale sign with regard to the member for Spence, it is exactly this. When he does not listen to a counter point of view, you know he is talking rubbish. Because he knows his argument is so easily demolished and that it can be ripped to shreds in seconds, he does not bother to attend to the opposing point of view. That is exactly the case here. It is a sham, a stunt and it will not work. It is as simple as that.

Mr Atkinson: Why?

Mr BRINDAL: It will not work because they will set up structures by which to subvert the process.

Mr Atkinson interjecting:

Mr BRINDAL: If the member for Spence is so silly as to think that you cannot set up a structure disclosing all the shareholders and all the interested parties, and still funnel money in from outside, he does not understand the way people operate. Ask the member for Ridley, because he has considerable experience in overseas business dealings and understands some of the ways that people may choose to work.

Mr Clarke interjecting:

Mr BRINDAL: No, I am not saying our supporters are crooks at all. I am saying that this is a piece of useless, trite and stupid legislation designed as a political stunt and for no other purpose. Indeed, if the member for Spence wants to bring in a Bill that demands disclosure of the entire membership, let him. I would love nothing more than to get an entire list of the Labor Party of South Australia. It would be wonderful electoral information for me. If he wants to disclose his entire membership list, I will support him, and if that means disclosure of the Liberal Party list, so be it. I would rather have your list than you would to have mine. If you want to do that, do it, but do not play games. Do not come in here with—

Mr Atkinson interjecting:

Mr BRINDAL: I am glad of that. Any Liberal members who were unfortunate enough to be represented by the member for Spence would need all the help they could get on this side of the House. I am glad we will not be overburdened by having to suffer giving your people help. If there are so few Liberal members down there, perhaps they deserve the member they have. Perhaps they are adequately served—

Mr Atkinson interjecting:

Mr BRINDAL: It is worth noting that the member for Spence considers that he will have an indefinite career in this place, and the only person to whom he feels accountable is God. I am quite sure the electors of Spence would like to read that he is not even accountable to them but that God will remove him. I think that doctrine was called divine right. The last king who tried to exercise that was executed by the people of England.

Mr Atkinson interjecting:

Mr BRINDAL: By the grace of God, Charles was crowned king of England and Scotland and was beheaded.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

APPROPRIATION BILL 1995

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

SCHOOL CLEANING

A petition signed by 67 residents of South Australia requesting that the House urge the Government to repeal the new cleaning specifications for schools in South Australia was presented by the Hon. F.T. Blevins.

Petition received.

PROSTITUTION

A petition signed by 1 769 residents of South Australia requesting the House uphold and strengthen existing laws relating to prostitution was presented by Mrs Kotz.

Petition received.

EUTHANASIA

A petition signed by 24 residents of South Australia requesting that the House maintain the present homicide law, which excludes euthanasia, while maintaining the common law right of patients to refuse medical treatment was presented by Mrs Penfold.

Petition received.

QUESTION TIME

ECONOMIC DEVELOPMENT AUTHORITY

The Hon. M.D. RANN (Leader of the Opposition): Can the Minister for Industry, Manufacturing, Small Business and Regional Development assure the House that there has been no change in direction and no confusion between State Government officials, and amongst the business community, regarding the overlapping roles of the Economic Development Authority under the leadership of John Cambridge and the team within the Premier's Department led by the recently returned Richard Blandy? EDA staff have been briefed in recent weeks that the Economic Development Authority will be facing a substantial downsizing but that the South Australian Development Council, within the Premier's Department and with Richard Blandy as CEO, will be reinforced with extra responsibilities, causing a serious morale problem within the EDA and causing speculation in the business community that these re-arrangements have more to do with territorial fights and jealousies on the eleventh floor rather than achieving better coordination.

Members interjecting:

The SPEAKER: Order! The Leader was obviously commenting in the last part of his question.

The Hon. J.W. OLSEN: What a fanciful question! One should never underestimate the capacity of the Leader of the Opposition to dream up scenarios.

Members interjecting:

The Hon. J.W. OLSEN: He has obviously been on something in the past 24 hours. I assure the House that there are two distinct and important roles being undertaken: one by the SADC and the other by the Economic Development Authority. The South Australian Development Council has a responsibility to look at the long-term strategic plan for South Australia across industry and sector groups and, drawing on the experience of people on the SADC, to develop a master plan for the development of South Australia, a plan that the Government in an operational sense can implement. That is where the Economic Development Authority comes in, because its responsibility is to be a hands on operating department interacting with the business community in South Australia, building on the strengths that we have, and attracting additional industry opportunity to this State. I point out to the House the significant success that this Government has had during the calendar year 1994 in attracting new private sector investment into South Australia.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: There has been a 44 per cent increase in new private sector investment in South Australia. Let the Leader of the Opposition bide his time for a while, because he will see in the statistics to come out next year and the year after the real benefits of that new private sector investment in South Australia. I reassure the House that there is no misunderstanding on my part or on the part of the Premier, the SADC or EDA about their role. They are both contributing to the long-term rejuvenation and rebuilding of the economy of South Australia.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Chair will not have to make up the provisions of the Standing Orders.

COMMONWEALTH FUNDING

Mr LEGGETT (Hanson): My question is directed to the Premier. What action has the South Australian Government taken to follow up the recent announcement by the Prime Minister that the Federal Government will provide funds for the extension of the Adelaide Airport runway and the realignment of Mount Barker Road?

The Hon. DEAN BROWN: The State Government immediately initiated discussions with the Federal Government on the progressing of the work for the extension of the runway at the airport and also to start work as soon as possible on the upgrade of Mount Barker Road, which will involve the twin tunnels. We were pleased with the Federal Government's announcement that it was allocating funds for both projects. We have some problems in that the Federal Government still has not identified to us which of the options it is willing to back.

Members interjecting:

The SPEAKER: Order! The member for Hart and the Leader of the Opposition will cease interjecting.

The Hon. DEAN BROWN: There have been detailed discussions between officials of the State Government and the

Federal Government. We have put forward as our preferred option the underpass for Tapleys Hill Road, the total cost of which will be about $72 million. However, so far Federal officials have indicated that they have been given no preference by the Federal Government in terms of which of the options they should adopt. We will be bringing to finality as soon as we can a decision from the Federal Government on which of the options should be adopted and, therefore, allow the detailed design work to proceed as quickly as possible. The State Government has $20.5 million available for work to start immediately once the Federal Government carries out the environmental impact statement and the detailed design work. In fact, the State Government has used its own money to carry out a scoping study for the extension of the runway so that we understand the options and what work should be carried out.

Regarding Mount Barker Road, again, as soon as the Federal Government makes funds available to the State Government, we will start on the detailed design work. The options have already been looked at. We believe that work could be started within 12 months of the funds being allocated. That is 12 months in terms of actual construction work and the period before that would involve the detailed design as well as the calling and letting of the tenders.

The State Government is pushing both those projects. Any delay from now is entirely up to the Federal Government, depending on how quickly it makes up its mind as to which option should be adopted and provides the funds to allow the work to start.

CENTENNIAL PARK TRUST

Ms HURLEY (Napier): Has the Minister for Housing, Urban Development and Local Government Relations yet received an uncensored copy of the Price Waterhouse audit report on the operations of the Centennial Park Cemetery Trust; and, if not, what action will he take against the trust and its constituent councils? If the Minister has received a copy of the report will he make it public? It was reported in yesterday's *Eastern Courier* Messenger that the Minister had extended his deadline to receive the complete audit document from Mitcham and Unley councils from May 12 until yesterday.

The Hon. J.K.G. OSWALD: I can report that I have now received that report. It was delivered to me yesterday. It has now been passed to the appropriate officers who will assess the report, and I will then decide what further action I will take. It has been given to me in confidence and I respect that confidentiality. It has been given to me on the basis that I needed to know what information it contained for our assessment of the new rules for the Centennial Park Trust. I hope that within a very short time my officers will be able to advise me on the contents of the unabridged version, as compared with the abridged version, requiring action on my part.

PIPELINES AUTHORITY

Mr VENNING (Custance): Will the Treasurer inform the House of the progress being made to sell the Pipelines Authority of South Australia, including arrangements for future employment of existing employees?

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: It sounds like the deal is off; the Leader of the Opposition said he had gone to see Tenneco in Brisbane. It is actually a pretty exciting result not only from the price point of view but also because in terms of South Australia's future economic development the deal that has been struck with Tenneco is quite outstanding. I will not deal in dollars and cents, because I believe it is more than just dollars and cents to take money off the debt: it is about giving future to South Australia. We have a fine relationship with Tenneco. It will exceed all our expectations in terms of its desire to see PASA operating not only as a good South Australian company but as a good national company and, indeed, in terms of using some of the resources that we have in South Australia internationally.

I must pay tribute to the management and employees of PASA. During the due diligence process, there was some belief within little old South Australia that we did not have a very good asset and did not necessarily have the strongest work force, and when they actually went through and looked at the quality of what we had in terms of the pipeline, its maintenance and the expertise within PASA they were particularly impressed. It was an outstanding result. People at Peterborough can feel that the employment opportunities will continue. In addition, the expertise we have here can actually go far beyond our borders. We will actually see a realisation of a dream that we can have gas on gas contracts which will increase our possibilities and maintain future supplies for South Australia well beyond the year 2010, which is our current perceived limitation on future gas supplies. There will certainly be more effort in South Australia to shore up those gas supplies.

Not only did we get a very good price but we had a very impressive contribution from Tenneco on the employment front where every employee will be offered a job; everyone will be offered a very bright future with Tenneco. It is already operating here in the form of its existing undertakings involving Monroe Australia, producing shock absorbers, and Walker Australia, producing mufflers. It already employs over 1 000 people in South Australia but, importantly, it will take this company to places where we as a Government could never have taken PASA. It is an outstanding result; an outstanding relationship has been established, and I pay tribute to the members of the Asset Management Task Force and the management of PASA, particularly Mr John Eastham, for their fantastic effort in making this deal possible. To all concerned: congratulations. It is a great result.

HOSPITAL BOARD MINUTES

Ms STEVENS (Elizabeth): Did the Minister for Health mislead the House on 12 April when he said that health unit board minutes are available to the public and, if not, will he—

The Hon. S.J. BAKER: Mr Speaker, I rise on a point of order. The honourable member would be well aware that any accusation about misleading the House must be made by substantive motion.

The SPEAKER: As I recall, the question was, 'Did the Minister', and the honourable member did not make a direct accusation, even though the terminology used could have been better framed. I suggest to the honourable member that she not proceed down that line with her question or it will be ruled out of order. The member for Elizabeth should be more cautious in her terminology. The member for Elizabeth.

Ms STEVENS: I will continue with my question. If not, will he instruct Modbury Hospital board to make its minutes available. On 12 April the Minister said:

. . . constitutionally board minutes are already in the public domain. If anyone so wishes, those board minutes are already available.

Following the Minister's statement I have received complaints from members of the community that their requests for access to board minutes from Modbury Hospital were refused.

The Hon. M.H. ARMITAGE: I will look into the actual matter of the Modbury Hospital exercise. I recall at the time taking advice about that matter. I will clarify it in debate. Certainly I did not mislead the House, but I do believe that hospital board constitutions indicate that they are public documents.

The Hon. D.S. Baker interjecting:

The Hon. M.H. ARMITAGE: The member for McKillop agrees. He has had many years experience on the Millicent Hospital board and was Chairman for a considerable time. Indeed, one of the reasons why country hospitals are so good is that people of the quality of the honourable member are involved in those boards. He assures me that in Millicent, for instance, they were public meetings. It was not even a matter of getting access to the minutes: the actual meetings themselves were public. I will clarify the matter about which I have been questioned.

INDONESIAN MINISTER

Mr BROKENSHIRE (Mawson): Can the Minister for Industry, Manufacturing, Small Business and Regional Development advise the House of any outcomes from the visit to Adelaide last week by the Indonesian Minister for Technology, Mr Habibie?

The Hon. J.W. OLSEN: There has been some very positive feedback from Minister Habibie's visit to South Australia about a fortnight ago. At the invitation of the Premier and the Government of South Australia, Minister Habibie included a day and a half in South Australia, which was an important visit in developing relationships between Indonesia and South Australia. The feedback from Minister Habibie's visit is that South Australia has been pivotal in reassessing his view to develop a 'look south' strategy for high technology opportunities through technology transfer. Specific mention has been made of his visits to the Waite campus and the Australian Submarine Corporation.

In addition, through the Economic Development Authority, the South Australian Health Commission, universities and hospitals in a range of cooperative teaching and technical activities, a project called Medstep is progressing, whereby Minister Habibie has taken the matter further in Indonesia and established a ministerial decree in association with his ministerial colleagues indicating that Medstep, that is, the Technology, Science and Medical Education Project, is a project of national significance. To that end, the South Australian Government's representative in Jakarta has been personally selected by Minister Habibie to be a member of the Medstep advisory board which will be chaired by the Minister's wife, Dr Habibie, who in her own right is a highly qualified professional.

In addition, Professor Robert Canon, now on secondment from the University of Adelaide to the University of Indonesia, has been appointed to that working party. Clearly, many opportunities for us in the future lie with Indonesia, and we can build on those contracts that are already in place in relation to education and further education training. We have sent teachers, bursars and administrators on two years secondment to Indonesia to help with education and training and we are currently putting in place the first phase of a $125 million contract. The first phase requires $26 million to start a lands titling system for the 13 000 Indonesian islands.

In addition to that is the contract that was announced only several weeks ago, where SAGRIC International will be the vehicle whereby a geographic information system will be developed for the Indonesian islands. Clearly, South Australia's unique information technology, its technology transfer capabilities and experience and reputation of the past can and will stand it in good stead in the future. We are building on our strengths and, as a result of building on those strengths, off-setting the costs of operating Government agencies and departments in South Australia with the income. In addition to that we are creating jobs in South Australia.

JULIA FARR CENTRE

Mrs GERAGHTY (Torrens): Will the Minister for Health guarantee that there will be no further cuts to the funding of Julia Farr Centre services and that the services will be expanded as he promised in May 1994? The Minister is on record as saying that he expects up to $11 million to be saved from the Julia Farr services and that the services will be expanded.

The Hon. M.H. ARMITAGE: The member for Torrens has been here for only a short time, so maybe she does not know the history of the Julia Farr Centre. The simple fact is that the changes that are under way at the moment to the Julia Farr Centre are the direct result of a consultancy that was called by the previous Government. We have made absolutely no change whatsoever to the consultancy or to its results. With regard to the consultancy, the simple facts are that the Julia Farr board, which includes a number of representatives as well as legal, financial and accounting representatives—but I emphasise representatives of the residents of the Julia Farr Centre—has accepted the report, and it believes that there are great opportunities for better service to be provided to the clients of Julia Farr whilst that report is actioned.

For the benefit of the House I point out that I receive routine briefings from the Chairman of the board and the Chief Executive Officer on a three-monthly basis as to the progress of those matters. I had my last one within the past couple of weeks—I cannot remember the exact date—and certainly all the plans are well in train to put into place the recommendations of the consultancy that was called by the previous Government.

WEST LAKES HIGH SCHOOL

Mr ROSSI (Lee): Will the Minister for Family and Community Services provide details on whether the Government is considering using part of the campus of the former West Lakes High School as a youth detention centre? There have been considerable discussions in the Port Adelaide and West Lakes area on the future of the former high school, which has been vacant for some time. These rumours have persisted for nearly nine months and have been fuelled by the Labor Party representative on the local Hindmarsh Woodville council.

The Hon. D.C. WOTTON: I thank the member for Lee for his question. I know he has had an interest in this piece of land for some time. I think I have advised the House previously that there was an initial suggestion that the former West Lakes High School campus could be considered as a

possible replacement site for the current and, as most members would know, outdated Magill Youth Training Centre. For quite a long time now it has been necessary to look at alternative facilities to house some of these young people in detention. However, this option has not been proceeded with. In fact, it has been abandoned. I am well aware of comments being made by residents in the region. As a matter of fact, on an ongoing basis, I am questioned about the future use of that campus by the Department for Family and Community Services.

The West Lakes High School land remains surplus to Education Department requirements and, according to the Property Services Division of the Department of Environment and Natural Resources, it is attracting interest from potential buyers. I can assure the member for Lee that we will not be proceeding with that site with regard to its future use as a detention facility, and future options for relocating or redeveloping an alternative to the current Magill Training Centre are still being considered.

JULIA FARR CENTRE

Mrs GERAGHTY (Torrens): What action has the Minister for Health taken to ensure that my constituent's son, Mark Higgins, will continue to be cared for at the Julia Farr Centre? I wrote to the Minister on 12 May concerning the plight of Mark Higgins and, as yet, there has been no response. The matter is quite urgent.

The Hon. M.H. ARMITAGE: I have no recollection of the immediate detail but I will look into it and provide a response this afternoon.

KICKSTART

Mr ANDREW (Chaffey): Can the Minister for Employment, Training and Further Education say whether Kickstart for Youth is on target for commencement in the Riverland on 1 September following the announcement this week of a successful applicant for the Youth Development Officer's position in the Riverland region?

The Hon. R.B. SUCH: I thank the member for Chaffey for his ongoing interest and support for this exciting new program, Kickstart for Youth. We have appointed several officers, and we have several more to appoint. This exciting and innovative development is the first in Australia. We are not only targeting 13 to 15 year olds on an early intervention basis but we are working with other agencies to target young people who may drop out of the education and training system. We will tackle them in a holistic way and look at issues affecting their home life, literacy and numeracy problems and make them aware of the necessity to understand training options at that early age. For 15 to 19 year olds, there will be an even bigger focus to get those young people currently not working job ready.

Once again, I am hopeful that the Commonwealth will support that scheme. We are putting over $1 million of our own money into that, but last week the Commonwealth indicated for the first time that it will support the 13 to 15 year old initiative, and in fact the senior people in Canberra said they welcomed this development as one of the most exciting in Australia and are prepared to put significant funding towards it. We inherited a situation of significant youth unemployment. It is not a situation that we as a Government can tolerate. That rate has dropped significantly, but we still need to get it down much lower.

Kickstart for Youth will focus on disadvantaged youth and, in the very near future, we will see the results of the efforts of the 14 officers currently being appointed. It was scheduled to start on 1 September, but due to the efforts of the people within DETAFE and particularly Cathy Tuncks (an outstanding manager within DETAFE) and her staff, the program will come on earlier than the anticipated starting date. We have also produced for other States an information booklet on how to copy the system here, and members of Parliament will receive a copy of that in due course. It is another example of how South Australia is leading Australia in training initiatives and, in this particular case, targeting our very important young people.

ROAD TRAFFIC TOLLS

Mr ATKINSON (Spence): My question is directed to the Premier. Given his promises on taxes and charges, and the Minister for Industrial Affairs' ruling out of tolls before the last State election, will the Premier now rule out the imposition of tolls for any South Australian road or bridge built for the use of the public?

The Hon. DEAN BROWN: When this question was put to me yesterday, I indicated that there would be no toll on the Berri bridge, and the Government has no plans to put tolls on bridges that have been announced. We have announced a number of road projects, including Mount Barker Road, the Southern Expressway and the Berri bridge. Of course, at one stage the Hindmarsh Island bridge was included but that became a victim of a toll and, as we all know, the State Government lost money directly as a result of the way in which the Federal Minister intervened.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: A very substantial amount of money has been lost by the State Government, the developer, the financiers of the development and the people on Hindmarsh Island. If ever I were a member of the Labor Party, I would be acutely embarrassed about the way Minister Tickner has carried on regarding the Hindmarsh Island bridge. It is a public embarrassment. I see members opposite all nodding their heads in agreement that Tickner is a national embarrassment; he is an embarrassment to the Labor Party in South Australia. We have opposed everything he has done in terms of the Hindmarsh Island bridge because he has not allowed the democratic process to be undertaken. He gave the South Australian Government less than 24 hours even to look at the report and, quite clearly, whilst he imposes the ban on the building of the bridge there can be no toll on it.

UPPER SOUTH-EAST SALINITY

The Hon. H. ALLISON (Gordon): Will the Minister for Primary Industries advise the House what progress has been made in combating the very important problems in the Upper South-East of flood and dry land salinity, which have been evident for quite some time?

The Hon. D.S. BAKER: I thank the honourable member for his interest in the matter, as he is in a favourable area of South Australia which has been drained for many years and which does not experience the problems being faced in the Upper South-East. Yesterday I was in Canberra seeing the Minister, Senator Bob Collins, about this and other matters, because the potential production loss on 720 000 hectares in the Upper South-East runs into some $50 million. The

watertable is rising and, unfortunately, in the Upper South-East that water is saline and is causing considerable problems.

The local community has agreed that they should take up their 25 per cent share of the cost of bringing that project to fruition and, of course, discussions are ensuing between the State and the Commonwealth about each funding their share 37½ per cent. However, it is factual that, in the past week, the Department of Primary Industries has announced Mr Roger Ebsary as the program leader for the Upper South-East Integrated Catchment Program. He will be living at Keith and his role is to coordinate the community infrastructure and the people within the community who have varying ideas on this issue. His work will be funded out of the Department of Primary Industries' budget. He has recently come from the Kerang Lakes area salinity management program, which is another huge problem interstate.

All this is being seen by the Commonwealth and the State Governments as a very important program for South Australia. It is seen as a land care program: it is about not draining water from the Lower South-East but planting trees, altering methods of farming, and planting salt tolerant plants thereby improving the environment. The Minister for the Environment and Natural Resources and the Minister for Housing, Urban Development and Local Government Relations have both been working very strongly in the past 12 months to ensure that the State's program is ready so that, when final agreement has been reached with the Federal Government, there will be total agreement with the State Government on getting this very important project going.

POWER SURGE

Ms STEVENS (Elizabeth): Will the Minister for Infrastructure seek an independent investigation into the circumstances leading to a power surge at Elizabeth Park on 19 May, and why has ETSA refused to accept liability for the damage caused? I have received complaints from residents of Elizabeth Park where thousands of dollars worth of electrical appliances and equipment were damaged by a power surge on 19 May, apparently due to a faulty insulator. I have been informed by an ETSA employee that this was not an isolated incident; that earthing of high voltage lines is not up to scratch; that insufficient maintenance has been carried out; and that, in the past, ETSA has paid compensation to consumers in similar situations.

The Hon. J.W. OLSEN: If the honourable member would like to give me the name of the employee and the details as passed on to her, I will have the matter investigated thoroughly. I hope that it is not something that the honourable member has simply dreamt up. The honourable member would well know that the policy in relation to this matter has been in place by the Electricity Trust of South Australia for decades. It was a policy supported by the Labor Party when in government; it is a policy supported by the Liberal Party in government. There is total consistency in terms of the application of the policy in terms of the question asked by the member for Elizabeth. However, on the question of this outage compared with others, I will see whether there is a variation in the way in which it has been assessed and treated by the Electricity Trust. I will communicate with the honourable member following those inquiries.

SHOP, DISTRIBUTIVE AND ALLIED EMPLOYEES' ASSOCIATION

Mr BASS (Florey): Will the Minister for Industrial Affairs advise the House on the claims made by the Shop, Distributive and Allied Employees' Association which were described as 'far fetched and lacking in industrial reality' in the appeal by Foodland which was upheld today by the Australian Industrial Relations Commission?

The Hon. G.A. INGERSON: I thank the member for Florey for his question.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: It is now five my way and three to the union. It is interesting that we have heard such a lot about the High Court decision. This decision, which came down in the Australian Industrial Relations Commission, quotes the High Court decision, as follows:

> However, as the High Court has said, there is a line that will need to be drawn beyond which a claim is clearly fanciful.

The decision goes on to say:

> When considering the genuineness of a log of claims there will be a degree of subjective assessment of the claims made by an individual commission member. We have been mindful of this when considering whether it is appropriate to interfere with the dispute finding made by the Commissioner. We have come to the conclusion, however, that even on a most generous approach to considering the claims made, some could only, in our judgment, be described as far fetched and lacking in industrial reality. The appellants took us to a large number of claims in the log which they argue are fanciful. We do not agree that all of those identified could be so described, but the claims identified below do, in our view, fall within this description:
>
> 1. . . . demands an annual leave loading equivalent to 18 weeks pay.
>
> 2. . . . requires an employer, upon an employee terminating his employment, to pay two weeks wages for each month of service.
>
> 3. . . . in so far as it requires an employer to pay $200 per week, plus $20 per kilometre to an employee required to provide and use a bicycle in the course of his employment.

The Hon. S.J. Baker: That's the Michael Atkinson policy.

The Hon. G.A. INGERSON: I understand that he has his bike pinched every now and again. This is the sort of fanciful nonsense put forward by the SDA, the very union that is saying we do not want Sunday shopping hours. We have to believe that if in this sort of decision the Australian Industrial Relations Commission says the claims are fanciful, perhaps others are as well. There are a couple of other interesting points:

> 4. . . . claims the payment to an employee and his or her family of return first-class air fares to any city in Australia after each three months of employment. A travelling allowance for the employee, spouse and each child is also claimed. The level of the entitlement claimed and its frequency are clearly fanciful. . .
>
> 5. Clause 66 requires an employer to meet the full costs of educating the children of the employee. This is fanciful and most likely, although we do not finally decide, is not about a matter pertaining to the relationship of employer and employee.
>
> 6. Clause 74 requires payment, at double time rates, for travelling to and from work. . .
>
> 7. Clause 81 requires an employer, in addition to all other payments claimed, to pay an employee whilst undergoing training $500 per week.

This is the sort of nonsense that the Shop, Distributive and Allied Employees' Association put before the commission, and the commission has said that it is fanciful, far fetched and unrealistic industrially. Yet, the same group of people are standing before the community in South Australia and

arguing that 80 000 people per week who want Sunday shopping in our city do not know what they are talking about. The whole thing is fanciful.

Mr CLARKE: I rise on a point of order, Mr Speaker. I believe the Minister is debating a matter that is currently before the House.

The SPEAKER: Order! The Chair cannot uphold the point of order. Has the Minister completed his answer?

The Hon. G.A. INGERSON: There is just one other comment that I should like to make, Mr Speaker. The Industrial Relations Commission also said that it thought it was quite fanciful that there should be 'a requirement on the employer to insure premises for public liability purposes for a sum not less than $104 million.' The other one, which is probably the most interesting, is that, having thrown this one out, it said that any clause which relates to union subscriptions is not capable of giving rise to an industrial dispute.

PATAWALONGA

Ms HURLEY (Napier): My question is directed to the Premier. Is compensation for project delays being paid to contractors engaged to dredge the Patawalonga; if so, how much; and is the Government now looking for a new location to dump the sludge at West Beach? On 5 April the Government announced that a contract had been let to Bardavcol Pty Ltd and Hall Contracting Pty Ltd to excavate the Patawalonga and to dispose of the sludge on land owned by the Federal Airports Corporation. The contract was let before Federal Airports Corporation approval had been obtained and the project stalled when the FAC insisted on air safety related conditions, including a stockpile cover to cost over $1 million. Site preparation has now also stalled because the contractor's bulldozer sank and alternative equipment may have to be used.

The Hon. J.K.G. OSWALD: I thank the honourable member for her question. Two days ago I gave a fairly full reply to another question on this subject and most of the material sought by the honourable member will be found in that reply. However, I should like to add a couple of points of interest. As members know, on 4 May a licence was signed for the use of the FAC land, which included the bird protection plan. At the time we were of the belief that the cost would be about $200 000 to $300 000, and, as the honourable member is aware, we subsequently found that the cost could be as high as $1 million. It was at that point that I asked the Urban Land Trust to see whether there were other ways of tackling this problem. Representatives from the Urban Land Trust, the Federal Airports Corporation and Kinhill Engineers have met and they believe that there are a couple of alternatives that could be used. Indeed, I was advised just before Question Time that the FAC is also quite happy to examine those proposals.

It generally has been accepted all round that that type of cost blowout is something we want to avoid. Clearly, if that sort of imposition and request from the FAC had been telegraphed many months ago, it would have been included in the project, because at the end of the day everyone wants a project down there. It would have been irresponsible of me to see that potential cost blowout and then not ask my officers to go back to the FAC, Kinhill and SALT to see whether the cost could be reduced. The bird expert who is advising the FAC has been away on a field study but will return tomorrow, and my officers at the Urban Land Trust, along with the FAC and Kinhill engineers, will have discussions with him, as a result of which we trust we can resolve this issue.

The honourable member raised the question of penalties. There have been no approaches to the South Australian Urban Land Trust on this question, but if it were raised it would have to be worked out at the end of the project. It should be borne in mind that we have signed a contract for a total project and, as has been the Commonwealth's experience in this case, with all major projects you get some hiccups for one reason or another. In this case, as the responsible Minister, I have sought clarification on one cost over-run because I believed that in the taxpayers' interests I had an obligation to do so. I hope that that matter will be solved quickly.

PEONY FLOWERS

Mr LEWIS (Ridley): Will the Minister for Primary Industries give the House details of an agreement signed in Shandong for the production of peony flowers for both the Australian and Chinese markets? Because some members may be unaware, I point out that peony flowers are large, showy flowers from herbaceous plants or shrubs, usually biennials or perennials. Members may also appreciate knowing how well South Australia and the Government is going with these significant win win trade deals about which I seek this specific information.

The Hon. D.S. BAKER: I thank the honourable member for his question and interest in this matter.

Mr Foley interjecting:

The Hon. D.S. BAKER: If the honourable member listened for a while he might learn something about the flower industry and the importance of this agreement to future trade for South Australia. That is the difference between this Government and the previous one: it did not do one thing about trade. We have people going to China and signing joint venture agreements to try to help all South Australians prosper, which is exactly what this deal will do.

Recently, the peony flower was declared the Chinese national floral emblem. Mr Robert Stewart, whose company is based in Adelaide, visited with me some eight or nine months ago HeZe city and the HeZe Peony Research Institute in Shandong Province to look at the production of peony flowers in that country. He was prepared to put up the money for the joint venture company knowing that there is still a lot of research to do on those flowers. In fact, the HeZe Peony Research Institute has exported cuttings to South Australia—the first time ever that institute has let any cuttings out of China. Those cuttings have arrived and the Department of Primary Industries and SARDI are evaluating them and planting them out. They will be trialled on other properties around South Australia.

The Chinese are looking for a partner who can provide the world market with these flowers in the off season—the opposite season to China. We have recently sent over officers from the Department of Primary Industries and SARDI to work with the HeZe Peony Research Institute not only to make sure that the growing of them is in accordance with how it is done in China but to show that we have a lot to offer in post-harvest handling. It is the first floriculture joint venture that we in South Australia have had with Shandong Province. It has some important implications for the industry in this State.

I compliment Mr Robert Stewart and his company (and they have other interests, of course) in their wanting to get

involved and putting up money for a joint venture project that could have ongoing ramifications for growers in South Australia and also in Shandong for their other investments that will go on. It is a wonderful way to do business, and the Department of Primary Industries and the Government are right behind it. I hope that all growers in South Australia in future may be able to share in what is a world market of a national flower.

PUBLIC SECTOR MORALE

Mr De LAINE (Price): What does the Premier intend to do to protect the delivery of services by the public sector to the people of South Australia by restoring the morale of public servants who deliver these services? Because of the policies and savage cuts to the public sector right across the board by this Government, the morale and confidence of workers in these areas are at an all time low, which is seriously affecting the delivery of services to the community.

The Hon. DEAN BROWN: First, the claim made by the honourable member is quite incorrect. When the honourable member hears the budget shortly, he will see that significant gains in efficiency have been achieved throughout the public sector in South Australia. You do not have a huge lift in productivity and a gain in efficiency unless you have the support of your own staff. I have been very pleased with the level of cooperation and the manner in which the public sector has been part of a very substantial reform over the past 12 months or so. In carrying out that reform it has produced some remarkable results for South Australians.

For example, in the past year we have reduced the costs in the prison system by 24 per cent—a remarkable achievement. Here we were under the former Labor Government with the highest cost per prisoner of any State in Australia. We needed to carry out a major reform program, and to think that we have been able to chop 24 per cent off the prison operating costs in one year alone is fantastic. That has been achieved because of the staff involved.

I ask members to look at other key areas such as health. There were cuts in the budget for the Health Commission last year, and therefore for the hospitals, but the result was that we have actually increased the service delivery to the community—an overall increase of 4 per cent across the entire State. The fact that we have been able to cut waiting lists in hospitals by 10 per cent in the past year and actually halved the number of people on the 12 month or more waiting list for elective surgery shows that there is a public sector out there that understands there was a need for leadership, reform and improved efficiencies. They have thrown their weight behind it and are producing some remarkable results. As we introduce our second budget I pay tribute not only to the way that the public sector in South Australia (particularly Government employees) has cooperated so well in the first year or 18 months of our Government but more importantly to their commitment to make sure that that is continued in the future.

MOTOR VEHICLE INDUSTRY

Mr WADE (Elder): Will the Minister for Employment, Training and Further Education tell the House how the vehicle industry in South Australia is addressing the issue of skills shortages? The Minister has continually highlighted the possibility of a skills shortage within the work force. What actions is this key industry taking to address the issue?

The Hon. R.B. SUCH: Before specifically addressing the question I follow up a point made by the Premier to indicate how as a Government we have lifted performance in this State. I quote one example in relation to our largest TAFE operation, Adelaide Institute, which has 23 000 students, and which has had a productivity increase in the past 12 months of 20 per cent in terms of delivery. That institute has the largest number of students. The vehicle industry certificate is another example of how South Australia is leading Australia in the training area. That was acknowledged recently by the person in charge of ABC educational programs who indicated that we lead Australia.

The certificate is available to anyone in the automotive industry who is currently not a tradesperson; for example, people who may be on the assembly line or undertaking any other activities in the automotive industry. The idea is to give those people skills training—training to allow them to perform their task more efficiently and effectively. In the first 12 months the scheme introduced by the Government, with the support of the industry itself, had a target of 130 000 training hours for that period, but we have reached 200 000 hours in the first eight months. This is another example of how we are getting on with the job.

General Motors and Mitsubishi between them have put in $10 million towards the program and TAFE has put in $1.3 million. We are finding that productivity and product quality is up; absenteeism is down and morale and safety have improved. We have all seen the benefit now of the excellent quality of Mitsubishi and General Motors products made here, and all Australians, particularly those who work in those industries, should be proud of the quality of the products they produce, because it is a direct result of the commitment to training by the industry with the support of employers, the unions and people involved in training, including a significant commitment by TAFE.

We are now getting the benefit of that initiative, and this program will continue, because it is intended to train nearly 6 000 employees within the next few years. If we are going to continue to be world competitive and export cars of excellent quality to the rest of the world, as well as producing them for the home market, we must produce them to the highest standard. It has certainly been recognised throughout Australia as a very innovative development, another first for South Australia and another example of a commitment to excellence in training from which we as a community will all benefit.

STRATA TITLES

Ms HURLEY (Napier): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Is there any intention to change the Strata Titles Act for small groups of strata title units? Several constituents have contacted me about media items suggesting imminent changes to the operation of strata title management for small groups of units.

The Hon. J.K.G. OSWALD: Responsibility for that Act rests with the Attorney-General in another place, from whom I will seek a reply and advise the honourable member.

SECURITY ALARMS

Ms GREIG (Reynell): Will the Minister for Emergency Services advise the House what effect call-outs to faults in

domestic and commercial alarms is having on police resources? What is being done to rectify this situation?

The Hon. W.A. MATTHEW: The member for Reynell, like many members, has probably often been in receipt of telephone calls from frustrated residents advising that an alarm has been going off at a particular location on one day, and then again two days later the alarm will go off again.

Mr Becker interjecting:

The Hon. W.A. MATTHEW: It may involve business, commercial or residential premises, as the member for Peake says, and sometimes they may go on and on for a whole weekend. Often these alarm failures occur because manufacturing companies do not manufacture them to the standard that we would expect. We need to remember that at the end of the day it is the police who have to keep responding to these alarm call-outs, and it has reached the stage where, during this financial year alone, the police estimate that they will be called out to about 80 750 alarms.

The problem is that the police also estimate that, of those 80 750 alarm calls, 78 800 will be false alarm call-outs. As members can appreciate, as more and more householders install alarms in their homes and as more and more businesses install alarms in their premises, which is something we want to see to guarantee protection, on the negative side police are having to face an increasing barrage of call-outs that become false alarm call-outs. Obviously, that is having an effect on the workload of police patrols and, therefore, it is reasonable to argue that we expect that alarm companies will ensure that they manufacture their product to a reasonable standard.

It is also reasonable to expect that there are some call-outs to which police will always attend, and they have been categorised by the police as category A call-outs. They include hold up or duress alarms, alarms from financial institutions, alarms where it has been confirmed through the readout that there is an intruder on the premises, other special circumstances such as those premises with multiple alarms of which more than one has been activated, where it is known that persons are loitering in the vicinity when an alarm has gone off from a call to police, and vulnerable premises such as those occupied by gun dealers.

Police acknowledge that they will always have an obligation to attend those call-outs. But for other premises that is not the case, and it is to those premises that police are presently turning their attention. Police recently met with security industry representatives and at this stage are developing a joint approach to respond to alarms. That joint approach has been put to the industry community as a proposal in the first instance by the police. The proposal is that they continue to respond to those categories that I have outlined but that for all other categories alarm manufacturers will be responsible for the call-outs through a security service they contract themselves or through contracting the Police Security Services Division on a fee for service basis, as is now the case for many commercial premises. That will cover the metropolitan area.

In country areas police are undertaking a 12 month assessment to determine where the biggest problem areas are. At this stage it is known that we have problems in Mount Gambier, the Barossa region and Port Lincoln because of the high number of call-outs in those areas. The police and security industry are establishing a working party of representatives with a long term view of establishing appropriate call-out so that the end result is that police resources are freed up from responding to false alarms and left to respond to those alarms where we know there is a problem and the companies which manufacture the alarms become responsible for ensuring that their produce is reliable and will not continue to result in false alarms that waste resources.

HOUSING TRUST TENANTS

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Housing, Urban Development and Local Government Relations spell out his Government's policy towards disruptive Housing Trust tenants who make life unbearable at times for their neighbours who themselves in many instances are fellow trust tenants? I have recently been approached by a number of my constituents in Kilburn who have complained to trust officers about the behaviour of a fellow trust tenant in their street involving allegations of noise, damage, disgusting language—I understand the term 'mongrel' was used—and damage to other neighbouring properties. To date, trust officers have merely stated that there was nothing that could be done and, to my knowledge, there have been no visits by trust officers to the tenants concerned who have complained.

The Hon. J.K.G. OSWALD: I take this subject particularly seriously. Over the past 18 months members would know that, when cases are reported to me, I do something about them. In fact, I have records of contact with members on both sides of the Chamber who have recognised that I have taken action and on occasion I have had tenants moved. The trust has a set procedure which trust officials must follow. If people are experiencing difficulty with disruptive tenants or neighbours, they should register with the trust at the regional office, because that triggers a series of procedures that we must go through. Unfortunately, we must go through each procedure because, if we end up in court, the judge will immediately ask whether we have gone through these procedures. If we have not gone through them, we have to go back to stage 1 again. I urge people to report matters and follow those procedures through. If on their own personal assessment members believe that they have a difficult case, I have no difficulty with their sending me an information copy of their contact with the local regional office.

As I said, we do take these complaints seriously. I am always of the view that people have to learn to live by community standards. If they cannot live by community standards I will attempt to do something about it. If members have a problem I would urge them to take it up with their local regional office and, if the honourable member assesses that it is a serious problem that requires quick action, to make sure that I have an information copy in my office so I can monitor what is going on.

JULIA FARR CENTRE

The Hon. M.H. ARMITAGE (Minister for Health): I wish to make a ministerial statement. Earlier in Question Time I was asked a question by the member for Torrens in relation to a constituent of hers. I wish to report that, while the patient has been in the Julia Farr Centre, a range of more appropriate community options have been considered. As part of that process a Royal District Nursing Service nursing consultant has assessed the patient's care needs and has confirmed that community accommodation is appropriate. Two suitable options have been identified, and discussions are occurring with the family as to which option will be acceptable to them. It is anticipated that the patient will move

into community accommodation soon, and the Royal District Nursing Service will continue to oversight his care whilst he is living there. At the moment he remains in the Julia Farr Centre. The case manager for the Eastern IDSC (Intellectual Disability Services Council) team has arranged for the patient's parents to view a high support group home in Seaton on Sunday week, 11 June 1995.

This is the only high support vacancy available at this time, although the patient's parents have been guaranteed that the patient could be transferred to a similar group home nearer to where they live in Gilles Plains when the first vacancy arises. At the moment the parents would prefer that he be transferred from the Julia Farr Centre to another institution, and the IDSC case manager is negotiating this at present. However, this is not an ideal long-term option for the patient. This is another example of the system working diligently for patient good.

MEMBER'S REMARKS

Mr EVANS (Davenport): I seek leave to make a personal explanation.

Leave granted.

Mr EVANS: Last night during debate the Leader of the Opposition said:

> . . . the speaking order was arranged so that the Government members opposed to Sunday trading would not be reported in the *Advertiser*. We know what it is about—making sure that they speak after the deadline.

In fairness to my Whip, the Deputy Whip and the Government I wish to place on the record that it was at my request that I spoke late in the debate; in fact, I requested to be last. They gave me the pick of the list. The reason I chose to be last is simply because, as members opposite would know, that is the best spot in any debate to speak. If I wished to be reported in the *Advertiser*, as the Leader of the Opposition would know, there are far more effective ways of doing it than giving a speech in Parliament.

MEMBER'S LEAVE

Mr MEIER (Goyder): I move:

That three weeks leave of absence be granted to the member for Wright on account of absence overseas attending an International Labour Organisation conference.

Motion carried.

PAPERS TABLED

The following papers were laid on the table by the Treasurer (Hon. S.J. Baker)—

Financial Statement 1995-96
Ordered to be printed
Estimates of Receipts and Payments 1995-96
Ordered to be printed
Economic Conditions and the Budget 1995-96
Ordered to be printed
Capital Works Program 1995-96
Ordered to be printed

The SPEAKER: Before calling the Treasurer, I remind the House that I expect the Treasurer to be heard in silence. Interruptions or unruly interjections will be harshly dealt with.

APPROPRIATION BILL 1995

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act for the appropriation of money from the Consolidated Account for the year ending 30 June 1996, and for other purposes. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

I present the budget for 1995-96.

With this budget, the task of repairing the State's finances is well underway.

We are coming into the home straight. With a few more months of adjustment—we lock in place the financial recovery of this State.

By the beginning of 1996, there will be a major reduction in debt.

We have laid the foundation for the future. We can look forward to the future with confidence.

South Australia is well and truly on the way back to being a vibrant and positive place.

The budget outcomes for 1994-95 show:

. Government spending is under control; and
. Government debt is under control.

Mr Speaker,

The South Australian Budget is moving out of the red in the quickest and most significant turnaround in the history of South Australia.

And we are doing that without imposing extra taxation measures or burdens on South Australians.

There are no new taxes or adverse changes in taxation rates in this Budget.

Indeed there are two significant concessions.

The days of living on the credit card, an exercise turned into an art form by the previous Labor Government, are gone. We are tearing up the bankcard.

At the same time, this Budget funds important investment in our State's long term future.

This Budget establishes an Building a Better Future Program to provide $300 million of privately funded construction projects which the Government will arrange to lease or share in the cost of repayment.

Tough decisions have been necessary as we continue to endure a climate of high interest rates and large wage claims.

But all South Australians can be assured that their funds are now being spent wisely and not squandered on meaningless or exorbitant programs.

And its in this area that both the public and private sectors are playing important roles in the provision of Government services and the recovery of this State.

It is not a change for the sake of change. It is change to address the damage done to this state by the economic and financial disasters of the late eighties and early nineties wrought upon us by the previous Labor Government.

Cost savings are being achieved as the private sector takes over services that have been traditionally maintained by Government but not necessarily managed in a cost competitive manner.

The Government appreciates the continuing cooperation of the public and the public sector.

That cooperation is maintained because our recovery plan is not only essential, but it is fair.

Needs in education, health and other vital services continue to be met.

This budget will spend more than $1 600 million on primary, secondary and further education.

It will spend more than $1 400 million on health services.
Spending about $8 million a day, every day of the year on education and health is surely the hallmark of a caring government, remembering the disastrous financial position we inherited.
With this budget, we begin to see a more positive outlook for South Australia, a future that holds more promise of jobs for both us and our children.
The dark night of debt and despair is starting to disappear as a new dawn emerges.

BUDGET OVERVIEW

This budget demonstrates the huge progress being made in fixing the financial mess this Government inherited.
I am pleased to announce today, the achievement of some significant milestones on the road to recovery.
The underlying deficit in the non commercial sector for 1994-95 will be $10 million lower than the budget estimate of $275 million.
Looking to the year ahead, the underlying deficit in the non commercial sector is $114 million.
This is despite having to provide about $100 million more than expected at budget time last year for interest and wage costs.
This is a massive turnaround from the $300 million disaster we inherited from the previous Labor administration.
This turnaround has been achieved faster than the Audit Commission recommended.
We remain right on track to move into surplus in 1997-98—without increasing the rates of taxation or introducing new taxes.
By that time, on current policy settings, there will be an estimated surplus of around $440 million on the current account which will allow us to fund the capital works program in the non commercial sector without borrowings.
With the budget deficit totally under control, and our asset management program, the first two budgets of this Government reduce debt by over $1 000 million in real terms.
Public Sector Debt as a proportion of Gross State Product will fall to about 19 per cent in 1997-98.
It was almost 28 per cent just three years ago—a level of debt which not only paralysed this State but threatened to kill it.
Unlike in other jurisdictions, the total proceeds from asset sales will be applied to debt reduction.
The Asset Management Task Force which I established last year has now made significant progress and in 1994-95 will contribute more than $300 million to debt reduction.
Work is well advanced on the sale of the Bank of South Australia which is expected to occur before the end of the 1995 calender year.
Mr Speaker, I wish to make this point very clear.
To illustrate the extent of South Australia's financial turnaround, due to our budgetary restraint and our asset sales program, the South Australian Public Sector will be in surplus to the tune of $758 million in 1995-96.

ECONOMIC PERFORMANCE

Our strategy is working.
While we have brought the State's finances under control, we are reviving the economy and it is responding.
Its performance during 1994 and 1995 has been our strongest since the late 1980s.
Importantly, business investment in South Australia has bounced back strongly from four years of decline.
If you require proof that South Australia has a future, one only has to look at the investment made by Tenneco Gas in its purchase of the Pipelines Authority of South Australia. That is a $304 million vote of confidence.
But the renaissance is happening in other areas. During 1994-95 investment is estimated to increase in real terms by 22 per cent to over $2 500 million.
Further South Australian investment growth is predicted during the next twelve months in information technology, tourism, wine, manufacturing and other major industries.
Manufacturing employment during the first three quarters of this financial year was 16 per cent higher than the previous year.
For the twelve months to February 1995, manufacturing employment growth in South Australia was four times the national rate.
The rural sector has seen its best start to the grain season in recent weeks and the wine industry continues to enjoy strong growth.
Job advertisements are 23 per cent higher than last year with small, medium and large businesses all playing an important role in this recovery.
Overall, employment growth is at its strongest since the late 1980s.
The Budget aims to make it still stronger.
South Australia began the reform process later than the other States.
We must catch up.
Growth in the economy during 1994-95 has been affected by the impact of drought on rural production and reduced Government spending. But we confidently predict higher growth in the next twelve months.

ECONOMIC DEVELOPMENT

The 1995-96 Budget continues the Government's commitment to South Australia's economic development and strengthen the State's economy.
Economic development initiatives costing around $160 million are planned for 1995-96.
The South Australian Development Council will receive increased funding to enhance its role in establishing key strategic directions for the State's economic growth.
The Economic Development Authority will have a recurrent spending program of more than $86 million.
The emphasis of its work is being directed towards improving the international competitiveness of export oriented business and ensuring appropriate infrastructure is available to support a competitive business climate.
The Government's commitment of $20.5 million for the extension of the Adelaide Airport Runway is a specific example of this strategy.
In tourism, the State's high potential will be enhanced with funds to establish new infrastructure, including a special allocation of $500 000 to kickstart a major tourism project.
The Tourism Commission will establish an office in Frankfurt, giving South Australia marketing representation in Europe for the first time.
In 1995-96, there will be $3 million available to attract major events to South Australia.
Already, Wagner's operatic masterpiece Der Ring des Nibelungen Opera and the World Championship Bowls have been secured for South Australia.
In Information Technology, as well as completing the contracting out of data processing, the Government is considering the recommendations from a Strategic Review of Telecommunications Contracting Out.

Contracting out Government services will result in further major industry development in South Australia.

Other high priority projects in Information Technology include spatial data and Electronic Services Business.

The Government's review and refocus of the MFP has resulted in a quickening pace of activity.

Major work to be funded during 1995-96 will include the environmental clean-up at Dry Creek, the Australia Asia Business Consortium and the Bolivar-Virginia Pipeline Scheme.

The operations of the Department of Primary Industries have been restructured to improve services in key areas for our primary producers.

Assistance to the rural sector to counter the effects of the drought and other factors adversely affecting the rural economy remains a priority.

Following South Australia's submission, the Commonwealth has proved exceptional circumstances drought support of $11.3 million to Eyre Peninsula and the State is contributing more than $1 million.

This Budget provides $900 000 to commence a restructuring program on Eyre Peninsula guided by a Task Force which is developing a regional strategy to ensure the future viability of the region.

The South Australian Research and Development Institute will complete the construction of a Pig and Poultry Production Institute at Roseworthy.

For our mineral and petroleum industries, $3.3 million has been allocated to continue the Exploration and Resource Processing Initiative which was already encouraged a doubling of spending on exploration in South Australia.

The State's national reputation for quality artistic and cultural activities contributes significantly to our economic development.

This Budget will provide an additional $6.1 million to complete major extensions to the Art Gallery, while feasibility and design work will be completed for a major development at the South Australian Museum—the Aboriginal Cultures Gallery.

For the South Australian Film Corporation, more than $800 000 has been allocated to promote the State as a production location for the Film Corporation.

BUDGET STRATEGY AND DEBT

Mr Speaker, it is important to view the substantial progress now being made from the perspective of the financial outlook this Government inherited.

By late 1993, South Australia had a growing underlying deficit, despite tax rates being increased to amongst the highest in Australia.

Spending on services, while above the national average in some areas, was poorly managed and ill-directed, limiting the benefits to South Australians.

State owned business enterprises were performing poorly.

There were huge unfunded Government liabilities.

The crisis has been confronted, and reversed, by this Government.

We are reducing debt so that its drag on economic growth and job creation is removed.

In real terms, the first two budgets of this Government reduce net debt to Gross State Product by 5 percentage points—from 27 per cent to 22 per cent, and I suggest that every member looks at what the other States are doing with that.

Removing the underlying budget deficit is essential to reducing net debt to well below 20 per cent of GSP by 1997-98.

Already, in 1995-96, the Budget moves into a current surplus and the forward estimates show that this will increase.

At the same time, the Government is making substantial progress in tackling the fiscal time bomb of unfunded superannuation liabilities completely ignored by the previous Government.

The first two Budgets of this Government provide $301 million towards meeting past service liabilities.

This strategy of containing day to day spending, controlling debt and cutting unfunded liabilities reflects the determination of this Government not to burden future generations of South Australians with debt and other liabilities.

The 1995-96 Budget has been prepared in the context of a number of external pressures, including:

. interest rate rises as a result of over-reliance by the Commonwealth on monetary policy and failure to reduce its own outlays; and

. wage pressures, partly resulting from decisions of the Australian Industrial Relations Commission and partly from the intransigence of certain unions in refusing to negotiate wage issues at the enterprise level.

Last year, I committed the Government to an underlying deficit in the non commercial sector of $111 million for 1995-96.

This Budget locks into that target despite the external pressures on us and without any increase in tax rates—or new taxes.

Higher tax rates, or new taxes, would have increased the cost pressures on families, damaged consumer confidence and stalled economic recovery and the creation of jobs.

Instead, we have taken the responsible approach to contain outlays while continuing to provide adequate levels of vital services.

Current outlays are down 2.8 per cent in real terms and total outlays fall 5.6 per cent.

I now turn to some of the main details of the Budget.

REVENUE

Mr Speaker, in the Government's first budget we followed the advice of the Audit Commission that the budget adjustment should be 'principally through reductions in outlays, not through increases in revenue.'

With this budget, I reinforce this message.

Indeed, there are two measures in this Budget to reduce the burden of taxation.

Stamp duty on share transactions will be halved.

And to encourage residential development in the CBD area, there will be a stamp duty rebate of $1 500 for strata title home units.

Provision is also made in the Budget for additional tax compliance activity by the State Taxation Office to improve the revenue return from existing tax bases.

The Government is determined to enhance the State's economic competitiveness through responsible levels of taxation.

While we are reducing our debt much faster than Victoria, we have not used revenue measures to assist the process.

As a result, per capita State taxation in South Australia remains well over 20 per cent lower than in Victoria and New South Wales.

I now turn to the major items of budget spending.

OUTLAYS

The Government's continuing priorities for economic growth and job creation are reflected in this budget.

Spending on economic development and infrastructure spending has been maintained and increased in areas of strategic importance.

At the same time, the Government has again given priority, in its spending decisions, to social, environmental and other community needs.

In the past, spending in many areas has exceeded the standardised average of the States, as measured by the Commonwealth Grants Commission.

One result has been higher tax burdens and borrowings to finance increased spending.

However, too often in the past, the previous Government attempted to make a virtue of high spending with no tangible evidence of real benefits to South Australians nor enough attention paid to sound management.

Under this Government, spending decisions focus on maintaining outcomes rather than inputs.

As a result of our recovery through reform approach, in many areas reforms have increased the quality of services while costs have been contained or reduced.

At the same time, in areas of highest priority, we will maintain per capita spending at above the national average.

EDUCATION

This will apply to education in particular, because we want to ensure South Australia maintains the best education standards in Australia.

Spending on Primary and Secondary Education and Children's Services will amount to almost $1 140 million in 1995-96.

Despite the budget adjustments announced last year, the most recently published Australian Bureau of Statistics data indicates that South Australia has the lowest pupil/teacher ratio of all States in both primary and secondary education.

The level of school administrative support staff in Government schools also continues to exceed the national average.

The budget funds a number of initiatives which reflect the Government's commitment to the important early years of education and to providing clear and relevant information to parents about the progress of their children.

This includes a further $2.5 million for the Early Years Strategy which includes the 'Cornerstones' program to identify and assist young children with learning difficulties, and the introduction of Basic Skills Testing for all year 3 and 5 students.

More than $90 million has been allocated this year for capital works programs to continue the task of catching up on the backlog in maintenance, minor and major works, in schools and childrens' services.

The budget provides $296 million for the Department for Employment, Training and Further Education.

This includes $166 million for vocational education, providing for increased funding of training programs in industries with strong growth and export potential including horticulture, tourism, hospitality and food processing, engineering, and information technology, electronics and telecommunications.

Depending on the level of Commonwealth support, it is intended to offer up to 600 training places in the South Australian public sector.

The Government will also significantly widen payroll tax concessions available for training, by including apprentices.

HEALTH

The Budget allocates more than $1 400 million for spending on health services. The Health Commission achieved the objectives of last year's budget. Despite overall reductions in the budgets of the major hospitals, significant increases in efficiency have enabled hospital waiting lists to fall by almost 10 per cent in 1994-95. Even more significantly, the number of people waiting for surgery more than 12 months has been halved. Overall, the number of operations and procedures has reached record levels with total activity increasing by nearly 4 per cent across the hospital system compared with the previous year.

The Health Commission will continue to maximise spending on service delivery through gains in efficiency, increased benefits from contracting out and the implementation of regional health service arrangements.

$70 Million will be spent on capital works, to provide new infrastructure and equipment, which will contribute to patient care and service delivery.

There will be increased funds for primary health care initiatives and to improve links between hospitals and community based services.

A world's best practice pilot home visiting health care program will be established with the allocation of $1.2 million over two years.

CRIME PREVENTION AND COMMUNITY SAFETY

Recognising that the attack on crime must be at least two-pronged, the Government is making $1.6 million per year available over the next three years for its crime prevention strategy.

In community safety, the Government's commitment to provide additional operational Police is being maintained.

Of the additional 200 operational police promised by the Government during its first term, 135 will be in place by the end of this month.

Careful budget management will enable the Government to meet social priorities while working to re-build the economy to improve and secure living standards for all South Australians.

ENVIRONMENT

As well as being economically focused, this Budget is environmentally friendly.

It will help consolidate the Government's aims for a cleaner South Australia.

The Budget includes funding for a $5.1 million boost to protect the State's coastline, a $2.9 million upgrade of national parks and an acceleration of work on the major clean up of the State's waterways including the River Torrens and Patawalonga.

Work will continue to formulate South Australia's new waste management strategy, with a special emphasis on recycling, waste minimisation and improved landfill management.

A new litter program will be announced following discussion with the community and industry.

COMMUNITY INFRASTRUCTURE

Mr Speaker, the Government's ability to turnaround the State's financial position means that we are now in a position to plan new facilities to support long term economic development and to recognise other community needs.

To do this, we will establish a Building a Better Future Program. Under this Program, there will be up to $300 million of private funds to develop major public projects.

This is a very significant boost to the capital works program.

This Program will be applied where it can be demonstrated that projects and services will be provided more cost effectively than by the public sector.

This approach will ensure that the community benefits by paying the least cost for the delivery of a service or construction of public facilities and utilise the expertise of the private sector.

The local construction industry will also benefit from contracts to be awarded for the construction of projects such as the Southern Expressway, new school and vocational education facilities, health services and tourism and housing infrastructure.

It is estimated that the overall capital works program for 1995-96 will increase construction sector employment by approximately 1 000 jobs in South Australia.

Major projects in the 1995-96 capital work program include:

. the extension of the Adelaide Airport runway;
. the commencement of the $112 million Southern Expressway;
. land acquisition and pre-construction activities for the Mt Barker Road between Glen Osmond and Crafers;
. additional funding for the sealing of the South Coast Road, Kangaroo Island and upgrade of Noarlunga to Cape Jervis Road to further develop the tourism potential of the Island and the Fleurieu Peninsula;
. the provision of $6.2 million for tourism infrastructure associated with Wirrina, Granite Island, the Barossa Valley and Wilpena;
. $90 million funding commitment for capital works in schools and children's services which include the continuation of the 'Back To School' grant scheme and the school construction and maintenance program;
. completion of the $19.4 million Adelaide Institute and $11.4 million Noarlunga campus vocational education and training facilities and commencement of new facilities at Mt Barker, Mt Gambier and Urrbrae;
. $70 million for capital works in the health sector including major new works at the Royal Adelaide, Daw Park Repatriation, Lyell McEwin, Flinders, Queen Elizabeth and Murat Bay Hospitals—these are in addition to health infrastructure proposed to be built with private sector capital, such as the Mt Gambier Hospital;
. $1.5 million for upgrading of Rundle Mall;
. $4.5 million on rehabilitation of the Patawalonga Basin and upstream catchment management;
. continuation of urban development works including the remediation of contaminated sites and the provision of infrastructure for the Port Adelaide Waterfront, East End Market and Mile End Railyards projects;
. 280 new dwelling commencements by the Housing Trust and 75 purchases, including 50 for Aboriginal housing;
. re-development of 500 existing Housing Trust properties at Hillcrest and Mitchell Park and a major new urban redevelopment at The Parks;
. roadworks, fire protection and facility improvements in National Parks, sand replenishment on metropolitan beaches and the construction of a seawall and other measures at Semaphore/Tennyson to provide sustainable coastal property protection;
. commencement of work on the re-development of the Adelaide Magistrates Court; and
. a major new police complex at Darlington and completion of the Port Augusta Police facility.

Projects under current consideration for funding under the Building a Better Future Program include:

. a land and building package for the new information industry at Technology Park and a separate multi-tenant facility for MFP Australia to house an Information Industries Development Centre and other IT related companies;
. the construction of a number of major sporting facilities;
. the construction of a bridge across the Murray at Berri;
. a development on Mt Lofty Summit; and
. the Upper South East drainage scheme to control dryland salinity.

This Program signals the Government's commitment to the development of South Australia and to rebuilding confidence in the State's future through the provision of quality assets and community facilities.

GOVERNMENT REFORMS

The Government's ability to provide adequate levels of service and new community facilities in a period of major budgetary adjustment is founded on our program of major reform of government.

In many areas we are leading Australia, if not the world.

Finalisation of the contracting out of data processing will be the first time in the world that this has been done on a whole of government basis.

The restructuring of the Engineering and Water Supply Department and major contracting out will attract further export orientated industry development to South Australia.

In public transport service, innovation will enhance services and contain costs.

The 1995-96 Passenger Transport Board budget incorporates a saving of $8.8 million in addition to the $12.2 million expected to be achieved during 1994-95.

The Passenger Transport Board has called tenders for the outer south and outer north bus routes.

The next call for tenders for routes, mainly in the north east area, will be made during 1995-96.

Restructuring of the Department of Transport will result in a halving of Departmental staff by December 1996, and provide more funds for road construction and maintenance.

The Department for Building Management is completing a large-scale restructuring program to reduce staff by almost 300 over three years.

New arrangements for the management of motor vehicles through the Fleet Management Task Force has the objective of reducing the number of Government light motor vehicles by 25 per cent.

In the Correctional Services Department, restructuring and work practice reforms have reduced the cost of imprisonment by 24 per cent.

The Health Commission has achieved its $35 million savings target for 1994-95 through a significant process of micro-economic reform including the introduction of casemix funding, the successful contracting out of public hospital services at Modbury and continuing rationalisation of administrative, hotel and support services across the system.

As a result of reforms like these, the need to deal with the underlying deficit crisis left to this Government by its predecessor has not become an end in itself.

The Government has established new ways to deal with the financial position to benefit all South Australians.

Of course, our reforms would not be possible without the dedication and commitment of Government employees.

They have borne an immense burden from the adjustment process.

For the three years to the end of June 1995, about 9 200 FTE employees will have voluntarily separated from the Public Sector.

A further 3 200 FTE employee reductions are planned for the next two years, bringing total reductions to 12 400 FTE employees.

The Government has decided to extend the operation of the Targeted Voluntary Separation Package Scheme and the Contracting Out Incentive Payment Scheme in 1995-96.

SUMMARY

Mr Speaker, in conclusion, I acknowledge the cooperation of the Ministers and their officers in working with the officers of Treasury and Finance on what has been a most difficult and challenging task.

With this budget, the Government continues its commitment to the hard work necessary to repair and restore the State's finances.

As I said in my introduction, South Australia is well and truly back in the race and this Government is determined to see the job through.

We have come through the hardest year. There is one more year of major adjustment ahead.

The process of budgetary adjustment is being built on a firm foundation of on-going and sustainable reductions in spending—not on short term one-off measures.

Moreover, this is a budget which continues the emphasis on economic expansion and job creation.

It is directed to securing lasting benefits for the State and South Australians.

It is a strategy to achieve financial, economic and social benefits that will last.

I commend the budget to the House.

I insert the explanation of the clauses in *Hansard* without my reading it.

Clause 1 is formal.

Clause 2 provides for the Bill to operate retrospectively to 1 July 1995. Until the Bill is passed, expenditure is financed from appropriation authority provided by Supply Acts.

Clause 3 provides relevant definitions.

Clause 4 provides for the issue and application of the sums shown in the schedule to the Bill.

Sub-section (2) makes it clear that appropriation authority provided by the Supply Act is superseded by this Bill.

Clause 5 is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

Clause 6 provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

Clause 7 makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in Supply Acts.

Clause 8 sets a limit of $50 million on the amount which the Government may borrow by way of overdraft in 1995-96.

Mr QUIRKE secured the adjournment of the debate.

STAMP DUTIES (MARKETABLE SECURITIES) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. S.J. BAKER: I move:

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

This Bill contains two measures.

Firstly the Bill would reduce the rate of stamp duty payable on the transfer of listed marketable securities (on and off exchange) from:

- 0.6 per cent to 0.3 per cent for off-market transfers (given that the purchaser bears fully the duty liability);
- 0.3 per cent to 0.15 percent for on-market transfers (given that stamp duty on these transactions is payable by both the buyer and the seller).

Secondly the Bill would strengthen the stamp duty provisions relating to marketable securities to discourage transfers being relocated to lower duty jurisdictions.

This follows the action to reduce rates initiated by Queensland and subsequent announcements in the other major jurisdictions to match the Queensland action.

The direct cost in terms of stamp duty forgone is estimated to be $4 million per annum but the State faced a loss of revenue anyway if it did not match the other State's lower rates.

The decision to halve the duty rate on these transfers will ensure that South Australia's sharebrokers' business will not be disadvantaged by Queensland's action.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the Bill is to be taken to have come into operation on 1 July 1995.

Clause 3: Amendment of s. 90B—Application of Division

This clause amends section 90B of the principal Act by inserting a new nexus provision in relation to the sale or purchase of marketable securities by or through a dealer. Currently stamp duty is payable in South Australia if the transaction is made by or through a South Australian dealer, and this remains as the primary nexus under the proposed amendments. New paragraph *(a)*, however, provides that stamp duty will also be payable in South Australia if the transaction occurs through a dealer in a prescribed place and the security is a marketable security of a relevant company (ie. a South Australian registered company or a foreign company with its registered office in South Australia) or a unit of a unit trust scheme with its principal register in South Australia.

This section is also consequentially amended to include two new subsections providing that certain transactions are or will be taken to be sales or purchases made by or through a South Australian dealer or a dealer in a prescribed place. The new subsections are simply recast versions of provisions that are currently contained in section 90C, the only difference being that the new versions would apply to both South Australian dealers and dealers in prescribed places (in line with the new nexus provision).

Clause 4: Amendment of s. 90C—Records of sales and purchases of marketable securities

Section 90C is consequentially amended so that it refers to "dealers" generally and not just to "South Australian" dealers (because under the new alternative nexus these provisions may be required to apply to dealers from a prescribed place).

Clause 5: Amendment of s. 90D—Returns to be lodged and duty paid

Section 90D is consequentially amended to refer to South Australian dealers and dealers in a prescribed place.

Clause 6: Amendment of s. 90E—Endorsement of instrument of transfer as to payment of duty

Section 90E is consequentially amended so that it refers to "dealers" generally and not just to "South Australian" dealers.

Clause 7: Amendment of s. 90F—Power of dealer to recover duty paid by him

Section 90F is consequentially amended so that it refers to "dealers" generally and not just to "South Australian" dealers.

Clause 8: Amendment of s. 90G—Transactions in South Australian Marketable securities on the Stock Exchange of the United Kingdom and Ireland

This clause amends subsection (6)*(e)* of section 90G of the principal Act so that it refers to South Australian dealers and dealers in a prescribed place.

Clause 9: Amendment of schedule 2

This clause makes a number of amendments to schedule 2 of the principal Act as follows:

- the rate of duty for conveyances on sale of listed marketable securities is halved;
- the rate of duty on an SCH-regulated transfer (within the meaning of Division 3 of Part 3A) of marketable securi-

ties operating as a voluntary disposition *inter vivos* is halved;
- the provision relating to returns by dealers is amended so that it refers to dealers generally and not just to South Australian dealers (because under the new alternative nexus these provisions may be required to apply to dealers from a prescribed place) and the rate of duty paid by dealers under a return is halved;
- the rate of duty payable on a return under section 90G (which deals with transactions in South Australian marketable securities on the stock exchange of the United Kingdom and Ireland) is halved;
- item 24 of the general exemptions is amended so that it refers to dealers generally and not just to South Australian dealers.

Mr QUIRKE secured the adjournment of the debate.

PUBLIC TRUSTEE BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clauses 43, 46 and 47, printed in erased type, which clauses, being money clauses, cannot originate in the Legislative Council but which are deemed necessary to the Bill. Read a first time.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

The legislative provisions establishing the Public Trustee are currently located in the *Administration and Probate Act* and were last significantly updated in 1978. Since that time, there have been many proposals for reform mooted, and there has been a systematic assessment of the role of the Public Trustee and the need for the Public Trustee to operate in a competitive market with other trustees, particularly with respect to trustee companies. However, until now there have been no decisions which have led to legislative change.

As part of the reform agenda, and with reference to the recommendations of the Commission of Audit, the Government has determined that the Public Trustee will be better placed if it operates under modernised and separate legislative provisions.

The most significant event to occur in the field of management and administration of trusts and estates in this State in the last few years was the passage of the *Trustee Companies Act* in 1988. This Act replaced the old individual private Acts of Parliament which formerly governed such companies. Unfortunately, at the time of this legislation, which modernised the laws relating to the private trustee companies, the opportunity was not taken to replace those provisions relating to the Public Trustee which are outdated, cumbersome and unnecessarily complex and to enable the Public Trustee to operate its common funds on a similar basis to those of the private trustee companies.

It is therefore considered appropriate that steps now be taken to allow for a more commercially orientated and entrepreneurial Public Trustee, while at the same time ensuring that the Public Trustee continues to fulfil its special statutory responsibilities to provide the range of community services not elsewhere available. It is also appropriate that the formal relationship of the Public Trustee with the Government be placed on an appropriate legislative footing.

While, initially, it was considered that amendments to the provisions of the *Administration and Probate Act* would be sufficient, once the review project commenced it became clear that the changes required were such that each section needed to be amended and so the end result is a bill for a new *Public Trustee Act*.

The Bill provides that the Public Trustee will continue as a corporation sole that is an instrumentality of the Crown. The Public Trustee and the staff of the office of the Public Trustee will continue to be public sector employees, with the Public Trustee being appointed by the Governor.

All of the current community service obligations which repose in the Public Trustee will be maintained. A community service obligation arises when the Parliament or the Executive expressly requires a Government business enterprise (in this case, the Public Trustee) to carry out an activity which it would not elect to provide on a commercial basis or which could only be provided commercially at a higher price. For example, the Public Trustee may be required to act as executor and trustee of any estate regardless of how small that estate may be. Often private trustees will not administer a small estate as the cost of administration outweighs the fees or commission that can be charged.

Other community service obligations of the Public Trustee include—
- appointment by the Supreme Court (in a variety of circumstances) as the protector of the interests of those who cannot look after their own interests (*eg:* minors, or mentally or intellectually impaired persons, who have been awarded court settlements);
- the examination of financial statements and monitoring of decisions of managers of protected estates and administrators of deceased estates;
- the holding of estates until administration is granted or for any period in which there is no trustee or personal representative;
- administration of deceased estates in a number of special circumstances by order of the Supreme Court;
- acting as the "trustee of last resort" and in some circumstances being required to take over as trustee any trust where the appointed trustees die or are unwilling to act.

Many of the above roles are required to be performed by the Public Trustee without the consent of the Public Trustee as a statutory public service obligation (*ie:* the Public Trustee must perform these roles if called on to do so or required by legislation to do so, regardless of whether or not there is a financial reward). While some of the community service obligations are profitable, often the work is complex and time consuming, not commercially viable and would not be offered on a commercial basis. All of the current community service obligations of the Public Trustee are maintained in the Bill.

The Bill essentially reflects the current provisions in a modernised and updated form. There are several inclusions in the Bill which are drawn mainly from the provisions applying to trustee companies contained in the *Trustee Companies Act*.

The trustee companies operate their common funds under a simple legislative scheme. However, the full application of the rules applying to the private trustee companies to the Public Trustee would allow the Public Trustee to accept money for investment from any member of the public. The Public Trustee in this State has never been permitted to raise funds from the general public. Indeed, it is understood that the Victorian State Trustees is alone among the Australian Public Trustees in being able to raise funds generally from the public. While to permit such fundraising would potentially allow the Public Trustee to generate additional income in competition with private investment offerings, it is not proposed at this time to permit this to occur. However, while offerings to the general public are not considered appropriate, the Public Trustee should not be precluded from inviting organisations such as charities, trustees of scholarships, trustees of minors' estates, etc., from investing in the Public Trustee's common funds. Such investors require a range of safe investments, providing different features, in order to properly diversify their portfolios. The Public Trustee common funds would provide appropriate investment opportunities to this type of trustee. The Bill provides that the Public Trustee may accept money from classes of persons approved by the Minister for investment in common funds. It is envisaged that charitable funds will be the initial class of investment approved under this section.

Many trustee services provided by the Public Trustee to the community are provided on a commercial basis and it is appropriate that in the provision of these services the Public Trustee is not disadvantaged by outdated legislative provisions that do not reflect modern methods of funds management.

Under the regime proposed in the Bill, the following rules would apply to the Public Trustee:
- The Public Trustee would be able to charge for the provision of services related to the management of common funds in the same way as a private trustee company. (At present, the Public Trustee, unlike the trustee companies, cannot charge a management fee on the capital in common funds, which are the investment vehicles used by trustee companies and the Public Trustee. It is proposed to allow the Public Trustee to charge in the same manner as trustee companies charge.)
- The Public Trustee would be able to offer investment of funds in the hands of bodies, such as charities, approved by the Minister. (The Public Trustee may not raise funds from public offerings of investments in common funds.)
- The Public Trustee would be able to charge an administration fee for administering perpetual trusts in the same way as trustee companies do.

· The Public Trustee's fees and commission would be set by way of regulation as they are currently.
· The Public Trustee would be required to report annually to the Minister.
· The Public Trustee would remain subject to general Ministerial direction on matters of policy (as the Public Trustee currently is).

At present, the office of the Public Trustee is self funding. For the last five years, the Public Trustee has made a contribution to Treasury, with the specific approval of the Minister, after defraying expenses incidental to the establishment and maintenance of the office of the Public Trustee. The Bill provides for the Public Trustee to pay the Treasurer notional taxation and other imposts.

The Bill also provides for the Public Trustee to pay, with the approval of the Minister, a dividend at times when there is sufficient surplus to enable this to occur. This formalises the current arrangements whereby the Public Trustee uses a Special Deposit Account under the *Public Finance and Audit Act* and obtains special approval of the Minister to make payments to Treasury. The Public Trustee will be required to consult with the Minister each year regarding the setting and payment of the dividend (if any). This, too, formalises the current practice.

In order to provide an efficient and responsive service to the community, there are a variety of other amendments which rationalise the provisions formerly found in the *Administration and Probate Act*.

The legislative initiatives contained in this Bill modernise and update the statutory provisions relating to the Public Trustee, maintain the important community service obligations the Public Trustee undertakes and provide a basis on which the Public Trustee can continue to provide a reliable and valuable service to the people of this State in a competitive environment.

I commend the Bill to Honourable Members.

Explanation of Clauses

The proposed Act has substantially the same effect as Part 4 of the *Administrative and Probate Act 1919* to be repealed by proposed schedule 2.

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of expressions used in the Bill.

PART 2
OFFICE OF PUBLIC TRUSTEE

Clause 4: Public Trustee

There is to be a Public Trustee who is an employee in the Public Service of the State appointed to the office of Public Trustee by the Governor which office may be held in conjunction with a position in the Public Service. The Public Trustee is a body corporate, has perpetual succession and a common seal, is capable of suing and being sued, is an instrumentality of the Crown (and holds property on behalf of the Crown) and has the functions and powers assigned or conferred by or under this proposed Act or any other Act.

Clause 5: Functions and powers

Subject to the proposed Act, the Public Trustee has the powers of a natural person and may, for example, act as a trustee, executor of a will, administrator of an estate (whether or not of a deceased person), manager, receiver, committee, curator, guardian, next friend, agent, attorney or stakeholder or act in any other capacity provided for under this proposed Act or any other Act.

Clause 6: Ministerial control

The Public Trustee is subject to control and direction by the Minister on matters of policy but a direction may not be given so as to affect the efficient discharge of the Public Trustee's duties at law or in equity. The Public Trustee must, at the request of the Minister, report to the Minister on a specified matter but must not, in such a report, divulge information in breach of a confidence placed in the Public Trustee by a client.

Clause 7: Execution of documents

A document apparently bearing the common seal of the Public Trustee will be presumed, in the absence of proof to the contrary, to have been duly executed by the Public Trustee.

Clause 8: Delegations

The Public Trustee may delegate any of the Public Trustee's functions or powers to a person employed in the Public Service or to the person for the time being occupying a specified position in the Public Service.

PART 3
APPOINTMENT AS ADMINISTRATOR, TRUSTEE, etc.

Clause 9: Administration of deceased estate

The Supreme Court (the Court) may make an administration order granting administration of a deceased estate to the Public Trustee, or authorising the Public Trustee to administer the estate of a deceased person, in particular circumstances. An application for an administration order may be made by the Public Trustee, a person interested in the estate (including a creditor) or a guardian or blood relation of a person under 18 years of age interested in the estate.

If the Court revokes an administration order, the revocation of the order is without prejudice to any proceedings taken or act done under it. If an order is made authorising the Public Trustee to administer the estate of a deceased person, the Public Trustee will be taken to be the administrator of the estate for the purposes of any other Act but subject to the provisions of the other Act.

Clause 10: Public Trustee need not give security

The Public Trustee need not, on obtaining administration, enter into a bond or give any security.

Clause 11: No action to be instituted after Public Trustee has obtained administration

Subject to this proposed Act, after the grant of administration to the Public Trustee, or the making of an order authorising the Public Trustee to administer the estate of a deceased person, no person may institute an action or other proceeding for the administration of the estate, and any such action or proceeding previously commenced will, on the application of the Public Trustee, be stayed on such terms as the Court thinks fit.

Clause 12: Administrator pendente lite

The Court may appoint the Public Trustee to be the administrator of the estate of a deceased person until an action relating to the validity of the will of the deceased, or for obtaining or revoking a grant of probate or administration, is determined. If thus appointed as administrator, the Public Trustee is subject to control and direction by the Court in the administration of the estate.

Clause 13: Administration of trust estate

The Court may, on the application of a person holding property in trust (whenever or however the trust may have been created or arisen) for any person or purpose, make an order authorising the Public Trustee to receive and administer the property.

Clause 14: Appointment as executor or trustee

A person may appoint the Public Trustee (either solely or jointly with another person or persons) to be executor or trustee of his or her will or to be trustee of a settlement or other disposition of trust property made by the person and the Public Trustee must accept such an appointment unless granted leave to refuse by the Court on the ground that the nature of the trusts and the duties to be performed make it undesirable that the Public Trustee should act.

If the Court grants leave, it may make such other provision as may be appropriate in the circumstances for the administration of the estate or the trust property.

Clause 15: Appointment of Public Trustee by executors, administrators, or trustees

With the consent of the Court—

· executors may, unless expressly prohibited, appoint the Public Trustee sole executor; and
· administrators may, unless expressly prohibited, appoint the Public Trustee sole administrator; and
· trustees (whether appointed by or under a will, settlement, declaration of trust or in any other way) may, unless expressly prohibited and despite the terms of the trust as to the number of trustees, appoint the Public Trustee sole trustee in their place.

An application may be made for consent by less than the full number of the executors, administrators or trustees but the Court may not give its consent if there is another executor, administrator or trustee willing and (in the opinion of the Court) suitable to act.

This proposed section is in addition to and does not derogate from section 14 of the *Trustee Act 1936* and applies to executors, administrators or trustees appointed before or after the commencement of this proposed Act.

Clause 16: Appointment by court as trustee of amount of judgment, etc.

If a court (*ie:* any court, or person acting judicially, exercising jurisdiction either within or outside the State) orders the delivery or transfer of property, to a person, the court may direct that the property be delivered or transferred to the Public Trustee on behalf of that person. The Public Trustee must hold the property on trust to apply

it, and its income, in the manner and for the benefit of persons as the court may from time to time direct.

Clause 17: Custodian trustee

The Public Trustee may be appointed to be custodian trustee of a trust—

- by order of the Court made on the application of a beneficiary or of a person on whose application the Court may order the appointment of a new trustee; or
- by the instrument constituting the trust; or
- by any person having power to appoint new trustees.

On such an appointment—

- the trust property must be transferred to the custodian trustee as if that trustee were sole trustee, and for that purpose orders may be made by the Court vesting the property in the custodian trustee; and
- those persons who would, if there were no custodian trustee, be the sole trustees of the trust have the management of the trust property; and
- as between the custodian trustee and the managing trustees (without prejudice to the rights of any other persons) the custodian trustee will have the custody of all securities and documents of title relating to the trust property, but the managing trustees will have free access to them and be entitled to take copies of or extracts from them.

The custodian trustee is not liable for any act or default of the managing trustees to which the custodian trustee has not consented. On application by the custodian trustee, any of the managing trustees or any beneficiary, the Court may terminate the custodian trusteeship and make such vesting orders and give such directions as are necessary, if it is satisfied that termination of the trusteeship is the wish of the majority of beneficiaries or there are other reasons that make such an order expedient.

Clause 18: Power of attorney continues despite subsequent legal incapacity

If the donor of a power of attorney granted to the Public Trustee (whether before or after the commencement of this proposed Act) ceases to have legal capacity, the Public Trustee may (subject to the terms on which the power of attorney was granted) continue to act under the power of attorney, despite the donor's legal incapacity but the power determines on appointment under an Act of an administrator or manager of the donor's property and may be revoked at any time by the Court.

PART 4
ADMINISTRATION OF ESTATES

Clause 19: Payments to or from executors, etc., elsewhere in Australia or in New Zealand

If the Public Trustee has obtained an order to administer the estate in South Australia of a person who at the time of death was domiciled in another State or a Territory of the Commonwealth, or in New Zealand, the Public Trustee may pay over to the executor of the will or administrator of the estate in the place of domicile the balance of the estate after payment of debts and charges in this State, without seeing to the application of any money so paid and without incurring any liability in regard to such payment.

If the person with duties similar to those of the Public Trustee in another State or a Territory of the Commonwealth, or in New Zealand, has obtained administration of the estate of a deceased person who at the time of death was domiciled in South Australia and whose estate here is being administered by the Public Trustee, the Public Trustee may receive the balance of the deceased's estate after payment of creditors and any charges provided for under the law of that place.

Clause 20: Public Trustee must require delivery or transfer of property to which Public Trustee is entitled

The Public Trustee must require administrators and other persons to deliver or transfer to the Public Trustee all property to which the Public Trustee becomes entitled under this proposed Act. The Public Trustee may institute inquiries regarding the particulars of estates under administration, and held in trust, and may, by summons, require an administrator or other person to appear before the Public Trustee and answer all questions that may be put with reference to any estate.

An administrator or other person who, after receiving a summons, fails to attend at the time and place specified in it, or who fails to answer truthfully the questions put by or on behalf of the Public Trustee, is guilty of an offence and liable to a division 7 fine ($2 000) or division 7 imprisonment (6 months).

Clause 21: Court may summons administrator, etc., on application of Public Trustee

If an administrator or other person fails to deliver or transfer to the Public Trustee all property to which the Public Trustee is entitled or the procedure in proposed section fails to elicit the particulars required, the Court may, on the application of the Public Trustee, summon any person who may be in possession of information relevant to the matter under investigation, to appear at a specified time and place for the purpose of being examined concerning such matters and to produce any books, papers, deeds or documents.

Clause 22: Result of disobedience to summons

A person who—

- after being summoned to appear by the Court, fails (without reasonable excuse) to appear at the time and place specified in the summons; or
- on appearing, refuses to be sworn or neglects to answer a question put by or on behalf of the Public Trustee; or
- after being summoned to produce books, papers, deeds or documents, fails (without reasonable excuse) to produce them, or, if so required, to hand them over to the Public Trustee; or
- disobeys any order made by the Court on the hearing of the summons,

is guilty of contempt of the Court.

Clause 23: Public Trustee to give notice to beneficiary entitled to property

When a beneficiary is entitled to the delivery or transfer of property vested in or under the control of the Public Trustee, the Public Trustee must, when practicable, give notice to the beneficiary that or she is entitled to the delivery or transfer of the property.

Clause 24: Administration of Public Trustee may be referred to Court

The Court may, on application by a person who has an interest in property for the time being administered by the Public Trustee, summon the Public Trustee to appear at a specified time and place for the purpose of answering allegations in the application and, after the hearing, make particular orders.

Clause 25: Public Trustee may make advances for purposes of administration

When the Public Trustee is administering an estate and property is vested in or under the control of the Public Trustee on account of the estate but there is insufficient money to make payments authorised or required to be made on account of the estate, the Public Trustee may advance and pay any sum of money which the Public Trustee is authorised or required to pay (but no greater amount may be so advanced and paid than the value of the property held by in the Public Trustee). The sums so advanced, with interest, are a first charge on all property in the estate.

Clause 26: Public Trustee to keep accounts in respect of estates, etc.

The Public Trustee must cause proper accounts to be kept of all estates under the Public Trustee's control, and of all dealings and transactions in relation to the estates. The Auditor-General may at any time and must in respect of each financial year audit the accounts kept by the Public Trustee under this proposed section.

PART 5
INVESTMENT OF ESTATE FUNDS AND COMMON FUNDS

Clause 27: Investment of estate funds

Subject to this proposed Act and any other Act and the terms of a relevant instrument of trust or order of court, the Public Trustee must invest money comprising or forming part of an estate—

- in a manner authorised by the instrument of trust; or
- in a manner in which a trustee may lawfully invest trust money; or
- in a common fund.

Clause 28: Money from several estates may be invested as one fund

Subject to the terms of a relevant instrument of trust or order of court, the Public Trustee may invest money from more than one estate under the control of the Public Trustee as one fund in one or more investments. Where money from more than one estate is invested, the Public Trustee must—

- keep an account showing the current amount for the time being at credit in respect of each estate; and
- after deduction of charges—divide income arising from investment of the money between the estates in proportion to the amounts invested and the period of each investment and divide profit or loss of a capital nature arising from investment of the money between the estates in proportion to the amounts invested.

Clause 29: Common funds

The Public Trustee may establish one or more common funds for the investment of money comprising or forming part of an estate under the control of the Public Trustee and, with the approval of the Minister, other money. A common fund may not be invested in any investments other than investments of a class determined by the Public Trustee in relation to the common fund prior to its establishment.

The Public Trustee must keep accounts showing the current amount for the time being at credit in the common fund on account of each investor.

The Public Trustee may charge against each common fund a management fee fixed by the Public Trustee in respect of each month of the Public Trustee's management of the fund.

Clause 30: Accounts, audits and reports in respect of common funds

The Public Trustee must cause proper accounts to be kept in relation to each common fund and the Auditor-General may at any time and must in respect of each financial year audit those accounts.

The Public Trustee must include in the annual report to the Minister for each financial year—

- the audited statement of accounts in respect of each common fund for that financial year; and
- the Auditor-General's report on those accounts; and
- particular information for investors and prospective investors in respect of each common fund.

Clause 31: Information for investors or prospective investors in common fund

The Public Trustee must, within four months after the end of each financial year, send to each investor (other than an estate) in a common fund a copy of the Public Trustee's annual report to the Minister for that financial year.

The Public Trustee must not accept money from a prospective investor (other than an estate) in a common fund unless the prospective investor has first been furnished with a copy of the Public Trustee's last annual report to the Minister together with any further information required to update the information contained in the report in relation to the fund.

PART 6
UNCLAIMED PROPERTY

Clause 32: Public Trustee's duties with respect to unclaimed money or land

If the Public Trustee has, as at 1 July in any year, held money to the credit of a deceased estate for at least 6 years and has been unable to find a person beneficially entitled to the money, the Public Trustee must, within one month, pay the money to the Treasurer for the credit of the Consolidated Account.

If the Public Trustee has held land for at least 20 years and has been unable to find a person beneficially entitled to or interested in the land, the Public Trustee may, by leave of the Court, sell the land and pay the proceeds of sale (less costs and expenses) to the Treasurer for the credit of the Consolidated Account.

Clause 33: Provision for parties subsequently claiming to apply to Court, etc.

If, at any time after unclaimed money has been paid to the Treasurer under this proposed Part, the Court is satisfied, on application by a person claiming to be entitled to the money, that the person is entitled to the money, the Court may make an order for payment of the money less any costs and expenses that have been incurred by the Public Trustee in respect of the application and any other order that is just.

Clause 34: Appointment as manager of unclaimed property

The Public Trustee may be appointed manager of property in South Australia if, after due inquiry, it has not been possible to find the owner of the property or an agent or administrator in this State with authority to take possession of and administer the property.

Clause 35: Powers of Public Trustee as manager

The Public Trustee as manager of unclaimed property under this proposed Part has broad powers to deal with the property except where the Court, in a particular case, orders otherwise.

Clause 36: Public Trustee to have discretion as to exercise of powers as manager

The Public Trustee is not obliged to take any steps or proceedings to obtain appointment as manager of any property under this proposed Part and, if appointed manager under this proposed Part, has (subject to any direction of the Court) a complete discretion as to whether any of the powers under this proposed Part are to be exercised.

Clause 37: Public Trustee may apply to Court for directions

The Public Trustee may, as manager of property under this proposed Part, apply *ex parte* to the Court for directions concerning the property, or in respect of the management or administration of the property, or in respect of the exercise of any power or discretion as manager.

Clause 38: Money to be invested in common fund

Money for the time being held by the Public Trustee under this proposed Part must be invested in a common fund.

Clause 39: Remuneration and expenses of Public Trustee

Expenditure incurred by the Public Trustee as manager of property under this proposed Part and all commission, fees, costs and expenses incurred by or payable to the Public Trustee as such manager are a charge on the property that will come next in priority to any mortgage or charge to which the property was subject when the Public Trustee became manager. The amount for the time being so charged on the property bears interest at a rate fixed from time to time by the Public Trustee.

Clause 40: Property managed by Public Trustee to be held for owner

If the Public Trustee, as manager under this proposed Part, takes possession of property or receives or recovers money, damages or mesne profits in respect of any property, the property, money, damages or mesne profits must, after payment of all money authorised to be applied, expended or charged by the Public Trustee, be held by the Public Trustee for the owner of the property.

Clause 41: Termination of management

The Public Trustee ceases to be manager of a property under this proposed Part on the happening of any of the following events:

- if the Court so orders on application made by the owner of the property or by the owner's agent or administrator or by any person having an interest in the property or in any part of it;
- if the Public Trustee publishes notice in the *Gazette* that the Public Trustee has ceased to be manager of the property;
- if the Public Trustee transfers or delivers the property to the owner or the owner's agent or administrator.

The termination of the Public Trustee's management of property does not affect any charge acquired by the Public Trustee or the validity of any act or thing done by the Public Trustee while manager of the property.

Clause 42: Transfer of unclaimed property to Crown

If, after 20 years from the date of the publication in the *Gazette* of the order by which the Public Trustee was appointed manager of any land, no person has established a claim to the land and the Public Trustee has not become aware of the existence and whereabouts of any person who has a claim to the land—

- the land vests in the Crown (if it has not previously been sold by the Public Trustee under this Part);
- money held by the Public Trustee and derived from the land must be paid to the Treasurer for the credit of the Consolidated Account.

If, after 7 years from the date of the publication in the *Gazette* of the order by which the Public Trustee was appointed manager of any property other than land, no person has established a claim to the property and the Public Trustee has not become aware of the existence and whereabouts of any person who has a claim to the property—

- the property vests in the Crown (if, in the case of property other than money, it has not previously been sold by the Public Trustee under this Part);
- money held by the Public Trustee and derived from the property must be paid to the Treasurer for the credit of the Consolidated Account.

PART 7
FINANCIAL AND OTHER PROVISIONS

Clause 43: Expenditure of money on land

The Public Trustee may, with the consent of the Minister—

- acquire an interest in land (either improved or unimproved) for use in carrying out the Public Trustee's operations; and
- erect a building on the land or alter an existing building; and
- provide plant, fixtures, fittings or furniture in connection with any such building.

The Public Trustee may—

- lease, or grant rights of occupation in relation to, part of any land or building acquired or built under this proposed section; or
- otherwise deal with any such land or building in a manner approved by the Minister.

Clause 44: Fee for administering perpetual trust

The Public Trustee may charge against a perpetual trust administered by the Public Trustee an administration fee in respect of each month of the Public Trustee's administration of the trust.

Clause 45: Public Trustee's charges

Subject to this proposed section, the Public Trustee may charge against each estate under the control of the Public Trustee commission and fees (in addition to fees otherwise provided for under this or any other Act and proper expenses in connection with the estate)—

- at rates or in amounts fixed by the regulations; or
- at rates or in amounts determined by the Public Trustee in particular cases subject to maxima or minima rates or amounts fixed by the regulations.

Commission, fees, costs and expenses to be charged against an estate may be deducted by the Public Trustee from money received for the estate or from money in the estate or, with the approval of the Court, be raised by sale or mortgage of, or other charge on, property of the estate (together with the costs and expenses of so raising them).

The Court may, in any event, on application by the Public Trustee or any person interested, if it considers that it should do so having regard to the special circumstances of a particular case—

- fix the commission to be charged at a higher or a lower rate than that fixed or allowed under the regulations; or
- direct that no commission be charged.

Clause 46: Bank accounts, investment and overdraft

The Public Trustee may establish and maintain bank accounts into which he or she may pay money deducted or raised by way of commission, fees, costs or expenses and any other income of the Public Trustee to be applied towards the Public Trustee's operating costs and expenses, etc.

The Public Trustee may, with the approval of the Minister—

- borrow money on overdraft from a bank; and
- deposit with a bank as security for the overdraft any securities representing money invested in a common fund.

Clause 47: Tax and other liabilities of Public Trustee

Except as otherwise determined by the Treasurer, the Public Trustee is liable to pay to the Treasurer, for the credit of the Consolidated Account, such amounts as the Treasurer from time to time determines to be equivalent to—

- income tax and any other taxes or imposts that the Public Trustee does not pay to the Commonwealth but would be liable to pay under the law of the Commonwealth if it were constituted and organised as a public company or group of public companies carrying on the business carried on by the Public Trustee; and
- rates that the Public Trustee would be liable to pay to a council if the Public Trustee were not an instrumentality of the Crown.

This proposed section does not affect any liability that the Public Trustee would have apart from this proposed section to pay rates to a council.

Clause 48: Dividends

If the Minister (after consulting with the Public Trustee) approves payment of a dividend or interim dividend, the Public Trustee must pay the dividend or interim dividend so approved to the Treasurer for the credit of the Consolidated Account in the manner and at the time or times approved by the Minister and the Treasurer after consultation with the Public Trustee.

Clause 49: Responsibility of Government for acts of Public Trustee

Any liability incurred by the Public Trustee may be enforced against the Crown but the extent of the Public Trustee's liability in a particular case is no greater than that of a private trustee in a similar case.

Clause 50: Accounts and external audit

The Public Trustee must cause proper accounts to be kept of its financial affairs and financial statements to be prepared in respect of each financial year and the Auditor-General may at any time, and must in respect of each financial year, audit the accounts and financial statements of the Public Trustee.

Clause 51: Annual reports

The Public Trustee must, within three months after the end of each financial year, deliver to the Minister a report on its operations during that financial year and the Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after his or her receipt of the report.

Clause 52: Certain documents may be deposited with Public Trustee for safe keeping

The following documents may be deposited for safe custody with the Public Trustee:

- a will of which the Public Trustee is appointed the executor or one of the executors; or
- a settlement, declaration of trust, or other instrument by which a trust is declared or created concerning property of any kind where the Public Trustee is appointed the trustee or one of the trustees; or
- any other document prepared by the Public Trustee.

Clause 53: Certificate by Public Trustee of appointment to act

A certificate executed by the Public Trustee certifying that the Public Trustee has been appointed or otherwise empowered to act in a specified capacity will be accepted in any proceedings, in the absence of proof to the contrary, as proof of the matters so certified.

Clause 54: Indemnity to persons having dealings with Public Trustee

No person entering into a transaction with the Public Trustee for which the authority of the Court is required is bound or entitled to require evidence that the authority has been given, further than the order or an office copy of the order giving the authority.

The receipts in writing of the Public Trustee for any money payable under this Act are a sufficient discharge for the money to the persons paying it and they will not afterwards be liable for any misapplication of the money.

Clause 55: Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for, the purposes of this Act.

SCHEDULE 1

Transitional Provisions

The schedule contains provisions of a transitional nature.

SCHEDULE 2

Amendment of Administration and Probate Act 1919

The schedule contains amendments to the *Administration and Probate Act 1919* consequential on the passage of this Bill.

Mr QUIRKE secured the adjournment of the debate.

RESIDENTIAL TENANCIES BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

Since coming to office Government has taken a very strong position on examining all regulatory frameworks, deliberately, carefully and in consultation with those affected by regulation. In January 1994, a Legislative Review Team was established by the Minister for Consumer Affairs to conduct a review of the regulatory framework of all legislation in the Consumer Affairs portfolio. One of the statutes the Review Team was asked to review, was the *Residential Tenancies Act 1978*.

The Review Team went back to first principles in their review of this Act and considered the rationale for the regulation of the relationship between landlord and tenant under a residential tenancy agreement. They looked at ways of streamlining procedures for the hearing of residential tenancy matters before the Tribunal and also had regard to the imbalance which is perceived to exist by the community between landlords and tenants. As a consequence of its review of the Act, the *Residential Tenancies Bill 1995* has been drafted.

The *Residential Tenancies Bill 1995* refocusses the role of administration and client service, which is offered by the Office of Consumer and Business Affairs and removes any perceived disparity which exists between the position of landlord and tenant. The new Bill also encourages the parties to a residential tenancy agreement, to resolve disputes and other matters arising out of the relationship, quickly, with recourse to a formal hearing only as a matter of last resort.

The Bill introduces a new and improved system for the payment and retrieval of security bonds by tenants and landlords. The payment of security bonds will be made direct to the Commissioner of Consumer Affairs rather than to the Tribunal, (as has been the case in the past) and the Commissioner will have the power to pay out bonds in an over the counter payment, where the consent of both parties has been obtained. In situations where there is no consent the Commissioner will, upon the application of either party, serve notice

of the application to the other party in a form the Commissioner considers appropriate giving them seven days in which to lodge a written notice of dispute with the Commissioner. Failure to respond will result in the Commissioner being empowered to make a payment in accordance with the terms of the application. If the party responds to the notice and indicates that the application is disputed, the matter will be referred to the Tenancies Tribunal. This procedure is similar to one already in operation in New South Wales and should lead to efficiencies in the administration of residential tenancies.

Another innovation contained in the Bill is a provision which allows for interest which has accrued on a security bond whilst in the Residential Tenancies Fund to be paid to the tenant, if the bond is redeemed by the tenant. It is hoped that interest payments to tenants will encourage them to actively recover their security bond and thereby obtain an interest payment, which should overcome, to a large extent, the practice which has developed of tenants breaching residential tenancy agreements by ceasing to pay rent prior to termination of the agreement, in the knowledge that the security bond will cover the landlord for the rental lost.

One of the most prevalent complaints received by this Government from landlords has been in connection with the procedure and delay involved in the termination of residential tenancy agreements. Under the current Act, termination does not occur until either the landlord or tenant gives notice of termination *and* either the tenant delivers up vacant possession or the Tribunal makes an order terminating the agreement. It is proposed by the Government that, under the new *Residential Tenancies Bill*, a residential tenancy agreement can terminate or be terminated upon a prescribed notice of termination being served upon the tenant without the necessity for the tenant to deliver up vacant possession, or for an order of the Tribunal to terminate the agreement. This proposal was not agreed to by the majority of members in the Other Place. The Government will therefore be moving amendments to achieve its desired goals.

In recognition of the recent amendments that were made to the *Waterworks Act 1932* a new provision has been incorporated into the Bill which clarifies the position for landlords and tenants in relation to rates and charges for water supply. In essence, rates and taxes for water supply will be borne as agreed between the landlord and the tenant. In the absence of an agreement the landlord will bear the rates and charges up to a limit fixed or determined under the regulations and any amount in excess of the limit is to be borne by the tenant.

The Bill contains new provisions which clarify the issue of assignment and the rights of the respective parties, including the assigning tenant, the new tenant and the landlord at each step of the assignment process. The Bill also includes rights of redress for damage to property and indemnification for rent between assignee and assignor, for example.

Under the current Act, no protection is afforded to rooming house residents and their security and treatment varied according to the goodwill of their landlords. The exclusion of such persons from the current Act has meant that this form of occupancy arrangement remains substantially unregulated, with the law offering few protections and only limited and generally unsatisfactory mechanisms to resolve disputes between parties.

The issue of protection for persons in such accommodation has been raised on many occasions, significantly during previous reviews of the *Residential Tenancies Act* which were conducted in 1986 and 1992. The plight of persons in such accommodation has also been raised in a number of important reviews including the Human Rights and Equal Opportunity Commission's Inquiry into the Human Rights of People with Mental Illness (the Burdekin Report) in 1993.

In looking at the question of whether rooming house residents should be included under the Act, the Legislative Review Team considered that it was vital that a form of protection was given, though not necessarily with the same procedures and legal form as those applying to other forms of tenancy. The Team was satisfied that although the nature of the form of occupation provided by rooming house arrangements was different from that applying in other tenancies, persons who had such living arrangements should have a mechanism to ensure that their rights of occupation, however limited, should be capable of being upheld in an accessible forum. Similarly, the proprietors of rooming houses should also be afforded the opportunity to resolve matters of dispute.

To leave this area without any form of regulation was not regarded as a tenable option as it would leave some of the persons most unable to pursue their legal rights in an even more vulnerable position. Occupants of rooming houses often include persons who are without family or community support and who are unable to afford other forms of living arrangements. In choosing to bring rooming house arrangements within the general scope of the Act, the Legislative review Team was sensitive to the fact that such a move might in effect result in over-regulation of the rooming house industry and could result in the closure of such premises leaving occupants with no place to go. This would obviously be an untenable result.

It is proposed that all rooming house residents and owners will be required to comply with prescribed codes of conduct to be encapsulated in regulations under the new Act. The codes represent a balanced and responsible approach to the situation. Penalties have been prescribed for non compliance with the provisions of a code and both rooming house residents and rooming house owners are entitled to apply to the Tenancies Tribunal in respect of questions arising under the codes of conduct.

It is further proposed that the *Residential Tenancies (Housing Trust) Amendment Act 1993* will be repealed in conjunction with the new *Residential Tenancies Bill 1995*. The 1993 amendment brought Housing Trust Tenancies within the jurisdiction of the *Residential Tenancies Act* and was passed by Parliament in December 1993. No date has ever been set for its proclamation. It is proposed that the new Tenancies Tribunal will have jurisdiction to hear and determine claims arising from tenancies granted for residential purposes by the Housing Trust. The forum at which Housing Trust eviction matters are currently heard is the Supreme Court of South Australia. By virtue of this change of forum, parties will now have a more equitable, cost and time effective process for the hearing of such claims.

In July 1994, a draft *Residential Tenancies Bill 1995* was released for the purpose of public exposure and to facilitate public comment during the recess of Parliament. The Bill was widely circulated and the Legislative Review Team received a considerable number of submissions from interested parties, on the Bill. As a consequence of the consultation process, the Government has incorporated a number of amendments into the Bill.

It is also the intention of the Government that this Bill apply to existing tenancies that have been under the *Residential Tenancies Act 1978*.

One contentious issue is the status of the Residential Tenancies Tribunal. The Bill currently provides for the continuation of the Residential Tenancies Tribunal. The Government considers that it is necessary to adopt a new approach to the constitution and status of the Tribunal. It will therefore be moving amendments to constitute a new Tribunal to be headed by the Chief Magistrate, and constituted by the other magistrates and, if appropriate, various legal practitioners. The Tribunal would be a participating Court under the *Courts Administration Act 1993* and have a new focus and administrative approach. The Government considers that this will lead to greater efficiencies, and contribute to a further rationalisation of the Tribunal system that applies in South Australia.

The Bill seeks to achieve balance between the rights of the landlord and the rights and needs of the tenant, providing more efficient and less time-consuming (and unreasonable) bureaucratic processes to achieve that balance.

The Government bill was amended in a number of other respects in the Other Place. Amendments will be moved in this House in order to achieve the various reforms to the Residential Tenancy laws that the Government considers necessary and desirable as part of its review of the consumer legislation that applies in this State.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

The new Act may be cited as the *Residential Tenancies Act 1995*.

Clause 2: Commencement

The Act will come into operation on a day or days to be fixed by proclamation.

Clause 3: Interpretation

This clause sets out various definitions required for the purposes of the measure. Many of the definitions are consistent with definitions in the current Act. New definitions include terms relating to rooming house agreements.

Clause 4: Presumption of periodicity in case of short fixed terms

This clause addresses the issue of tenancies that are of short duration. A tenancy of 90 days or less will be taken to be a periodic tenancy (that continues from period to period) unless the landlord establishes that the tenant genuinely wanted a short term tenancy, or that the tenant has received an appropriate notice in the prescribed form.

Clause 5: Application of Act to agreements

The Act will generally apply to residential tenancy agreements. There will be various exemptions from the application of the Act, as is the case with the current Act.

PART 2
ADMINISTRATION

Clause 6: Administration of this Act

The Commissioner will be responsible for the administration of the Act.

Clause 7: Ministerial control of administration

The Commissioner will, in the administration of the Act, be subject to control and direction by the Minister.

Clause 8: The Commissioner's functions

This clause sets out the various functions of the Commissioner in relation to residential tenancy matters and matters concerning rooming house agreements. The functions are similar to section 11 of the current Act.

Clause 9: Immunity from liability

The Commissioner (and any other person acting in the administration of the Act) will be free of any liability for an honest act or omission in the exercise or purported exercise of functions under the Act. The provision is similar to section 12 of the current Act.

Clause 10: Annual report

The Commissioner will prepare an annual report on the administration of the Act, including a report on the administration of the statutory fund. Copies will be laid before both Houses of Parliament.

PART 3
RESIDENTIAL TENANCIES TRIBUNAL

Clause 11: Continuation of Tribunal

The existing Tribunal is to continue in existence.

Clause 12: Membership of Tribunal

Members of the Tribunal will be appointed by the Governor. There will be a President of the Tribunal who must be a legal practitioner

Clause 13: Remuneration

A member of the Tribunal will be entitled to remuneration, allowances and expenses determined by the Governor.

Clause 14: Registrars

The Tribunal will have a Registrar.

Clause 15: Registrar may exercise jurisdiction in certain cases

A Registrar will be able to exercise the jurisdiction of the Tribunal in prescribed situations.

Clause 16: Immunities

A member or officer of the Tribunal will not incur any liability when acting in his or her official capacity.

Clause 17: Constitution

The Tribunal will in any proceedings be constituted by a single member.

Clause 18: Times and places of sittings

The Tribunal will be able to sit at any time and at any place.

Clause 19: Duty to act expeditiously

The Tribunal will, where practicable, determine proceedings within 14 days after they are commenced.

Clause 20: Offices of the Tribunal

The Tribunal will have offices at places determined by the Minister.

Clause 21: Jurisdiction of Tribunal

The Tribunal will have exclusive jurisdiction under the Act provided any monetary claim does not exceed $30 000.

Clause 22: Application to Tribunal

This clause sets out how applications are made to the Tribunal.

Clause 23: Tribunal's powers to gather evidence
Clause 24: Procedural powers of the Tribunal
Clause 25: General powers of the Tribunal to cure irregularities
Clause 26: Mediation
Clause 27: Interim injunctions, etc.
Clause 28: Interlocutory orders
Clause 29: Enforcement orders
Clause 30: Application to vary or set aside order
Clause 31: Costs
Clause 32: Obligation to give reasons

These clauses set out various procedural powers that are similar to provisions under the existing Act.

Clause 33: Reservation of questions of law

The Tribunal will be able to reserve a question for determination by the Supreme Court.

Clause 34: Appeals

An appeal will lie to the District Court.

Clause 35: Stay of proceedings

The effect of an order may be stayed if an appeal is lodged.

PART 4
MUTUAL RIGHTS AND OBLIGATIONS OF LANDLORD AND TENANT
DIVISION 1—ENTERING INTO RESIDENTIAL TENANCY AGREEMENT

Clause 36: Tenant to be notified of landlord's name, etc.

This clause sets out the information that a landlord must provide to a tenant.

Clause 37: Written residential tenancy agreements

A landlord will be required to ensure that a tenant (or prospective tenant) receives a copy of any agreement or document that the tenant (or prospective tenant) signs. A fully executed copy of the agreement or other document must be provided to the tenant within 21 days after the tenant signs the agreement or document and gives it to the landlord, or his or her agent.

Clause 38: Cost of preparing agreement

The landlord will be required to bear the cost of the preparation of any agreement or other document.

Clause 39: False information from tenant

It will be an offence for a tenant to give a landlord false information about the tenant's identity or place of occupation.

DIVISION 2—DISCRIMINATION AGAINST TENANTS WITH CHILDREN

Clause 40: Discrimination against tenants with children

This clause sets out various offences in respect of discrimination against tenants with children.

DIVISION 3—RENT

Clause 41: Permissible consideration for residential tenancy

This clause regulates the payments that a person may require or receive from a tenant (or prospective tenant) for a residential tenancy, or the renewal or extension of a residential tenancy.

Clause 42: Rent in advance

The rent payable in the first two weeks of a tenancy cannot exceed two weeks' rent. Furthermore, while rent remains up-to-date, further rent is not payable until the end of a rent period. It will be an offence to require a post-dated cheque in payment of rent.

Clause 43: Variation of rent

This clause sets out the various rules that are to apply with respect to the variation of rent. A tenancy agreement will be able to exclude or limit the right to increase rent and a tenancy agreement for a fixed term tenancy will be taken to exclude an increase in rent during the term unless it specifically allows for an increase. Subject to various qualifications, there must be at least six months between increases, and at least 60 days notice of an increase must be given.

Clause 44: Excessive rent

This clause gives the Tribunal the power to declare that the rent payable under a tenancy agreement is excessive and, if appropriate, to fix a new rate of rental.

Clause 45: Landlord's duty to keep proper records of rent

The landlord will be under a duty to ensure that a proper record is kept of rent received under a tenancy agreement.

Clause 46: Duty to give receipt for rent

A receipt for the payment of rent will be generally required. The receipt will need to include the date of payment, the name of the person making the payment, the amount of the payment, and details of the period and premises to which the payment relates. A receipt will not be required if the rent is paid into an account at a financial institution and a proper record of the payment is made by the landlord or his or her agent.

Clause 47: Accrual and apportionment of rent

Rent will accrue from day to day.

Clause 48: Abolition of distress for rent

A landlord will not be entitled to restrain goods of the tenant for non-payment of rent.

DIVISION 4—SECURITY BONDS

Clause 49: Security bond

This clause regulates the payment of security bonds. Only one security bond will be payable for a particular agreement, and a security bond must not exceed an amount determined under this provision. A landlord will be able to increase the amount required for a bond after two years (but not so as to exceed the statutory limit).

Clause 50: Receipt of security and transmission to the Commissioner

A receipt must be given in relation to the payment of a security bond. The bond must be lodged with the Commissioner for payment into the Fund.

Clause 51: Repayment of security bond

The Commissioner will be empowered to payout undisputed applications for the repayment of a security bond. Any dispute will

be determined by the Tribunal. A payment to a tenant will include interest at a rate fixed by the Minister.

DIVISION 5—TENANT'S ENTITLEMENT TO POSSESSION AND QUIET ENJOYMENT

Clause 52: Vacant possession, etc.

A tenant is entitled to vacant possession of the premises from the commencement of the tenancy (except if exclusive possession is not given by the agreement). It will also be a term of the agreement that the landlord does not know of any legal impediment to the tenant's occupation of the premises as a residence.

Clause 53: Quiet enjoyment

This clause sets out a tenant's right to quiet enjoyment of the premises.

DIVISION 6—SECURITY OF PREMISES

Clause 54: Security of premises

The landlord will be required to provide and maintain locks and other devices to ensure that the premises are reasonably secure.

DIVISION 7—LANDLORD'S OBLIGATION IN REGARD TO CONDITION OF THE PREMISES

Clause 55: Cleanliness

The landlord must ensure that the premises and ancillary property are in a reasonable state of cleanliness when the tenant goes into occupation.

Clause 56: Landlord's obligation to repair

The landlord must ensure that the premises and ancillary property are in a reasonable state of repair at the beginning of the tenancy and must keep them in such a state having regard to their age, character and prospective life. A tenant will be able to recover the costs of carrying out necessary repairs in some cases.

DIVISION 8—TENANT'S OBLIGATIONS IN RELATION TO THE PREMISES AND ANCILLARY PROPERTY

Clause 57: Tenant's responsibility for cleanliness and damage

The tenant will be required to keep the premises and ancillary property in a reasonable state of cleanliness, to notify the landlord of any damage to property, and to refrain from intentionally or negligently causing or permitting damage to property. The tenant will be required to give back the premises and ancillary property in a reasonable state at the end of the tenancy.

Clause 58: Alteration of premises

The tenant will need the landlord's consent to make an alteration or addition to the premises.

DIVISION 9—TENANT'S CONDUCT ON THE PREMISES

Clause 59: Tenant's conduct

The tenant must ensure that the premises are not used for an illegal purpose, that a nuisance does not occur, and that he or she does not disturb another person who resides in the immediate vicinity of the premises.

DIVISION 10—LANDLORD'S RIGHT OF ENTRY

Clause 60: Right of entry

This clause sets out the circumstances where a landlord may enter the premises.

DIVISION 11—RATES, TAXES AND CHARGES

Clause 61: Rates, taxes and charges

The landlord will be required to bear all statutory rates, taxes and charges (ie. local government rates, E & WS rates and charges and land tax) imposed in respect of the premises. However, the landlord and tenant may make an agreement about the payment of rates and charges for water and, in the absence of an agreement, the landlord will bear an amount for water calculated under the regulations, and the tenant will be responsible for the balance (if any).

DIVISION 12—ASSIGNMENT

Clause 62: Assignment of tenant's rights under residential tenancy agreement

This clause sets out the rules and procedures that are to apply if a tenant wishes to assign or sublet the premises. The tenant will be required to obtain the landlord's consent, and the landlord must not unreasonably withhold consent. However, the absence of consent will not invalidate an assignment unless the landlord is a registered housing co-operative. If consent is not obtained, the outgoing tenant remains liable to the landlord under the agreement (unless the landlord has unreasonably withheld consent), subject to the qualification that the continuing liability does not apply in the case of a periodic tenancy after a period of 21 days after the landlord became aware, or might reasonably to have become aware, of the assignment. The landlord will be able to terminate the tenancy in some cases if the tenant has made an assignment or sublet the premises without consent.

DIVISION 13—TENANT'S VICARIOUS LIABILITY

Clause 63: Vicarious liability

The tenant is vicariously responsible for an act or omission of a person who is on the premises at the invitation, or with the consent, of the tenant.

DIVISION 14—HARSH OR UNCONSCIONABLE TERMS

Clause 64: Harsh or unconscionable terms

The Tribunal will be entitled to rescind or vary a term of an agreement that is harsh or unconscionable.

DIVISION 15—MISCELLANEOUS

Clause 65: Accelerated rent and liquidated damages

A landlord must not include in an agreement a provision that requires a tenant, on a breach of the agreement, to pay all or any rent remaining under the agreement, increased rent, a penalty, or an amount by way of liquidated damages.

Clause 66: Duty of mitigation

The rules of the law of contract about mitigation of loss or damage on breach of a contract apply to a breach of a tenancy agreement.

PART 5
TERMINATION OF RESIDENTIAL TENANCY AGREEMENTS

DIVISION 1—TERMINATION GENERALLY

Clause 67: Termination of residential tenancy

This clause sets out the circumstances in which a residential tenancy will terminate.

Clause 68: Application of Part to SAHT

This Part will generally apply to SAHT (with a few exceptions and variations).

DIVISION 2—TERMINATION BY THE LANDLORD

Clause 69: Notice of termination by landlord on ground of breach of agreement

The landlord will, by written notice, in the form required by regulation, be able to require the tenant to give up the possession of premises if there has been a breach of the agreement.

Clause 70: Termination because possession is required by the landlord for certain purposes

The landlord will be able to give notice of the termination of a periodic tenancy on a ground set out in this clause. The period of notice for such a termination must be at least 60 days. A landlord who recovers possession of premises under this provision will not be able to grant a fresh tenancy over the premises for six months, unless the landlord obtains the consent of the Tribunal.

Clause 71: Notice of termination by South Australian Housing Trust

The South Australian Housing Trust will be able to give notice of termination on a ground prescribed by the regulations.

Clause 72: Termination of residential tenancy by housing co-operative

A registered housing co-operative will be able to give notice of the termination of a tenancy if the tenant has ceased to be a member of the co-operative, or no longer satisfies conditions specified by the agreement as being essential to the continuation of the tenancy. The co-operative must give at least 28 days notice of a termination under this provision.

Clause 73: Termination by landlord without specifying a ground of termination

This clause will allow a landlord to give notice of the termination of a periodic tenancy without specifying a ground of termination if the period of notice is at least 90 days.

Clause 74: Limitation of right to terminate

The approval of the Tribunal will be required if the landlord seeks to terminate an agreement where the premises are subject to a housing improvement notice, or are subject to rent control under the Act.

DIVISION 3—TERMINATION BY TENANT

Clause 75: Termination by tenant without specifying a ground of termination

This clause will allow a tenant to give notice of the termination of a periodic tenancy without specifying a ground of termination if the period of notice is at least 21 days or a period equivalent to a period of the tenancy (whichever is the longer).

DIVISION 4—SPECIAL CASES OF TERMINATION

Clause 76: Application to Tribunal by landlord for termination and order for possession

Clause 77: Application to Tribunal for termination and order for possession in relation to fixed term tenancies

Clause 78: Tribunal may terminate tenancy where tenant causing serious damage or injury

Clause 79: Tribunal may terminate tenancy in case of undue hardship

Clause 80: Tribunal may terminate tenancy for breach of agreement by landlord

Clause 81: Tribunal may terminate tenancy where tenant's conduct unacceptable

These clauses set out the various grounds upon which a person may apply to the Tribunal for an order for termination, and the conditions on which orders may be made.

DIVISION 5—NOTICES OF TERMINATION

Clause 82: Form of notice of termination

This clause sets out the information that must be included in a notice of termination under the Act.

Clause 83: Termination of periodic tenancy

This clause provides that a notice terminating a periodic tenancy will not be ineffectual because the period of notice is less than would, apart from the Act, be required at law, or the day on which the tenancy is to end is not the last day of a period of the tenancy.

DIVISION 6—REPOSSESSION OF PREMISES

Clause 84: Compensation to landlord for holding over

This clause entitles a landlord to apply to the Tribunal for an order for compensation if the tenant fails to comply with an order for possession.

Clause 85: Abandoned premises

The Tribunal will be able to make an order for immediate possession of premises if the Tribunal is satisfied that the tenant has abandoned the premises.

Clause 86: Repossession of premises

This clause regulates the repossession of premises.

Clause 87: Forfeiture of head tenancy not to result automatically in destruction of right to possession under residential tenancy agreement

This clause prevents another person taking possession of residential premises so as to defeat the tenant's rights to possession, without an order of the court or the Tribunal.

DIVISION 7—ABANDONED GOODS

Clause 88: Abandoned goods

This clause sets out the rules and procedures that are to apply in relation to abandoned goods.

Clause 89: Bailiffs

The system under which specially appointed bailiffs of the Tribunal are appointed is to continue.

Clause 90: Enforcement of orders for possession

A bailiff will be able to enforce an order for possession.

PART 6

RESIDENTIAL TENANCIES FUND

Clause 91: Residential Tenancies Fund

The Residential Tenancies Fund is to continue in existence. The Fund will be kept and administered by the Commissioner.

Clause 92: Application of income

Income derived from the Fund will be applied for specified purposes.

Clause 93: Accounts and audit

The Commissioner will be required to keep proper accounts in relation to the Fund. The Fund will be audited by the Auditor-General.

PART 7

ROOMING HOUSES

Clause 94: Codes of conduct

Clause 95: Obligation to comply with codes of conduct

Clause 96: Jurisdiction of the Tribunal

These clauses relate to rooming houses. It is proposed that the regulations will prescribe codes of conduct governing the conduct of rooming house proprietors and the conduct of rooming house residents. It will be an offence to breach a code. The Tribunal will have jurisdiction to resolve any question that arises under a code of conduct.

PART 8

DISPUTE RESOLUTION

Clause 97: Responsibility of the Commissioner to arrange for mediation of disputes

The Commissioner will be given responsibility to make arrangements to facilitate dispute resolution.

Clause 98: Mediation of dispute

A party will be able to apply to the Commissioner for the mediation of a dispute.

Clause 99: Statements made in the course of mediation proceedings

Evidence of admissions or statements made in the course of a mediation under this Division is not admissible before the Tribunal or a court.

DIVISION 2—INTERVENTION

Clause 100: Power to intervene

The Commissioner will be entitled to intervene in proceedings before the Tribunal or a court concerning a tenancy dispute.

DIVISION 3—POWERS OF THE TRIBUNAL

Clause 101: Jurisdiction of the Tribunal

This clause sets out the powers of the Tribunal in respect of a tenancy dispute.

Clause 102: Conditional and alternative orders

The Tribunal will be able to make conditional orders and alternative orders that take effect according to particular circumstances.

Clause 103: Restraining orders

The Tribunal will be able to make orders restraining persons in cases involving the threat of serious damage to property or personal injury.

DIVISION 4—REPRESENTATION

Clause 104: Representation in proceedings before the Tribunal

Special rules will apply with respect to representation before the Tribunal in tenancy matters under the Act. This provision is based on a comparable section in the current Act.

Clause 105: Remuneration of representative

This clause regulates who may charge for representing a party before the Tribunal under this Act.

PART 9

MISCELLANEOUS

Clause 106: Contract to avoid Act

An agreement or arrangement that is inconsistent with the Act is void to the extent of the inconsistency. A purported waiver of a right is void. It will be an offence to attempt to defeat, evade or prevent the operation of the Act.

Clause 107: Overpayment of rent

Any proceedings for the recovery of an overpayment of rent must be commenced within six months after the date of the overpayment.

Clause 108: Notice by landlord not waived by acceptance of rent

A demand for, or the recovery of, rent after the landlord has received notice of a breach of the agreement does not constitute a waiver.

Clause 109: Exemptions

The regulations will be able to confer exemptions from the operation of the Act.

Clause 110: Tribunal may exempt tenancy agreement or premises from provision of Act

The Tribunal will be able to grant exemptions under the Act, as is presently the case.

Clause 111: Service

This clause sets out the procedures for the service of a notice or document under the Act.

Clause 112: Regulations

This clause empowers the Governor to make regulations for the purposes of the Act.

Schedule: Repeal and Transitional Provisions and Consequential Amendments

The schedule provides for the repeal of the *Residential Tenancies Act 1978* and the *Residential Tenancies (Housing Trust) Amendment Act 1993*. The schedule also contains various transitional provisions. Consequential amendments are also made to the *Residential Tenancies Act 1987* on account of the abolition of the Residential Tenancies Tribunal.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (PAEDOPHILES) BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

It is well known that schools and other places where children are present for educational, recreational or other purposes periodically experience problems with people loitering in the vicinity of the school with no apparent business to be there. Occasionally people attempt to abduct or entice children away. For example, on inquiry, two officers of my Department were able to find 3 attempted abductions from two schools in their local areas last year.

South Australian police keep no figures on such incidents, but have advised that, in the past twelve months, there may have been up to fifty instances of known paedophiles identified by police loitering near school yards. Police also advise that, at present, no specific authority exists for police to deal with this problem.

This is clearly intolerable. The police must be given the necessary power to deal with such cases. The Government will not stand idly by while children, parents and people who work for and with children are frightened by strangers lurking about with no reason at all to be doing so. On the other hand, the powers that are given should not exceed those necessary to deal with the problem and should not be unfair or curtail individual liberty more than is necessary.

By the *Crimes (Amendment) Act*, No 129 of 1993, the Victorian Parliament enacted a summary offence of a person who has been found guilty of a sexually related offence loitering without reasonable excuse in or near a school, kindergarten or child care centre or any public place regularly frequented by children and in which children are present at the time of loitering.

The Victorian approach has not been taken in this instance because it is relatively inflexible and reactive in nature and goes beyond what is necessary to deal with the situation. Instead, the Government has devised a legislative solution which is more directly targeted, based on a variation of the well-known restraining order model. The advantages of this approach are:

1. it is flexible—the court can tailor an order to suit the situation presented to it;
2. it is preventive—not only can police act before anything more serious occurs, because the process is aimed at the individual, he will have very serious warning that he is under notice and that, if he continues, he will be in breach of a court order and punished;
3. it requires proof on the balance of probabilities rather than proof beyond a reasonable doubt;
4. the Victorian offence has the effect that any person convicted of a sexually related offence is liable to be arrested near a listed place for the rest of his life, whereas the scheme advocated here would allow a rehabilitated individual to present a case for variation or revocation to a court;
5. the suggested scheme is no more intrusive of civil liberties than the current system of restraining orders.

The applicable procedures and consequential provisions will be those specified in relation to ordinary restraining orders in Division 7 of the *Summary Procedure Act 1921*. 'Sexual offences' as defined in the Bill include rape, indecent assault, incest, sexual offences against children, child pornography, indecent behaviour and gross indecency, an offence involving child prostitution, prurient interest, and any other offence (such as homicide or abduction) which there are reasonable grounds to believe also involved the commission of one of these sexual offences. It also includes equivalent offences committed outside South Australia.

The general power will confer a wide discretion, because the circumstances to which it is directed are many and varied. It is nevertheless desirable to direct the attention of the court to factors which it should take into account in these cases. They should include:

- whether the behaviour has aroused or may arouse reasonable apprehension or fear in a child or other person;
- whether there is reason to think that the person will, unless restrained, commit a child sexual offence or act inappropriately in relation to or towards a child;
- any prior criminal record of the person;
- any evidence available as to any sexual dysfunction suffered by the person;
- any apparent pattern in the person's behaviour, any justification offered for it and any apparent connection between the behaviour and the presence of children; and
- any other matter the court thinks relevant.

Section 68(2) of the *Correctional Services Act* specifies the matters to which the Parole Board must have regard when fixing parole conditions. It is proposed that the list be added to by including the possibility of a parole condition which would be the equivalent of a restraining order of the kind proposed, and, as well, the possibility of a condition preventing the parolee from undertaking voluntary or remunerative work with children or at a place used for the education, care or recreation of children.

The incidence of paedophiles hanging about near places where children congregate with a view to the gratification of a prurient interest or worse, with the intention of abducting a child, may not be very high. I do not want this Bill to be carrying the message that there is an epidemic of these incidents or that communities should panic. Quite the reverse. The fact is that there is a problem, there is a gap in the law for dealing with it, and the Government proposes that the gap should be closed in an effective manner that pays respect to individual liberty.

I commend the Bill to the House.

Explanation of Clauses

Part 1: Preliminary (clauses 1 to 3)

This Part includes the short title of the proposed Act, provision for commencement of the proposed Act by proclamation and the standard interpretation provision for Statutes Amendment Acts.

Part 2: Amendment of Summary Procedure Act 1921

The purpose of these amendments is to introduce a new type of restraining order that the Court may make restraining a person from loitering, without reasonable excuse, near a school, public toilet or place at which children are regularly present, while children are present (a paedophile restraining order).

Clause 4: Amendment of s. 4—Interpretation

The definition of restraining order is amended to include paedophile restraining orders. Consequently, the procedural provisions relating to the existing type of restraining orders (including provisions for the making of complaints, telephone applications and for variation or revocation of orders) will apply to paedophile restraining orders.

Treating the new orders as restraining orders will also mean that the provisions of the *Criminal Law Sentencing Act* enabling a court to impose a restraining order on sentencing an offender will extend to imposing a paedophile restraining order in appropriate circumstances.

Clause 5: Insertion of s. 99AA—Paedophile restraining orders

This clause provides that a restraining order may be made against a person found loitering near children (as defined) in the following circumstances:

- if the person has, within the previous 5 years, been found guilty of a child sexual offence (as defined); or
- if the person has, within the previous 5 years, been released from prison after serving a sentence for committing a child sexual offence (as defined); or
- if the person has loitered near children (as defined) on at least 2 occasions and is likely to do so again.

In each case the Court must be satisfied that the making of the order is appropriate in the circumstances and in determining whether to make an order and the terms of the order, the Court is required to have regard to certain factors. Consideration of these factors provides a better understanding of the purpose of this type of restraining order. The specific factors are:

- whether the defendant's behaviour has aroused, or may arouse, reasonable apprehension or fear in a child or other person;
- whether there is reason to think that the defendant may, unless restrained, commit a child sexual offence (as defined) or otherwise act inappropriately in relation to a child;
- the prior criminal record (if any) of the defendant;
- any evidence of sexual dysfunction suffered by the defendant;
- any apparent pattern in the defendant's behaviour, any apparent connection between the defendant's behaviour and the presence of children and any apparent justification for the defendant's behaviour.

The Court is empowered to tailor orders to particular circumstances (for example, limiting the order to prohibiting loitering near public toilets, if the defendant's pattern of behaviour indicates that this is the only likely source of concern) or to issue a general order prohibiting loitering near children in all circumstances.

Child sexual offence is defined broadly to include offences involving indecency or sexual misbehaviour.

Loiter near children is defined to mean loiter, without reasonable excuse, at or in the vicinity of a school, public toilet or place at which children are regularly present, while children are present.

Clause 6: Amendment of s. 99D—Firearms orders

This amendment ensures that firearms orders are not an automatic adjunct of paedophile restraining orders as they are of existing restraining orders.

Part 3: Amendment of Correctional Services Act 1982

The purpose of these amendments is to require the Parole Board to consider imposing parole conditions on a prisoner released after serving a sentence for committing a child sexual offence designed to limit the general access of the prisoner to children.

Clause 7: Amendment of s. 4—Interpretation

A definition of child sexual offence is included. The definition is the same as that included in the *Summary Procedure Act*.

Clause 8: Amendment of s. 68—Conditions of release on parole
The conditions that the Board is required to consider imposing are:

- a condition preventing the prisoner from loitering near children (as defined in the *Summary Procedure Act* amendments);
- a condition preventing the prisoner from engaging in remunerative or voluntary work with children or at a place used for the education, care or recreation of children.

Mr ATKINSON secured the adjournment of the debate.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 2461.)

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I will make a few general comments in rounding up the second reading debate. I was quite staggered last night, as I sat here and listened to all of the contributions, by the amazing array of comments that came from the Opposition. It went from total condemnation of the use of certificates of exemption as far as the Liberal Government was concerned to recognising that, in some areas, the use of the certificates was a very helpful method if you happened to be a Labor Government, including the fact that there was a very significant concern about the High Court decision and any effect that might have had on the decision the Government has made. Clearly, the reason that we are in the House to sort this out is because the certificates of exemption that were issued by me as Minister were okay if you were a Labor Government but not okay if you were a Liberal Government. It is interesting to note that those—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: The principal reason that the Opposition did not take it to the High Court was that it had the Shop Distributive and Allied Employees Association prepared to sit down and be calm as long as the Labor Government did it but, if the Liberal Government did it, it was immediately a concern. One of the very interesting comments in the debate was the lack of concern expressed by the Opposition for consumers. It seems to me that those people who pay the way for the owners, the people who pay the way for the employees—the consumers—were ignored by the Opposition totally in the debate last evening.

The Opposition suggested some very interesting methods. One method was to sit down with the major players in the game—the retail industry, retail employers and the unions—and sort it out. If we had a situation where the retailers were all considered to be of one voice it might be easy. If we had a situation where the union had more than 20 per cent it might be easy. But when you have a situation where the union does not have any more than 20 per cent of employees in the city area—and I suspect that if you have a really close look (and that will occur over the next few days) you will find that the union membership is even lower than that—it is very difficult then to sit down and get this so-called easy way out, as the Labor Opposition suggested.

There were many points made in the debate last night and there are a few that I should comment upon. I have already mentioned the issue of the full bench decision in the High Court. We were quite surprised that it was five-nil, but they are the facts of life. What was not mentioned last night was that in our own Supreme Court there was, in fact, a reverse decision. Whilst the High Court obviously has the final say, obviously a couple of judges in South Australia thought that what we did was correct. Prior to the previous election, one of those judges was involved in a decision which basically said that the use of those certificates was invalid at that time. Even though it was not taken further, the suggestion was clear that that was the case.

It is unfortunate that a process that was used for some 12 years has caused us to return to Parliament to sort it all out, because not only what we did as a Government has been proved to be invalid but all the certificates issued by the previous Government in that period have also been deemed to be invalid. As a consequence, many more issues have arisen in relation to this Bill. Concern has been expressed regarding the backbench of the Liberal Party. One of the fascinating aspects that has arisen is that we know for a fact that at least three former Ministers very strongly publicly, privately and within the Labor Party have put forward not only partial but in one instance total deregulation. At least three of the former Ministers clearly support the need to open up our city for Sunday trading, and one in particular would like to remove all the regulations totally.

Members of the Labor Opposition say that they are pro small business. That is quite an amazing statement to put to this Parliament when we recognise that in regard to trading on five weeknights the previous Government came to an arrangement with Woolworths and Coles but was not able to pull off an arrangement with the other major supermarket chain, which is predominantly small business: in that one fell swoop, by the use of a certificate, it would have wiped out every delicatessen of any note; put at risk all the petrol stations and the delicatessen operations that go with them; and put at risk the Foodland supermarkets and all the other privately owned supermarkets and small businesses. The Opposition says that it is pro small business, yet in one fell swoop it tried to write off in our State the whole small business retail industry.

I have been fascinated also by the arguments about consultation. Looking at the papers that were put forward by the previous Government to Cabinet, the only consultation was with the union, with Woolworths and with Coles: there was absolutely no consultation at all with the small operators in the small retail industry, and that is why they revolted. That is why they came to us when we were in opposition and asked that we do something about getting rid of this ridiculous situation of trying to introduce the retail industry to trading five nights a week in one fell swoop. We know why it was done: it was done primarily because the Shop Distributive and Allied Employees Union said 'Jump', and how high they jumped.

When you look a bit past that, you realise that the criticism that this Government has copped in relation to donations pales into insignificance in comparison with the donations that have been made over the years by the SDA.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Whilst you can always find out where it has come from, you can never say in this place that it is not a matter of how high you jump, because you can see from the discussions in this Parliament exactly where the Opposition stands when you look at the size of the donations. Listening to all the speeches that were made last night, you continually hear, 'Go and do a deal with the union and then we are okay.' That was the whole gamut of the second reading speeches made in this Chamber last night by the Opposition. They say, 'If you do a deal, we will be happy; then we can fall over and it will be okay.' What an amazing situation: the South Australian community is to be held at

ransom by the Labor Party and its union by their saying, 'If you can get the retailers, small and large, to do a deal with our union, we will walk away and we will support this but, if you do not do that, we will hold it up.' That is notwithstanding the fact that that same union has publicly said that it has less than 20 per cent of members right throughout the retail industry. As I said earlier, I would suspect that, in the city stores, it has even less than 20 per cent of union membership.

While I understand minority groups and minority oppositions, because I have been there for some time in my life, we find in this area that we have only the union, some small retailers and the Labor Party opposing this issue and so we have to wonder what the whole exercise is all about.

I intend to respond to a couple of minor points. In its amendments the Labor Party seeks to bring Friday night trading back to the suburbs, yet the position facing us and consumers is clearly that there is not a need or desire for suburban trading anywhere near the demand for Friday night trading in the city. Clearly, all the small retailers in the food industry and those in general shopping centres have said, 'It is absolutely dead in terms of Friday night shopping.' In essence, we have the Opposition suggesting that that provision should be continued.

A bit of nonsense was also talked last night about employees having less work during the week and consequently having to make that up at the weekend. The advice I have been given is that, even though stores are opening later, staff are actually starting work at the same time. We have had this furphy being run around by the union that weekday employees, who are usually the permanent employees, have fewer hours during the day, but that is absolute nonsense. That was confirmed to us only last night by two of the major retailers who are opening later but who are starting their staff at exactly the same time as they always have.

Mr Atkinson interjecting:

The Hon. G.A. INGERSON: A whole lot of nonsense was spoken about that today.

Mr Atkinson interjecting:

The Hon. G.A. INGERSON: No, they did not. They told you to go off and rework the whole thing. If you rework the whole thing, you might get a chance to get the Federal award. You have not jumped over the first technicality. If you do not believe that, ask the secretary, because he will tell you. You have not jumped over the first hurdle, and you know that as a former assistant secretary.

Mr Atkinson interjecting:

The Hon. G.A. INGERSON: We have the union running around saying that all these poor full-time employees will not get their full week's pay as they have historically been getting it and that they will have to work Saturday and Sunday. The truth is that they do not have to: they are working the same number of hours Monday to Friday as they were working before. It would be nice to hear the right story in Parliament instead of some of the nonsense that is going around.

Comment was made last night about a small retailer survey. The survey referred to two prime issues and the first was profitability. Any business and anyone who runs a business knows that profitability is gauged from the beginning of the week to the end of the week, whenever they trade. It does not matter whether it is Monday to Friday, Monday to Saturday or Monday to Sunday. I suggest that the people surveyed were not trading profitably Monday to Saturday and most of them probably are not trading profitably from Monday to Friday. We can poke more holes in that survey than any other survey. People need to ask legitimate questions if they are going to ask small business whether or not it wants such trading, but reasons were not given in the survey regarding those who wanted to open.

They did not mention in that survey that at least half the small businesses in the arcades do not want to open, because they have made the decision that it is not profitable for them to open on Sunday. They have made a choice. If they believed it would be profitable they would open, because they would know that the competition there would enable them to trade profitably. Some comments about leases were made by members opposite. As I have said many times in this place, if members produce some of these lease arguments we will do something about them, but they never seem to come forward. I am quite happy to take up that sort of issue. We have set up a new tribunal to look at this whole process. Let us get it to the tribunals and find out whether Westfields or other major landlords in the city are a problem; let us get it out in the open.

We have a tribunal there now. Do not just bring up these matters in here: put them to the tribunal and have them adjudicated upon. If those lease laws are not practicable, members should reintroduce them into this Parliament and we will look at them again. After all, only a month or so ago this Parliament sat down in conference and arrived at a compromise on what was the best outcome. If that outcome is not the most fair and reasonable one, members should introduce legislation in this House and let us sort it out again.

Finally, the most important issue that was ignored by the Opposition last night was the fact that, on average, 75 000 to 80 000 consumers week after week for the past six months have chosen to go into the City of Adelaide and shop on a Sunday. A very large number of them went into the City of Adelaide just for a bit of enjoyment—for some entertainment—but a very significant number of those 75 000 actually went in to shop. If you ask all the major and small retailers they will tell you that Sunday is one of their major days of trade; it has shifted.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Friday has always been important. That was another issue that came up last night. Anybody in the retail business would know that Friday, Easter Thursday and the Christmas eve are consistently the three biggest shopping days, year in, year out. Every Friday and those other two days—Easter Thursday and the last day of shopping before Christmas—have always been and will always be the most significant days. If you ask why, there is a very simple reason. Most people get paid on Thursday. If by far the majority in the community are paid on Thursday, when will they do their shopping? On Friday or Saturday, and anyone in the retail industry would know that. If you have not been in the retail industry you do not understand that. However, you do not have to be a Rhodes scholar to work out that Friday and Saturday morning are and always have been two of the most significant shopping days of the week.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr CLARKE: I move:

Page 1, lines 18 to 21—Leave out paragraphs (a) and (b).

The Minister made some points both in Question Time today and, more particularly, in his reply to the second reading debate this afternoon about the Industrial Relations Commis-

sion Full Bench decision involving the Shop Distributive and Allied Employees Association, Foodland and others regarding their application for a Federal award. The Minister has been straying somewhat from the truth with respect to the importance of that decision because, quite frankly, the decision was a bad one for the State Government in that a 3-nil decision by a Full Bench of the Federal Commission found the existence of a dispute on something like 144 of the clauses—claims made by the union—and it rejected six of the more outrageous matters in its log of claims.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: There was no dispute on the more outrageous claims, but in all other matters a dispute has been found and ultimately the way has been paved for the making of a Federal award by one of the most conservatively constituted benches one could find in that area involving the Australian Industrial Relations Commission. It is not exactly the miraculous victory for which the Minister was looking, but rather a continuation of the defeats that he suffers at his own hand on many of these issues, such as shop trading hours in which he recorded a 5-nil knockout by all High Court judges on his abuse of power under section 5 of the existing Act.

The Opposition opposes this clause and seeks to strike it out, as it would make hairdressing shops exempt under this Act. At the moment, a hairdresser who is a sole proprietor is exempt, and we have no opposition to the maintenance of that position with respect to the existing Act. However, the Opposition is concerned about the employment conditions of hairdressing employees generally. It is a lightly unionised area and, overwhelmingly, employees in that area are non-unionists. Many hundreds or thousands of small businesses employ a handful of staff, in many instances, and they could be subject to all sorts of duress and working hours that would be incompatible with proper employees' working and occupational health and safety conditions.

There is no provision in this Bill, as will be pointed out during debates on other clauses, to provide as an absolute blanket right for employees not to be forced to work on Sundays. When the Minister issued his certificates of exemptions, he did so with respect to hours of work and he also made it a condition that it was voluntary with respect to existing employees as to whether or not they were required to work. That is not contained in the existing legislation. Other than a beating of the chest and hand on the heart exercise by the Minister with respect to saying employees cannot be forced to work on a Sunday in the retail industry, there is no legal means by which any current employee in the industry would be able to enforce what the Minister says they are entitled to. Hence our opposition with respect to hairdressing shops.

Likewise with employees being potentially exploited in so far as working undue number of hours over seven days of the week, we are opposed to clause 3(b). At the moment, those shops that are exempt under the existing Act have a maximum number of employees that can be employed, that is, three, and the Government is seeking to withdraw that protective limit. In his original second reading explanation, the Minister says that he wants to get away from these anti-employment conditions under the existing Shop Trading Hours Act. The Minister will no doubt recall that the maximum number of employees of three was inserted by his own Leader, the now Premier, then Minister for Industrial Affairs, in the early 1980s, when three was included as a limit with respect to a hardware store in particular, and the whole purpose behind it was to protect small businesses.

We all know that small businesses are by far the largest number of employers in this State, and many of those small businesses are owner managed and they need protection, as the member for Peake mentioned last night. I had the advantage of listening to the honourable member on the airwaves. I did not need the intercom system to hear him, and I read his contribution in the *Hansard* this morning and I agree with him totally with respect to the need to protect those small businesses from having their market share encroached on by the larger organisations. If we just allow that to happen willy-nilly, simply allowing the fittest to survive, we will have an undue monopoly situation with respect to South Australia and also cause immeasurable dislocation and pain to a number of small businesses, many of whom have their entire life savings tied up in those businesses and would have that severely put at risk by the relaxation proposed by the Minister.

With respect to our opposition to clause 3(d), that follows consequentially on our opposition to the provisions relating to hairdressing shops other than solely employed, and I refer to my comments concerning paragraph (a). Likewise with respect to paragraph (e), which is a consequential position on arguments I have already advanced with respect to the protection of small businesses, and that is the maintenance of the limit of the maximum of three employees able to work. With respect to our opposition to paragraph (h), so far as the definition of a public holiday is concerned, the Government's position is that that does not include a Sunday as being a public holiday. The current Public Holidays Act provides that a Sunday is a public holiday, and the Government's position at the moment with respect to this Bill enables Sunday trading to take place as an ordinary day; hence I will not go into our opposition to that in great detail. I will focus more particularly on the Opposition's position with respect to Sunday trading when dealing with clause 5(a)(1), where the Government specifically provides for trading hours on Sunday. That sums up our position with respect to the amendments to the whole of clause 3.

The Hon. G.A. INGERSON: First, the reason the Government has taken this action is that it was recommended under the shop trading hours inquiry, which we set up just after coming into Government. Secondly, I made a number of valid exemptions, but some are invalid. It is also because of that that we wanted to put it all in the legislation. Thirdly—and probably the most important of all—the Hairdressers and Cosmetologists Employers Association supported and requested that it be done. A couple of other comments were made by the Deputy Leader on which I need to comment, the first of which was about people being forced to work on Sunday. If the Deputy Leader looked up the award, he would find that it is only overtime work on Sunday and under the awards, as he would be aware, one cannot be forced unreasonably to work on Sunday in those overtime provisions. As he would know, any employee, either through their union or any representative, could take that into the commission and do something about it. That is a very common situation in most retail awards.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I suspect that most casuals are employed on a Saturday or a Sunday in any case. That is the prime reason why casuals are being brought into the extension of time, as it is currently being worked. Again, bringing a little bit of experience into this debate, most of us

who have been in the retail industry have full-time employees from Monday to Friday. If we work hours after that, we usually employ casual staff for Saturday and Sunday. Very few retail businesses whose hours extend into the weekend would not use casual staff. As the member for Spence would know, industry generally is being casualised; whether that is a good or a bad thing is a choice for the industry and the employer and the employee. Many employees would much sooner be paid a weekly rate, which includes their holidays and all the other benefits they get for the 20 per cent extra payment above the base award rate and have chosen, when asked by the employer, to use that method of payment. It may not be the best way to do it, but the reality is that many in the industry have chosen to do it.

In relation to the restriction of allowing only three people in the shops, I note the comment made by the Deputy Leader that the previous Minister (who is now the Premier) brought that in. He brought that in some 13 or 14 years ago, and it is out of date. It is fascinating to note that the Opposition, who was so pro-small business yesterday, is now saying to small business, 'We won't allow you to expand any more because, if you get busy and you require more staff, we don't want you to have any more staff. We will limit you to have only three.'

Therefore, the Opposition is saying to any hairdressing business in this category that wished to expand and employ more than three people, 'No, you cannot do that.' That is the most anti-small business restriction in this whole area. The Opposition is saying to those with a small business, 'We will not allow you to expand your business beyond three people.' That is what it is saying. If a business gets bigger and cannot provide service, customers will go somewhere else because that business is not competitive and not providing the service. The Opposition says, 'We will not let you do that.' This is unbelievable.

The very Party that is pro-employee is saying, 'I am sorry, but you are allowed to have only three people working in a shop at any one time.' What a crazy situation. I would have thought that, if the Labor Party supported any clause, it would be that which opens up opportunities for more employees to work in small business. Of course, it does not apply to the bigger businesses because they are not allowed to open. To all of those businesses that are currently open, the Opposition is saying, 'Sorry, we do not want you to have any more employees.' I find that comment quite amazing. We oppose the amendments moved by the Opposition.

Mr CLARKE: The requirement to allow a maximum number of three persons will protect small business, because ultimately the larger companies will put pressure on the Government of the day—and the Minister has experienced that type of pressure—and they will say, 'If small businesses are able to trade and generate revenue as exempt shops seven days a week and can have 10 employees, or whatever, we also must be able to trade.' They will put pressure on backbenchers opposite, but more particularly on the Government, to open up the industry for seven day trading; they will want open slather across the board.

It is as simple as that, and that is why we are trying to protect the interests of small retailers. The last point deals with the compulsory employment of people on Sundays. The Minister refers to the current award, which provides for overtime penalties for work on Sundays because, under the Act, Sunday is defined as a public holiday. If the Minister gets his way with respect to this legislation, Sunday will no longer be a public holiday; it becomes an ordinary day and people will work in ordinary time. As a result, employees will not be entitled to overtime on a day which is ordinary time, and the normal Federal award provisions which apply for seven day trading on Sundays will come into force.

Employees are not protected by saying, 'You can't make me work unreasonable overtime hours', because they become ordinary hours of work and an employee can be forced to work those hours. There is nothing in this Bill which protects existing employees. I am not talking about future employees, who will be engaged under a contract of employment and will know their working conditions. Existing employees will be told, 'You have a legal obligation to work on a Sunday whether or not you like it.'

The Hon. G.A. INGERSON: I am advised that that is not correct, and I will provide the necessary documentation to the Committee to confirm that advice because the Deputy Leader is not correct. In relation to public holidays, the reality is that once we have Sunday trading, and if the definition is not changed as it relates to public holidays, it will mean that every Sunday is deemed to be a public holiday. That is not meant to be the situation.

Mr ATKINSON: Is there anything in this clause that would prevent a major grocery store, such as an ordinary Woolworths, Bi-Lo or Coles outlet, partitioning off a section of the supermarket so that it would come under the square metre requirement and could trade on a Sunday provided it was using only the required number of staff?

The Hon. G.A. INGERSON: The current position is that you must trade with that barrier there on a regular basis; in other words, during the week. This does not change that status in any way.

Mr EVANS: When the Minister claimed that the Deputy Leader of the Opposition was incorrect, did he mean that he was incorrect in relation to employees having to work on a Sunday or in relation to employers not having to pay overtime on a Sunday because a Sunday is no longer classed as a public holiday?

The Hon. G.A. INGERSON: The Deputy Leader was incorrect when he said that workers can be compelled to work on a Sunday, because the awards clearly state that overtime applies on a Sunday, and under any retail award an employee is not required to work in an unreasonable fashion if overtime is part of it. The public holiday factor does not come into it at all. Quite simply, the awards state that in an overtime period no-one is required to work unless they wish to. That is fundamentally the definition of 'overtime'.

Mr CLARKE: I do not wish to labour the point, but the Minister is fundamentally wrong on that point. I know that we disagree, but I will back my industrial judgment against the Minister's.

Amendment negatived; clause passed.

Clause 4—'Certificate as to exempt shop.'

Mr CLARKE: I move:

Page 2, lines 32 to 37 and page 3, lines 1 to 4—Leave out this clause and substitute the following:

Repeal of s.5

4. Section 5 of the principal Act is repealed.

The Opposition seeks to repeal section 5 of the principal Act. The Government's Bill tries to overcome the position in which the Government finds itself with respect to the High Court whereby it can issue partial exemptions under section 5 of the principal Act. As the Committee may be aware, the High Court ruled that under section 5 one could not be, in effect, a little bit pregnant: either you are exempt or you are not. The Government granted partial exemptions with respect

to the trading hours under which one traded, not a total exemption.

The Opposition asserts that section 5 of the principal Act is no longer required because the Government's amendments to clause 5 (section 13 of the principal Act) allow for all the circumstances to which the High Court refers. In fact, should a special event be required—for example, if we happen to keep the Grand Prix in 1996 and thereafter—under section 13 of the Act the Minister could, by proclamation, grant trading rights on a Sunday for periods of up to a month. So, the Minister is still free to issue such proclamations under section 13, as provided for in the Government's Bill, for very special events even if for only one day, such as, for instance, Harris Scarfe's one hundred and seventy-third birthday or something of that nature.

All of those can be catered for by the issue of a proclamation with respect to clause 13. All it does with respect to the attempt to retain section 5 of the principal Act, as amended in the Bill, is allow the Government even further licence to issue certificates willy-nilly for any reason and to do so either in whole or in part. For those reasons, we think that, given the misuse of section 5 by this Government to try to circumvent Parliament last year, it would be best done away with altogether. No violence will be done to those special events at special times of the year when the Government, by proclamation, can grant periods of up to a month during which special trading conditions can apply.

The Hon. G.A. INGERSON: I find it amazing that the Opposition should want to wipe out this section, because it made an art form of using it. No-one did it better or used it to such an extent as the previous Government. I am advised that there are 146 section 5 certificates which grant total exemption at the moment. If this clause is knocked out, all of those total exemptions, which the previous Government granted, will also be knocked out. There would have to be a whole set of new rules under the existing Act for the furniture, hairdressing and other areas. At the moment they have total exemptions which the High Court says are valid. Now the Opposition wants the invalid and valid ones to be wiped out. There is a purpose in leaving it in if only for that reason.

Any future Government will clearly recognise that it cannot under that section use any partial exemptions which might be for specific shop arrangements. There are plenty of examples. Many stores make in-house charity arrangements for which they want special exemption from 7 to 9 o'clock at night. They are store specific. Many carnivals are carnival and town specific. The proclamations are basically district specific. We need the ability under the Act to exempt for stores specific exercises. Primarily that is why we want to amend the Act to include certain hours.

For example, caravan and camping outlets trade once a year, usually in January on a Sunday from 10 till 4, because they have an industry promotion. Various stores in shopping districts may wish to trade on Easter Saturday to service tourism. Predominantly, these are the sorts of one-off certificates of exemption which have been used by the previous Government and by this Government. There have been no complaints at all about using them in that area. I understand why the High Court made its decision. It was because we virtually proclaimed a whole shopping district as an exempt area using these exemptions. That was the advice we were given, but it turned out to be wrong. The previous Government did it on many occasions as well. Both small and large businesses apply for these special exemptions. Predominantly, most of them are for specific district and/or charity events. If we are to continue to allow that to occur we need to have this special provision. The Government opposes the amendment.

Amendment negatived; clause passed.

Clause 5—'Hours during which shops may be open.'

Mr CLARKE: I move:

Page 3, line 14—Leave out paragraph (d).

This is the bobby-dazzler of the Bill as far as the Government is concerned, because it deals with the granting of the right for Sunday trading in the central business district. I have followed that debate over the past 24-hours with a great deal of interest and, as the Minister has pointed out, a great deal has been said. However, the Minister needs to appreciate that there is overwhelming opposition by significant interests within our community, who are opposed to the extension of Sunday trading. As the member for Davenport pointed out only last night and only too accurately, the moment this Parliament votes for an extension of Sunday trading with respect to the central business district it will inevitably lead to the extension of Sunday trading in the suburbs and basically *carte blanche* trading hours 7 days a week, 24-hours a day anywhere in the State of South Australia.

That is effectively what you will do if you vote for this Bill: it is as simple as that. The Westfields of this world will not rest until they wear any Government down, and they will say: 'If you do not grant us shop trading hours in the suburbs we will not invest, or in fact we will disinvest, in your State.' The Minister will buckle, and his Government will buckle. He is prepared to stand up with a rod of steel up his back for five minutes on this issue, but what about when the blow torch is applied to him, as has happened in this whole debate? Prior to the election, as shadow Minister for Industrial Affairs, the Minister said that there would be no extension of Sunday trading. He in fact stood on the steps of Parliament House and said it on 8 December 1993. He said it on numerous occasions prior to the election, and he said he would cancel the hours for the supermarkets Monday to Friday.

The blow torch was applied to the Minister and to the Government by the big end of town with respect to retailers, who insisted, at the very minimum, that if they could not get across the board trading hours with respect to Sunday trading they wanted the CBD. They know it is the first step. You only have to talk to any representative of the major retailers, as I and as no doubt a number of members have done, to appreciate that they know this is but stage one of ultimate deregulation across the board. That may suit the Minister's personal objectives or whatever; however, that is not what he and his Party went to the election on in 1993.

That is not what was promised to the electorate, and the Labor Party has been entirely consistent with its position with respect to this matter. We are not stuck in the mud; we do move with the times. For those who have accused the Labor Party of being a troglodyte on this matter I simply point out that the most significant advances with respect to trading hours over the past 20 years were made under a Labor Government regime—such as in 1977 with respect to trading hours on Thursday and Friday nights and with the extension of all day Saturday trading, and we paid a political cost at each of the elections that followed.

There was also the extension of supermarket trading Monday to Friday in the lead up to the last State election. We paid a price on that occasion as well. But at least we went to the people with clean hands, because we did it before the

election and not after the election and after what we promised. I listened with a great deal of interest to the member for Colton last night, and I will not go through it all again because the case was well put by a number of members from our side of the House last night. But the member for Colton got front page headlines in the *Sunday Mail* and the *Advertiser* saying, 'Give me the 50 000 signature petition from the SDA. I will present it to Parliament. I will cross the floor, because I will never go against what I promised the people before the last election, and I promised the people before the last election that I was opposed to the extension of Sunday trading. I will continue that opposition when I get into Parliament.' Last night we saw a giant backflip from the member for Colton who, like the Minister for Industrial Affairs, has a rod of steel up his spine until such time as the blow torch is applied.

What makes us so interested in this debate is that the member for Colton also claimed in the Patawalonga debate to support the concerns of constituents about Patawalonga effluent ending up on the doorsteps of West Beach residents. He claimed he would stand in front of bulldozers to prevent that happening. What faith can the people of Colton have in their member when he says he will lie in front of a bulldozer to prevent effluent going into West Beach, when one of the most sacred pledges he made as a candidate for the 1993 election is abandoned? Only eight months ago he was more than happy to take the kudos and publicity about the opposition to extended Sunday trading, but he has now done a giant backflip.

The member for Colton will say, 'I will stand rock solid on this issue. I will stand four square on my principles unless the Premier asks me to take a dive.' That will also happen with respect to his stance on the Patawalonga. I am also somewhat curious about the member for Unley's position on Sunday trading, because he put out a very cogent argument last night about why he opposed Sunday trading. It was beautifully put: he stood high and four square on his moral position on that matter, except that he said, 'I will do a Pontius Pilate. Because I am a member of the Liberal Party and the majority in the Party have decided to vote for extended Sunday trading, I am a Liberal and I will follow them, notwithstanding my personal convictions and promises to the local electorate, and what my own constituents and traders tell me.'

I do not mind Government members saying to the Labor Party, 'You sign a pledge and commit yourselves to abide by majority rule.' Yes, we do, and I am proud of it. I proudly wave it for all to see. In the Labor Party we make no secret of the fact that we sign a pledge and agree to abide by majority decisions. The electorate at large know that when it votes for a Labor candidate. We do not go around masquerading, as members of the Liberal Party do. They pretend that they are free thinkers who are free to do as they please; that no retribution will be wreaked upon them if they choose to vote with their conscience on particular issues. We do not masquerade like that: we operate as a majority rule unit and everyone in the community knows that. People know what they get when they vote for a Labor candidate in that regard. The member for Unley in his argument is almost as good as the ice skater Christopher Dean—there are so many twists and turns, dodges and weaves to avoid his real responsibility when he promised on numerous occasions before the last election that he would oppose Sunday trading.

He still believes in that and knows that that is what his electorate wants but, because he wishes to ingratiate himself with the Premier in the forlorn hope one day of becoming a Minister, he is willing to sacrifice his personal principles in respect of this matter and vote, as he said last night, in accordance with his Party's dictates.

Mr Kerin interjecting:

Mr CLARKE: I am sorry that the member for Frome did not contribute to this debate because he would know that a number of traders in the seat of Frome in Port Pirie are opposed to the extension of Sunday trading in the city, as a number of those traders have lost business. A number of country-based people, particularly in towns not so far from the city, travel to Adelaide to purchase goods and therefore there is a loss of trade in his own home district. It is difficult to get money into cities such as Port Pirie, and those people need every home grown dollar to stay within their local community to create employment. The fact that citizens of Port Pirie are coming to the city and trading on a Sunday is an employment disincentive to business in the honourable member's own city of Port Pirie. The honourable member knows that to be true, because a significant petition has already been organised and signed in his own city. If he does not know that, it proves that the member for Frome is really rural-based and not looking after the urban interests within his own electorate.

There are many such examples with respect to these about-faces, and the member for Florey was another one who roared like a lion before the last election and thundered that he would not support the extension of Sunday trading. I noted that he made a few kind comments about where I might have been last night. However, I was here in the Parliament listening to his contribution during that debate: I was not out looking for the vehicle that is assigned to me. The member for Florey should be honest about this issue, as have been the members for Davenport and Kaurna who, with respect to Sunday trading, are prepared to say, 'We gave certain commitments; we are going to honour them and oppose the extension of Sunday trading.'

Let us not be overwhelmed by the survey commissioned by the Retail Traders Association to which the Minister and other members of the Government referred last night. Whilst I do not impugn the integrity of the results *per se*, I must say that the questions that were asked elicited the sorts of answers that those who commissioned the survey wanted. It is similar to asking that hoary old question: do you beat your wife every Sunday? Of course, you know that you are seeking a 100 per cent, or at the very best, a 99.99 per cent 'No' response. I do not question the integrity of the market research company, but I point out that, depending on the way you phrase questions, you can always get the answers that you want.

However, a question that is very difficult to phrase in that regard is one in terms of the political Parties that support it. It is very interesting that, of the 1 000 people surveyed, in terms of its support the Liberal Party result was 42.6 per cent; the Labor Party, 33.8 per cent; the Democrats, 6.4 per cent; others 2.4 per cent; and those not stated, 14.8 per cent. What should sink into the mind of the oncers who occupy the backbenches of the Government is that, based on those figures and the usual distribution of preferences and those undecided, the Labor Party is within easy reach of knocking off the first seven seats where there is a requirement for it to get a 5 per cent, two Party preferred shift—

Mr BRINDAL: I rise on a point of order, Mr Chairman. I understand the ability of the Deputy Leader to question the clause, but I ask you to rule on relevance in relation to this Bill before the Committee and the next election.

The CHAIRMAN: Yes; the honourable member was speaking to the clause of the Bill, and that has no reference whatsoever to election potential from a survey taken for purely commercial and shopping purposes. I ask the honourable member to return to the subject of his amendment. He was drawing a long bow.

Mr CLARKE: Far from drawing a long bow, Sir, I suspect that I will be more than amply proved right, because the Government and this Minister in particular have decided that the first seven or eight members in the electoral pendulum—the most marginal—are expendable, in the interests of serving Coles Myer and the other large retailers. Some members on the Government side of the House, such as the member for Norwood, recognise that only too well and have sought to dodge the limelight on this issue by not speaking on it.

The survey which has just been completed amongst members of the Shop Distributive and Allied Employees Union and which has come to hand only this afternoon shows that 85 per cent of the employees who are members of the SDA (and many members of the SDA work for all the major stores) oppose the extension of Sunday trading. We heard all this claptrap last night about how the SDA and the Labor Party were taking rights away from employees, stopping them from being able to work on a Sunday, denying them an income, denying them an opportunity to work their way through university and the like. We have the answer: not only are the small traders in Rundle Mall overwhelmingly (85 per cent) opposed to Sunday trading but so are 85 per cent of the employees—the shop assistants—the ones who are required to work.

The Hon. G.A. Ingerson interjecting:

The CHAIRMAN: The Minister will have the right of reply.

Mr CLARKE: The unionised work force in Rundle Mall is very significant: union membership in Coles Myer, David Jones, John Martins and Harris Scarfe is very significant. I know that the Minister has consistently got things wrong in his portfolio of industrial relations. He tried to dodge this Parliament last year on this whole issue and he was forced to come back to the Parliament because of the five-nil judgment of the High Court of Australia. He made errors of judgment with respect to workers' compensation, the Mobil Oil dispute of last year and the industrial relations stack-on that he tried, to get his mate Brian Noakes appointed as President of the State commission—all those disasters are due solely to this Minister.

Mr BASS: I rise on a point of order, Mr Chairman. You have already accepted the point of order from the member for Unley and it is obvious that the Deputy Leader just cannot understand your ruling. I would ask you to give it to him again, please.

The CHAIRMAN: The Chair needs no assistance from the member for Florey. What is relevant is that the honourable member has spoken for more than 15 minutes on this first amendment. He has the right to speak on two further occasions in any case, so the Chair invites the member for Ross Smith to resume his comments.

Mr CLARKE: Thank you, Sir; I have just about completed my comments with respect to Sunday trading. Because I am conscious of the time, all I wish to say in conclusion on this matter is: let it be understood by every member of this Committee that, when you vote on this issue, you are voting not just for the extension of Sunday trading in the central business district. As the member for Davenport pointed out, inevitably, as night follows day, you will force upon your natural constituents—the small traders, the small retailers—open slather trading across the board throughout the metropolitan area. It is as sure as night follows day, and you cannot weasel your way out of it.

The member for Unley might want to be Pontius Pilate and wash his hands, but this is the acid test. He cannot be Christopher Dean—dodge, weave, duck, create and skate figures eight—because this time, comrade, you are on television, just as you were on the *7.30 Report* several months ago when you said that you were opposed to Sunday trading. This is the time you put up or shut up about what you said. The member for Colton told his electorate pre-December 1993 of his commitment to keep the promises he made. I did not make them on his behalf. We in the Labor Party went to the polls and told the people our policy. Yes, we were defeated. But, at least we come here today with clean hands. I would expect the member for Unley to live up to his promise.

Mr Caudell interjecting:

The CHAIRMAN: The member for Mitchell is creating more heat than light with his remarks. He is simply protracting the debate.

Mr CONDOUS: I am amazed at the member for Ross Smith, because there is no doubt he has the gift of the gab, acquired over many years as a union representative, but the tragedy is that he has not gone out to ask the people he represents whether they want Sunday trading. He has spoken only to the SDA, to some of the small retailers, but not to the people whom he represents and who make up the 72 000 people, on average, who go into the city every Sunday to enjoy themselves. He tells us about the very clear cut situation the Labor Party had on trading hours, yet three months before the election, without legislation, his Party made a decision to allow all supermarkets in suburban areas to open five nights a week.

We found that the little chicken shop on the side of the road, George operating a little delicatessen on Prospect Road, and the little people providing a service so that you could buy a bottle of lemonade, a packet of cigarettes, a paper or a magazine were ignored, and down they went like nine pins, one after the other. In that three months more small businesses closed down than during any other time in this State. Who were they playing into the hands of? The multi-nationals. He criticises the Coles Myer group, yet he was playing into its hands. He allowed the K-Mart food section and the Coles supermarket to open; he allowed those businesses to compete against little convenience stores and, in so doing, he threw them into the gutter and trashed them.

I changed my mind for one reason only. In September last year, when I made a decision to support the SDA, there was a strong feeling in the community that under no circumstances did the people in my electorate or small businesses want Sunday trading. That was clear cut and I supported them: I gave them my utter support. Had the issue been before this House, I swear on a Bible that I would have walked and voted with the Labor Party. The member for Ross Smith has me wrong, because I still stand by what I said about the Patawalonga, and we will see what I do when the time comes. At that stage I would have walked across and voted with the Labor Party.

Eight months later, having given the opportunity to our community to enjoy Sunday trading, instead of sitting in their houses people came out on Sunday, took their children and walked around the city. I do not think they spent an enormous

amount of money, although some did. The majority of them bought an icecream or had a little bit of lunch or afternoon tea or coffee, but they particularly enjoyed the enormous amount of talent in Rundle Mall, where we have some of the best buskers in the world. We have mime artists. Last weekend I was in there and two Chinese girls were playing a violin outside Woolworths; they were absolutely brilliant. My daughter and I sat on the brickwork. I do not know whether the member for Ross Smith has been into the Mall for Sunday trading. I took my daughter, because one week she wanted to go to the Zoological Gardens, which we did, and we went to the Mall afterwards. The following week she wanted to visit the Museum and Art Gallery, which we did, and we came back to the Mall again, had an icecream and enjoyed the buskers.

In fact, one radio station—I do not know which one—had two young artists about 20 years old playing guitars, and approximately 100 children were sitting on the brickwork of the mall enjoying it. Where would those children have been if our city were closed on a Sunday? Would they have been committing graffiti offences, thinking of taking drugs or causing problems in the community? There we had them active, enjoying things they wanted to do. I liked it, because I saw people enjoying themselves in the mall.

When I went out and asked people in my electorate this time if they still felt the way they felt eight months ago, the shopkeepers said, 'We don't want Sunday trading; however, we are being penalised by having both Thursday and Friday nights. On those two nights combined, we are doing the same amount of business we were doing when we opened only on the Thursday night.' Therefore, I fought very strongly to eliminate trading on the Friday, because it was destroying not only some of the supermarkets but also some of the small shops and giving them unfair trading conditions.

Most importantly, when international visitors come to this city and stay at one of the city hotels, one of the most popular places they visit is the Central Market. I have travelled all over the world, and I have yet to find a produce and food market that has the variety and quality of the Central Market. People not only appreciate it but love it. That market, which has been there for 119 years, has been one of the major attractions in this city. All of the 70 stall holders would have told the member for Ross Smith, if he had asked them, that the minute Friday night shopping commenced in the suburbs trading in the Central Market dropped by 30 per cent. We can turn around and let them trade Thursday and Friday, but eventually we will find that the Central Market will become uneconomical and cease to exist.

It would be one of the greatest tragedies in this State if we could not retain the Central Market as one of the great highlights of our city and show the rest of Australia that we have a quality fruit and produce market unequalled not only anywhere else in this country but in the world.

Members opposite do not believe that times change. They think that if you made a statement in 1993 you have to abide by it in 1995. If that is the sort of flexibility you have as a politician, that you have to stick to that word forever and a day, what sort of a politician are you? Times and moods change. The whole feeling of retailing changes. The clear message I received from the 98 per cent of people living in my electorate is, 'Mr Condous, I don't go into the city every Sunday, but I'll tell you something now; the weeks I have been I have enjoyed it and I would like to continue to be able to enjoy it.'

Adelaide is competing with every other capital city in this country for international investment. If someone is going to spend $50 million in this State and decides to shop around and talk with the Premiers of Western Australia, Victoria and New South Wales, as well as with the Premier of South Australia, to see where the best deal is offering, why should that person invest money in South Australia when its capital city is the only one in Australia that is closed on Sunday? People say we bulldoze, but we do no such thing: we proceed in a very gentlemanly fashion. I could imagine the response if you said that to someone like Kennett. What would he say? 'Don't go down to Adelaide; the lights are all on but there's nobody home.'

Members interjecting:

Mr CONDOUS: That is true. What the member for Ross Smith is doing is jeopardising the future of every young person in South Australia. If he decides to vote against this measure and close down this State, we will become the laughing stock of Australia, because every Sunday cities such as Perth will be trading and selling itself to the world, and Melbourne, Sydney and Brisbane will be doing exactly the same thing.

What will we be doing? We will be able to go back into the city, drive along King William Street, have a look in Rundle Mall, and there will be about 30 people, 20 of them waiting to mug someone as they are going to a theatre or restaurant. When we bring people to visit Adelaide, whether it be from Malaysia, Indonesia, Hong Kong or Singapore, to sell the State and to encourage foreign investment into our State, we will be not be able to do so, because they will ask, 'Well, are those people really progressive? Are we interested in the way they want to go?'

My justification in changing my vote has not been because the Premier has put any pressure on me. I am not a professional politician. I am not a career politician. I do not intend to stay here to get fat bonuses when I leave after 14 years, because I will not be here for that long. I am too old to do that. I hope to be here for eight years to keep the honourable member company. I am here for one reason only, and that is to give my children and the children of South Australia some hope for the future. If that means that I have to change my vote and support Sunday trading, because it may be the catalyst that gets foreign investment into the State, then I will do that.

Mr BRINDAL: It was popularly rumoured that when Rome burned Nero was fiddling; in fact, he was on holiday and he was well out of Rome. I commend that sentiment to the Deputy Leader, because he was not here last night. He purports to understand what he obviously did not listen to. I oppose Sunday trading, and I have consistently done so. I do not believe it is right. I do not believe it will serve the small traders of Unley. The Minister and my Party room know that, and I have said it publicly. However, I enjoy a privilege that the Leader of the Opposition and the Deputy Leader do not enjoy, that is, the privilege of being able to argue my point of view with the Minister in the Party room. I have argued that point of view, as have many of my colleagues, and we have lost.

It is hypocrisy for members of the Bud Abbott and Lou Costello show to come in say, 'We signed the pledge. We can never change our mind, but we expect you to do so.' I call it for what it is: arrant hypocrisy. If the Party opposite believes that the discipline of the Party room means you fight it out with your Party, you give it your best shot and then, when you lose, you support the Minister and the Government, let

them not sit there and demand that we, who are not necessarily bound by that, behave any differentially from them.

They set the standards here. They present themselves as the standard of all virtue and truth for the last decade, and now they want to change the rules. I will say to the SDA that I continue to support it. I will say to the small traders of Unley that I continue to support them. I will continue to badger the Minister in the Party room and at every opportunity try to get him to change his mind, but that stops short of one thing, that is, voting against the Government, which I stood to represent and which I am proud to represent in this Parliament. This team has made a decision. I support the team decision, and I will continue to do so. Having said that, I will continue to put my point of view to the Minister, and I know the Minister will continue to listen. But it is the none of the Opposition's business, and it should put up, by being an effective Opposition, or shut up.

Mr BASS: I was here last night; where were you? Not in this Chamber to speak. I have never changed my position: I do not want Sunday trading. My constituents, the small businesses in my electorate, do not want trading on two nights. It took me a little time, but they are now not having two nights trading. They did not want Sunday trading, and they do not have Sunday trading. It is obvious from the surveys and the letters that I have in my office that my constituents want Sunday trading. I represent 22 500 people. I am not here to push my own barrow. I am not here to push the union's barrow, like some members opposite. I vote for and represent Florey. They want Sunday trading, and I voted for Sunday trading.

The Hon. G.A. INGERSON: I was fascinated when the Deputy Leader said that the Labor Party went through the legal processes of the Parliament to change Sunday trading. It only did it once. Every extension to shop trading hours under the Labor Government, other than Saturday—and I might point out that it actually proclaimed extended trading on Saturday for three consecutive months and then got a bit nervous and decided to put it in—were done by certificate of exemptions: all of them. The Labor Party gets hypocritical and starts commenting about what we should be doing as a Government, when it put through 886 certificates of exemption and totally changed shop trading hours in this city using that method.

The second point I make relates to these consumer surveys. The member for Ross Smith, while quoting where the Labor Party might be in a poll, ought to read the poll that says that 85 per cent of his constituents (carried out under a valid survey), want Sunday trading in the city. There is no question about that. The Deputy Leader actually said he thought the study was valid. It is valid and it is absolutely valid in terms of that particular question. The Deputy Leader said that 85 per cent of union members in the city were opposed to Sunday trading in the city, but 85 per cent of 20 per cent is 17 per cent. I have been told very reliably that that is all the membership the SDA has in the retail industry. I suspect, as I said earlier, that it has less than that in numbers in the city. The real answer is 17 per cent and not 85 per cent. Wait until next week when we receive an independent survey of employees.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: No, it has nothing to do with the bosses. We will talk about Coles Myer in a minute. I have a couple of agreements which I will read out because they make pretty interesting reading. As I said, it is 85 per cent of 20 per cent, which is 17 per cent. Using the union method the figures equate to not even two out of 10 employees. We have heard a lot about who the union believes should trade on Sundays and what the rules ought to be. The honourable member opposite said that he was pro-small business.

I will read out conditions of hours of work from a special agreement with Coles, Woolworths and Target. I will reveal the signatories later because it makes for a better story. An agreement with Target, under 'Hours of work' states, 'Monday to Saturday, 6 to 10; Sunday between 8 and 6, where legal to trade'. I wonder who signed this? Mr Don Farrell. I wonder who he might be? I think he is the secretary of the union opposing Sunday trading. This a registered agreement that has the support of the union. Let us go further. The agreement states, 'Work rostered hours during ordinary hours will be opposed—50 per cent.' It then talks about employees. The Labor Party does not want employees to work on Sundays.

It says, 'We are opposed to employees working on Sundays.' It says that an employee may be rostered to work on a maximum of three Sundays in any four. This is the very union that the honourable member says is totally opposed to workers working on a Sunday, yet it agrees with Target Australia that its workers may be rostered on three out of every four Sundays. Let us look at the Woolworths agreement. Of course, these are all small business agreements. Last night, during the debate, the Opposition said, 'If the union does a deal, we'll jump.' The only deals that the unions do are with big operators. But the Opposition is in favour of small retailers: it loves small retailers! With whom have all these deals been done—Woolworths, Coles, Target. How many of these are small retailers?

I wonder what the other part of the deal is about. It is about compulsory unionism, which was thrown out by this Government. It is not written into these deals, but I know what the managers of these companies are telling us. They say, as part of the conditions of employment, 'Sign on here.' It is about union membership. That is the other reason why people are prepared to do deals on Sundays, because it is not about the welfare of employees but about the welfare of unions. It is about compulsory unionism; it is about doing deals.

What hypocrisy on the part of the Opposition and the union when they stand up and say, 'We're opposed to Sunday trading, and we don't want our employees to work on Sundays.' The minute they get it, what do they do? They agree to it. Not only do they agree to it, but in spite of what they say now—'We don't want our full-time employees to work on Sundays'—they say, 'They may be rostered on three out of four Sundays.' That is the very principle about which the Deputy Leader has been arguing in this House—the right to not work on a Sunday, to have that guarantee—but the unions do a deal to make sure that those employees can work ordinary hours on seven days of the week including Sunday, and they may be rostered.

What hypocrisy on the part of the Deputy Leader, his Party and his union mates who are not interested in South Australia. They are interested only in union membership, and it is declining. We know that it is declining, because we are told that that is so. That is the Target agreement. Let us look now at the Woolworths award. In this case, the SDA is part of that award. The award refers to Sundays between 7 a.m. and 6 p.m. whereas the other agreement referred to Sundays between 8 a.m. and 10 p.m. So, that has been varied a little. We then have the Coles Supermarket agreement in which the

same union is involved. It talks about all States of Australia. So not only can the union say, 'My mates interstate did this'—I was told that the other day—but it says, 'This award shall be applicable throughout all States and Territories of Australia.' If we could get a little bit of truth into this argument from those who oppose it—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I will get to our position in a minute, what we have put to the public of South Australia, because all small businesses have had the opportunity to get that message very clearly. What we have here is the absolute limit of hypocrisy. Why does the union not get up and say, 'We are in favour of Sunday trading for those who want to work, because we do deals with the big companies, but we do not have enough membership in the little ones, and that is what we want to get into'? If it said that, it might get some support, but it has not done that. What happened last week? One of the companies that happens to trade in Rundle Mall was raided by the union. A shop steward actually went into the store. By the way, this store had no union members. He raced into this store which, interestingly, was run by women. As most union officials are male, you can understand what happened.

That person raced into the store, belted into the back part, and said, 'You can't trade on Sunday.' A fascinating thing happened. All the women said, 'See the front door? Nick off.' That is what happened. They do not and will not have any members in that store because it is run by a small retail owner who does not want to be part of this hypocrisy.

If the Opposition said, 'Morally we are opposed to this,' I would accept that. But what it said last night was, 'If you can arrange a deal between the retailers and our union, it's okay.' In my opinion, it is absolutely morally bankrupt not to come to an agreement and to say to this Parliament, 'If you don't do that, we will oppose it.' In other words, 'Unless our union mates get their membership up, we ain't going to do anything in this State.' That is the prime reason why we were elected. It was because of the nonsense that went on under the previous Government. The change had to take place. Now, when 85 per cent of consumers want it, no one else is allowed to do it. One of these days the unions will wake up to the fact that unless consumers walk through the door they will not have any members. Unless the consumers shop, there will not be any members for the unions. If consumers want to shop, they ought to be able to shop, and then the unions might get some members.

I spent a lot of time talking to the unions about the Industrial Relations Act. In this instance, we amended the Act as a result of discussions with this particular union because we thought it was fair and reasonable. However, in my time and career in this Parliament, I have never met people who are so intransigent about this issue and yet do deals on a daily basis with national companies when it suits them because they have lost the war.

Every other capital in Australia has Sunday shopping in the city. That is all we are interested in and we put it to this Parliament. The Deputy Leader knows that there can be no extension into the suburbs unless it comes back to this Parliament. He knows and I know that there can be absolutely no other change. The reason he knows is that the High Court has said that there is no other way to open up shopping in the suburbs than coming to the Parliament, and I support that.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I do. The advice I got was the same advice as that given to the previous Labor Government when it put up the 886 exemptions. I want to put on the record once more the same advice that the Labor Government got which was supported by the same union. We have the same consistency. The SDA says, 'How high do I jump?' Then the SDA says, 'How much higher do I jump?' Open up all the supermarkets? The SDA has done a deal and up I jump. No Sunday trade: down I go. Who has said that consistently all the way through? It is not the Labor Party: it is the union. The South Australian public needs to know that it has nothing to do with Sunday trade; it is about union membership which the Deputy Leader and the Labor Party are progressing.

It has been said on many occasions that the Liberal Party went to the election with a no Sunday trade option. I will tell members what the Liberal Party went to the election on, and I have said it a dozen times. I think the SDA has one of these documents which affected it pretty dramatically. In fact, I think that I posted one to it. It states that on coming to Government we would set up an inquiry which would do this one single thing. I will read it again because there seems to be a major problem with memories in this place. It states:

> Whether shop trading hours should be extended; if so, to what extent and how this should be implemented.

If that in any way suggests that we were not interested in Sunday trading in the city I will go he. It says that we were interested in exploring whether or not it should be extended. Interestingly enough, that inquiry came down and said that we should have total deregulation. It said that one of the first things that should happen was Sunday trading in the city. Our Government, on my recommendation and supported by the Party room, said that we do not support total deregulation. I have made that public, the Premier has made it public, and I suspect all the backbench have made it public as well. There was absolutely no doubt at all about the Liberal Party's policy on the extension of shopping hours on Sundays in the CBD—it could not have been any clearer. Everybody I am aware of saw that document. The Government opposes this amendment vehemently because week in and week out between 75 000 and 80 000 people are shopping with their feet in the city, and they ought to be able to continue to do it.

Mr CLARKE: I will make three simple points. The first is with respect to issues involving the SDA and its national agreements allowing for trading on Sunday. There are national agreements as a result of the various State Governments around Australia providing for Sunday shopping. I notice that in all of his rhetoric the Minister constantly abused the union and the employees. Not once did I hear the Minister defend the rights of small retailers. No-one in this Chamber would be under any illusions that small retailers, both here and in the suburbs, are overwhelmingly opposed to the extension of Sunday trading in the CBD.

Finally, the Minister said that the public needs to know the reasons behind the Opposition's attitude with respect to the Government's legislation. Members of the Liberal Party went out as individuals and said, 'Elect me'. They solicited donations from small retailers by saying, 'Elect me to Parliament and I will vote against any extension to Sunday trading.' The public needs to know whether members of Parliament are prepared to honour the promise they made before the election.

The Committee divided on the amendment:

AYES (12)

Atkinson, M. J.	Clarke, R. D. (teller)
De Laine, M. R.	Evans, I. F.

AYES (cont.)

Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Rann, M. D.	Rosenberg, L. F.
Stevens, L.	White, P. L.

NOES (30)

Andrew, K. A.	Armitage, M. H.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Greig, J. M.	Gunn, G. M.
Hall, J. L.	Ingerson, G. A. (teller)
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

PAIR

Blevins, F. T.	Penfold, E. M.

Majority of 18 for the Noes.

Amendment thus negatived.

Mr CLARKE: I move:

Page 3, lines 18 and 19—Leave out paragraphs (a) and (b) and insert the following paragraphs:

(a) until 6 p.m. on a Monday, Tuesday and Wednesday; and

(b) until 9 p.m. on a Thursday and Friday; and

By this amendment the Opposition seeks to bring about Friday night trading. The amendment is consistent with what we put prior to the last election. It is something that employees and a significant number of retail industry employers agreed to before the last election and the Government itself allowed this when it made its ill-fated attempt by exemptions to allow suburban shopping on Thursdays and Fridays if they so chose.

As we know, subsequently the Minister and the Premier in an absolute desperate attempt to hang on to their backbench numbers on the whole issue of extended trading hours were willing to sacrifice Friday night trading in return for backbench support for extended Sunday trading. As members have acknowledged, including the Minister, the greatest trading occurs on Friday. The Minister pointed out that generally people are paid on Thursday and do their shopping on a Friday. Our amendment would allow people to continue to shop in the suburbs on Friday night if they so wish.

The Minister had much to say about employment opportunities in regard to extended Sunday trading. It is known at least to the Minister and me with regard to Coles Myer that Friday night shopping is of more value to them than extended shopping on Sundays. It is worth an extra 2 per cent of market share, which is a significant amount. On a Friday night they employ about 850 persons for a minimum of three hours at an average wage of $10 an hour. This is a significant generator of wages that can be spent. The Retail Traders Association was quoted extensively last night and today by the Minister as to its support for extended Sunday trading. What did it have to say about the Government's decision to abandon Friday night? A press release of 26 May 1995 headed 'RTA condemns Liberal Party decision on shop trading hours' states:

RTA Executive Director, David Shetliffe, said his association was outraged and appalled at the decision taken today by the Liberal Party to withdraw Friday night trading. The backbench clearly has no interest in the creation of jobs and the development of the economy of South Australia and is preoccupied with petty Party politics and is a disgrace to South Australia. The Government silence of details on how it is going to resolve the other major uncertainties created by the recent High Court decision is also amazing and it is about time the Premier and Cabinet showed some real leadership to the Party and to South Australia. The RTA has worked tirelessly over the last two weeks to build industry consensus and this was very largely achieved at a meeting of all industry sectors held yesterday.

That was the agreement the Minister lauded before the House yesterday. It goes on:

The Liberal Party has thumbed its nose at this activity and any agreements reached as part of that negotiation have now been negated. Meetings will be held with major members of the RTA early next week and further comment will follow. The disdain with which the Liberal Party is treating the major employer of labour and particularly of young labour in South Australia is absolutely appalling.

With respect to the issue of Friday night trading the Opposition has shown itself consistent. We know that a number of small retailers will be unhappy with that decision; it is something about which I have spoken to the Small Retailers Association and, whilst they would prefer in some respects that we not push that particular line, the fact is that they understand that we are being consistent with the position we put prior to the last election. Above all they said, 'If that is the price we have to pay to knock off extended Sunday trading in the city, that is a price worth paying, because we and our members are hurt more by extended Sunday trading in the city than by the Friday night trading.' So, that is an issue, and we are dealing with the needs of the consumers in the debate with respect to extended Sunday trading, as the Minister wanted us to appreciate, because on Friday nights the major supermarkets are open, providing essentials of life in food and groceries, at a price cheaper than that which consumers would pay elsewhere if those services were not available. It is also a point—

Mr Caudell interjecting:

Mr CLARKE: The member for Mitchell says that it is twaddle. The amazing part about that is that the member for Mitchell rose yesterday in debate and said that he was a free trader and that he believed in total deregulation. The member for Mitchell said that, as part of the process of total deregulation, he voted for the extension of Sunday shopping, so logically the member for Mitchell should vote with the Opposition with respect to allowing trading to take place on Friday nights. I do not want to belabour the point any longer because I think it is quite self-explanatory. It is again a question of the Government's twisting and turning, trying to placate members of a backbench who did not want to vote for extended Sunday trading but who would do so only if they had some sop whereby they could go back to their traders and say, 'If it had not been for my kicking up a fuss about Sunday trading, I would not have been able to knock off Friday night shopping.'

The Government's argument is illogical with respect to Friday night trading as, although it was not successful for everyone, it proved successful for a significant number of people who were employed in particular in the food stores, where ordinary consumers were entitled to go out and buy their basic necessities of life, such as groceries and other foodstuffs, at a price far cheaper than they would otherwise be able to purchase on a Friday night because the major stores would be open. I am not talking about buying a $500 suit, a $1 000 lounge suite or something of that nature but about basic goods. For all those reasons members, and in particular

the member for Mitchell, after what he propounded last night, should support the Opposition's amendment.

The Hon. G.A. INGERSON: I am fascinated by the fact that the Opposition says that we are not allowed to extend shopping hours; yet the first thing it does is move an amendment to do it. It seems quite staggering to me that we are quite happy for all the employees to work an extra night in the suburbs on the Friday night but they are not allowed to work in the city on a Sunday. That is absurd.

Mr Foley interjecting:

The Hon. G.A. INGERSON: That is right; you would not even know what 'jobs' meant. The point is that consumers want Sunday shopping in the city; consumers, again with their feet, have said that they are not interested in Friday night shopping. We have had a look at that right across the suburbs and we have used—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I have not spoken to Chris Mara for about a fortnight, so I don't know what he thinks.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Chris Mara gave me a lot of advice on many occasions about 24 hour a day, seven day a week trading, but I know that the Opposition, which was the previous Government, is interested in doing those deals. Everyone in South Australia knows that. What about the small operators in all the strip centres, in the city and everywhere else, who are saying clearly that their Friday night is not as successful as they expected to it to be? All we are saying is that the consumers make the decision, not the retailers. The consumers make the decision, and on Friday night they are just not going into the shops. If ever there was an attraction in this State it would be the Marion Shopping Centre.

The CHAIRMAN: Order! The members for Hart and Mitchell are clearly out of order, conducting a separate debate.

The Hon. G.A. INGERSON: The Marion Shopping Centre would probably be the best example of a modern shopping centre in this State. I wonder whether any of those who want this measure have gone down there and seen how many of the big stores and smaller shops were closed in the past month or so. Nobody has done that, because they would have found out what the consumer is doing. Unless the consumer is there, there is no employee and no shop owner: it is as simple as that. You know in the retail industry that, if your consumer numbers do not go up, you do not have a business. It has nothing to do with the number of employees or the capital of the owner. Those consumers do not want to come into your store. It does not matter if it is the best laid out store: if you happen to be open at the wrong time, such as Friday night, when people do not want to come and shop and you close on Sunday, when they do want to shop in the city, you have a problem.

An honourable member interjecting:

The Hon. G.A. INGERSON: The RTA can have its view and the union can have its view; we do not have to support them at this time. The simple fact is that the Opposition is hypocritical in standing up and saying that it believes there should be no extension of Sunday trading, yet what it will do is let its mates—Coles and Woolworths—dominate again.

Members interjecting:

The Hon. G.A. INGERSON: They have to be your mates, because you keep signing deals with them. It is absolute nonsense. We have Thursday night trading in the suburbs and it is very well patronised, and we have Friday night trading in the city and that is very well patronised. Clearly, the consumers are supporting that action. When suburban Friday night shopping was brought in it was not supported. That is the reality, so what is the problem? The consumers have to drive this shop trading hours change, because they are the ones whom the retailers need to be open to serve. That is what it is all about; it is not about anything else. If you are in the retail industry you have to know that the consumers are what it is all about. As I have said a million times, if you do not get the customers through your door you do not have a business and you do not have employees. Clearly, in this instance the consumers were not going out on the Friday night, and that is the reason why we are not prepared to continue.

Mr SCALZI: I oppose the amendment, again, out of consistency. We are dealing with two things: the city and the metropolitan area of South Australia. They are two different things. Democracy is not always about logic: it is about what people want. As the Minister has said, Friday night shopping in the greater metropolitan area has not been successful. I know: I have gone to Campbelltown and Erindale in my electorate, and on Friday nights it is not busy; the people there do not want it. Thursday night is successful. I cannot understand how the Deputy Leader opposes Sunday trading and at the same time wants to support Friday night and tells us that, if we support Sunday trading in the city, it will naturally lead to open slather.

Members interjecting:

Mr SCALZI: They are supporting the first step. I oppose the amendment and support what people want, which is not Friday nights in the metropolitan area.

The Committee divided on the amendment:

AYES (10)

Atkinson, M. J.	Clarke, R. D.(teller)
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Quirke, J. A.	Rann, M. D.
Stevens, L.	White, P. L.

NOES (31)

Andrew, K. A.	Armitage, M. H.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Hall, J. L.
Ingerson, G. A.(teller)	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

PAIRS

Blevins, F. T.	Penfold, E. M.

Majority of 21 for the Noes.

Amendment thus negatived.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

Mr CLARKE: I move:

Page 4, line 11—Insert 'solely' after 'is'.

Because of the time constraints, as the major issues have already been decided upon, I will simply refer to my next amendment and, in a sense, while I am speaking to that, I will canvass the other amendments currently before the Chair. The amendment relates to inserting the word 'solely' with respect to retail trade concerning hardware, building materials, furniture, floor coverings and the like. We believe it would be preferable to include 'solely', thus eliminating the need for the inclusion of new subsection (5c), which refers to the fact that 80 per cent of all goods sold must be of the type described as hardware, furniture, floor coverings and the like. The word 'solely' is currently used in the Act.

With respect to my next amendment, we seek to overcome possible problems relating to an existing company, namely LeCornu, that sells both furniture and floor coverings. That is why we seek to have inserted the words 'both furniture and floor coverings; or' rather than those words appearing in separate paragraphs in new subsection (5b).

Paragraph (a) includes hardware and building materials; paragraph (b), furniture; and paragraph (c), floor coverings. On our reading of the Bill, it would appear to be limited to a store that sells solely furniture. There are companies, such as Le Cornu's, which sell both, and we believe that furniture and/or floor coverings should be included so that such companies are protected.

Of particular importance to us—and I am sure that this would be of importance to the member for Hanson, if he is listening—with respect to the second to last amendment listed in my sheet is the fact that the Government in its Bill has deleted as public holidays Anzac Day and Easter Sunday. It is rather appalling that not only has the Government been successful in extending Sunday trading but, in addition, on two days of the year shops are precluded from trading under the existing principal Act. The member for Hanson is a minister of religion, and I would have thought that he would have some interest in Easter Sunday being removed as a day on which trading is prohibited. Now, under the Government's Bill, when pubs are asked to not open before 11 a.m. on Anzac Day out of respect to our servicemen and so that families of ex-servicemen, such as shop workers and the like, can go along to Anzac Day marches and enjoy themselves, they may be compelled to work on Anzac Day and Easter Sunday.

I note again that the member for Hanson is not listening to me, and no doubt he will vote blindly on this matter. He will vote on an issue which says that shop workers will be compelled to work on Easter Sunday. I would have thought that, in a society which professes to carry out Christian beliefs and the like, Easter Sunday, of all days on the religious calendar, is the one day you can—

Mr Atkinson: It's the most important.

Mr CLARKE: As the member for Spence points out, it is the most important day on the Christian calendar. Yet this Government is quite happy for shop workers to trade rather than allowing them to carry out their religious observance of attending church on that day of all days. Of all the members, the member for Hanson spoke most passionately against the extension of Sunday trading but, like the member for Unley, he voted with the Government in support of Sunday trading. I hope that he will support the Opposition on the amendment and vote to deny the right of employers to compel workers to front up on Easter Sunday and work on that day.

The member for Peake also spoke passionately last night about the extension of Sunday trading but he, nonetheless, miraculously voted with the Government to extend trading against his own beliefs, which he set out very eloquently last night. On this matter, I hope that he, too, will join the member for Hanson to ensure that on Anzac Day and Easter Sunday, at least, workers in this industry are not compelled to work.

The Hon. G.A. INGERSON: The existing certificates of exemption allow them to trade on those Sundays. We have closed it up; we have not opened it up and said that, when the two public holidays fall on a Sunday, they cannot trade.

Amendment negatived.

Mr CLARKE: I move:

Page 4—

After Line 15—Insert paragraph as follows:

(ca) both furniture and floor coverings; or.

Line 19—Insert ', Easter Sunday, Anzac Day' and 'Good Friday'.

Lines 20 to 31—Leave out subsection (5c).

Amendments negatived; clause passed.

Remaining clauses (6, 7 and 8) and title passed.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

That this Bill be now read a third time.

Mr QUIRKE (Playford): We now have a proposal before us that contains some matters that we, on this side of politics, would like to support. In fact, for some time we have thought that some reforms were long overdue but, unfortunately, they have been tied up with the opening up of shop trading hours in the city on Sundays. I do not want to take too much time tonight because we have had a long debate, but a number of consequences flow from this Bill. I am speaking to all members who said that they would not support Sunday trading under any circumstances and then, over the past 48 hours, found circumstances where they would support Sunday trading in the city—usually it was because someone had taken them around the corner, into one of the corridors, or some other place, and I will come to that in moment.

Those members ought to realise, as does every one else in this House, that this will lead to unrestricted Sunday trading all over South Australia. That is where this is going. Just wait until Westfield and the other organisations come around and say, 'What about the special arrangements just for the city?' As a result of this legislation we will not be dealing with shopping hours now and then or in three or four years; the Government will regularly bring in a shop trading hours Bill.

A couple of members have had a bit of a hard time over the past few days, including one member who got a large petition together and led the world to believe he would oppose the legislation and then did not do so at the end of the day. At least he had the courage to come into this place and show that he had jumped off the ship. I was interested to see which way a couple of members would vote. I was looking for the member for Norwood, but I have not been able to find him. I must say, for a while—

The SPEAKER: Order! This is a restrictive debate. The honourable member must debate the Bill as it comes out of Committee.

The Hon. G.A. INGERSON: On a point of order, Mr Speaker, I point out that the member for Norwood is flying to Sydney because of the possible death of a friend.

The SPEAKER: That is not a point of order.

Mr QUIRKE: I thought for a while that he was with the Deputy Leader, but I was not sure. The legislation that has gone through this House today is the tip of a pretty wide and blunt wedge which, unfortunately, will bring about unrestricted trading as its end product, not only in the city but in all the suburbs. What we want not only in Parliament but in the community of South Australia is some surety about where we are going with shopping hours. I think it would be fair to say that, after this Bill goes through this House tonight, the confusion will be greater than it has ever been.

The House divided on the third reading:

AYES (29)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Baker, D. S.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Hall, J. L.	Ingerson, G. A. (teller)
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.

AYES (Cont.)

Matthew, W. A.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Wade, D. E.
Wotton, D. C.	

NOES (10)

Atkinson, M. J.	Clarke, R. D. (teller)
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hurley, A. K.
Quirke, J. A.	Rann, M. D.
Stevens, L.	White, P. L.

PAIRS

Penfold, E. M.	Blevins, F. T.

Majority of 19 for the Ayes.

Third reading thus carried.

ADJOURNMENT

At 6.14 p.m. the House adjourned until Tuesday 6 June at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 30 May 1995

QUESTIONS ON NOTICE

MODBURY HOSPITAL

163. **Ms STEVENS:**

1. What examples of hospital privatisation elsewhere in Australia or overseas, if any, has the Modbury Hospital private sector involvement process been based on?

2. What legally binding instruments have been developed and agreed to by Healthscope and the South Australian Health Commission to provide the guarantees for service quality, asset protection, default procedures and penalties, staffing issues etc promised by the Minister?

3. What will be the term of Healthscope's lease of the Modbury Hospital?

4. What responsibilities during the life of the Modbury Hospital Healthscope management contract, or at its end, will remain with the Government?

5. Under Healthscope management will the access of Modbury Hospital to casemix pool funding be subject to the same provisions and restraints as those applying to other public hospitals and, if not, what special provisions will apply to Modbury?

6. Will the contract with Healthscope guarantee prescribed levels of throughput and bonus pool funds and, if so, on what basis?

7. What costs have been incurred in preparing legal documents relating to the privatisation of Modbury Hospital and to whom were these fees paid?

8. What other consultants have been employed in relation to the Modbury Hospital privatisation process, what fees were they paid, what were their terms of reference, what reports did they prepare, when were they engaged and when did they report?

The Hon. M.H. ARMITAGE:

1. The Modbury Hospital Private Development Proposal has been developed specifically to meet the requirements for public and private hospital services and the provision of additional facilities for the North Eastern Adelaide community on the Modbury Hospital campus. Government officers involved in planning and developing the process have extensive knowledge and experience of similar developments interstate and overseas. Accordingly, the process has been designed and managed taking full account of joint public/private sector initiatives in New South Wales, at Port Macquarie and elsewhere; in Tasmania with the North West Regional Hospital, Burnie collocation, Ulverstone Hospital transfer, transfer of State Government nursing homes to the non-Government sector, and other relevant projects; the sale and transfer by the Commonwealth Department of Veterans' Affairs of the Hollywood Repatriation Hospital in Western Australian to the private sector; the sale and transfer by the Commonwealth Department of Veterans' Affairs of the Greenslopes Repatriation Hospital in Queensland to the private sector; a range of joint public/private sector health projects in Victoria; and with reference to policy and planning initiatives in, for example, the United Kingdom, United States of America and New Zealand.

2. Clayton Utz Solicitors of Sydney, generally regarded as the most experienced legal firm in dealing with such arrangements, have provided to the Modbury Hospital Board and to the South Australian Health Commission contract documentation covering the Modbury Public Hospital Management Agreement and the Modbury Private Hospital Development Project Agreement. The former of these provides rigorous conditions which allow the Board and the South Australian Health Commission the ability to step-in and even terminate the contract should guarantees of service quality, cost, throughput and reporting not be achieved. The contract also incorporates asset protection mechanisms and agreements on asset replacement including equipment and other matters.

3. The initial term of the Agreement will be for ten (10) years with two five (5) year extensions to be granted providing no default exists at the time of application.

4. The Government will be responsible through the South Australian Health Commission and Modbury Hospital Board of Management for monitoring of Healthscope performance under the contract and for the ongoing determination of priorities for the provision and development of services for public patients at Modbury Public Hospital. In addition, the Government will continue to have direct management responsibility for a range of ancillary buildings, property and services provided through the education complex and McLean House at the Modbury Public Hospital campus.

The Board and the South Australian Health Commission will continue to have responsibility for major works during the life of the contract. It is clear that this responsibility should so rest given that the assets remain the property of the South Australian Government.

5. Under the terms of the contract Healthscope management will have exactly the same access to the Casemix and booking list pools or any similar schemes which may replace them for the life of the contract. Given the low unit price within the contract it will be to the benefit of the Board and the South Australian Health Commission to see additional throughput at Modbury Public Hospital.

6. Refer above.

7. Legal services for the Modbury Hospital Private Development Project are being provided by the following:

(1) the Office of the Crown Solicitor of South Australia

(2) the South Australian office of Minter Ellison Baker O'Loughlin

(3) the Sydney office of Clayton Utz.

Payments to Minter Ellison Baker O'Loughlin for the period February 1994 to October 1994 are $29 214.98. Payments to Clayton Utz for the period ending November 1994 are $34 774.70. No payments have been made to the Office of the Crown Solicitor at this point in time. The indicative cost of all legal services to December 1994 is in the order of $70 000.

8. Other consultants employed in relation to the Modbury Public Hospital Private Management Proposal have been:

Mr Michael Forwood (Note: Mr Forwood's involvement as a private consultant appointed by Modbury Board began in October 1993 and terminated prior to his appointment as Director Private Development Unit SAHC in August 1994)	$43 682.50
Infrastructure Development Corporation (Note: IDC had an ongoing role in independent financial evaluation of the viability of the Proposal. Their appointment terminated at the end of January 1995. Costs are as up to December 1994)	$19 598.70
Ernst & Young (Ernst & Young were employed to provide the initial financial analysis resulting from the Expression of Interest process. This is a final payment)	$12 430.00
Nolan Norton & Co. (Engaged December 1994 to late January 1995 to provide review of tender process and negotiation. No payments have been made as at 31 January 1995.)	

HINDMARSH POLICE STATION

183. **Mr ATKINSON:** How will the suburbs that comprised the old town of Hindmarsh be policed when the Hindmarsh Police Station moves to Ottoway or a location more remote from the town?

The Hon. W.A. MATTHEW: The suburbs that comprised the old town of Hindmarsh are policed by mobile uniform patrols operating from the Hindmarsh patrol base on Port Road. The physical relocation of the patrol base to the EWS complex on Hanson Road, Ottoway, will not impact on the way the Hindmarsh area is policed.

The present Hindmarsh patrol base was constructed in the early 1900s as a small police station and upstairs residence. It has been recognised for some time that this accommodation is substandard and indeed was only meant to be used as a temporary measure when converted to a patrol base in 1986.

The building is affected by salt damp and white ants. It is run down, unsafe and does not meet basic occupational health and safety requirements for either the staff working from it, or its customers. The best option to overcome the inherent risks associated with the building is to relocate to alternative premises.

FACTOR VIII

190. **Ms GREIG:**

1. What outcomes were reached by the Australian Health Ministers Advisory Council in relation to the supply of Factor VIII and Recombinant Factor VIII?

2. What was the outcome of the meeting by officers of the South Australian Health Commission on 8 March 1995 to work out the State's requirements for Factor VIII and Recombinant Factor VIII in specific cases?

3. What is the availability of Recombinant Factor VIII for prophylactic treatment, particularly for children affected with the hepatitis C virus?

The Hon. M.H. ARMITAGE:

1. The working party recommendations were accepted by AHMAC except for the method of funding the purchase of Recombinant Factor VIII. The report presented two options for funding the purchase:

- cost shared arrangement with the Commonwealth
- section 100 (high cost drugs)—Commonwealth funded for treatment of outpatients.

The Commonwealth officers at AHMAC did not support the section 100 option.

2. The meeting of the Blood Transfusion Service, Factor VIII sub-committee identified the State's requirements for Recombinant Factor VIII for prophylactic and emergency treatment.

3. Following discussions at AHMAC, the South Australian Health Commission now supports the application of this therapy and funds have been made available to purchase 100 000 units in 1994/95. This will be cost shared with the Commonwealth and the product should be available before the end of April. The product is not available immediately in Australia and requires to be imported.

TRANSADELAIDE

192. **Mr ATKINSON:**

1. Is TransAdelaide competing for bus charter work against private bus owners on a real-cost basis?

2. Has the Minister required TransAdelaide depots, when competing for charters, to factor into bids a return on capital and to make adjustments for TransAdelaide's lower costs of fuel and spare parts owing to economies of scale and immunity from rates, taxes and licence fees?

The Hon. J.W. OLSEN: Under the provisions of the Passenger Transport Act, TransAdelaide has been restructuring its administrative arm and its general operations in order to compete effectively with private sector transport operators for the provision of passenger transport services within the Adelaide metropolitan area.

To ensure a 'level playing field', TransAdelaide is now subject to the same regulatory provisions that apply to private sector transport operators, and will be subject to taxation, rates and licence fees. Sales tax takes effect from 1 July 1995 and tax equivalents take effect from 1 July 1996. Also Cabinet has determined that in future TransAdelaide will pay registration fees.

1. Over the past six months TransAdelaide depots have been encouraged to look for new markets, not met by private sector bus operators. Accordingly the St Agnes depot has launched the successful 'Mystery Tours' charter services.

Also TransAdelaide is competing for general bus charter work in the same manner as would any large private bus company and all quotes are based on the actual cost incurred, together with an allowance for overheads and profit margin. Other than pre-planned charters, TransAdelaide does not solicit charter work, but it does receive many requests per week for quotations for such services.

2. The rates charged by TransAdelaide are not adjusted to take into account the volume discounts received by TransAdelaide when purchasing fuel and spare parts, as these discounts are available to any large transport operator. On the other hand as a public operator, TransAdelaide is subject to higher award wages and other more costly employment conditions. These cost penalties are taken into account when quoting for charter work.

TransAdelaide's charter rates include a significant margin which more than covers these additional levies. In order to increase the demand for, and use of passenger transport services at the best price the Government's passenger transport initiatives have been designed to encourage all bus operators, public and private to compete for the delivery of services.

TransAdelaide will provide its owner, through the Department of Treasury and Finance, a return on assets employed. Most of the assets will be owned by the Department of Transport and leased by TransAdelaide or the private sector.

DRIVING COMPANION KIT

194. **Mr ATKINSON:** Does the Minister intend to renew the RAA's contract to advertise its driving school on drivers' guides and log books given by the Motor Registration Division to learner drivers and, if so, will she order that equal space be offered to the Australian Driver Trainers Association and, if not, why not?

The Hon. J.W. OLSEN: In August 1193, the Department of Transport entered into an agreement with the RAA for sponsorship of the driving companion kit. The driving companion kit is funded entirely by the RAA and is designed to assist learner drivers in preparing themselves for the practical driving test, or the alternative log book option.

Although the driving companion kit encourages learner drivers to seek professional driving tuition, it does not promote any driving school or driving instructor. The driving companion kit contains the RAA logo, but no other reference is made to the range of services provided by them.

The agreement with the RAA allows for a pamphlet, which contains an application for membership of the RAA, to be distributed to novice drivers after they have successfully passed a practical driving test, and have been issued with a probationary licence.

The current agreement expires in January 1997. It is intended to seek expressions of interest for future sponsorship of the driving companion kit beyond that date.

SCHOOL CARD

196. **Ms WHITE:** What percentage of students at the following schools received school card assistance in first term 1994, and what percentage received school card assistance in first term 1995—Gepps Cross High School, Salisbury North Primary/Junior Primary; Salisbury North West Primary/Junior Primary; Direk Primary/Junior Primary; Settlers Farms Primary/Junior Primary; Burton Primary; Salisbury High; Paralowie R-12; Virginia Primary and Two Wells Primary School?

The Hon. R.B. SUCH:

School	Term 1 1994	%	Term 1 1995	%
Gepps Cross HS	202	78.9	213	56.9
Salisbury North PS*	0	0	117	48.1
Salisbury North JPS	73	45.9	76	51.3
Salisbury North West PS	214	65.8	147	49.2
Salisbury North West JPS	98	53.0	89	53.3
Direk PS	190	50.8	183	49.5
Direk JPS	109	42.2	90	35.6
Settlers Farm PS	129	39.4	55	14.5
Settlers Farm JPS	93	31.5	31	9.1
Burton PS	310	65.1	281	56.0
Salisbury HS	68	13.7	259	53.6
Paralowie R-12	528	50.2	546	53.6
Virginia PS	82	29.3	74	28.7
Two Wells PS	193	41.7	114	23.9

* At the end of term 1 1994, Salisbury North Primary School had not sent in a School Card register. Therefore there is no information available regarding the number of School card students at this school in term 1.

A significant number of students are approved at the school level on the basis of Health Care Cards and Sole Parent Pensioner Concession cards. Schools progressively advise the Department for Education and Children's Services about the number of students approved. Care needs to exercised when comparing figures as schools approve and forward data at varying times throughout the year.

GRANGE TRAIN SERVICE

197. **Mr ATKINSON:**

1. Does the number of passengers on the 8.16 a.m. Grange train to the city stopping all stations justify a second carriage and, if not, why not?

2. How often does the train run with a second carriage?

The Hon. J.W. OLSEN:

1. The 8.16 a.m. Grange train was scheduled as one 3000 Class railcar. This type of railcar has the capacity for a maximum load of approximately 125 passengers. The most recent patronage surveys

suggest that this allowance is sufficient for the number of passengers presently using the service.

2. However, from Sunday 30 April 1995, as a result of TransAdelaide's roster alterations brought about by the standardisation of the Adelaide—Melbourne railway line and single track operation on the Belair Line, the 8.16 a.m. Grange service was increased to two railcars. This will lift the capacity for a maximum load on this service to approximately 200 passengers.

This change became effective on Monday 1 May 1995. This change is not a consequence of alleged overcrowding on the Grange service, but rather the need to alter railcar sizes to accommodate other peak services and allow for the progressive replacement of the old Redhen railcars with new air-conditioned railcars.

AIR QUALITY

198. **Mr ATKINSON:**

1. Has the laboratory for the Air-Quality Unit of the Environment Protection Authority been closed and, if so, why?

2. How does the current staffing of the unit compare with staffing before 11 December 1993?

The Hon. D.C. WOTTON:

1. The Air Quality Unit within EPA has not been closed. However a range of options to provide an efficient and effective ambient air quality monitoring program for South Australia is being investigated including contracting the service.

The air quality monitoring program itself is undergoing review. As part of that review CAIRO/Victorian EPA have been engaged to optimise the number of air monitoring stations for metropolitan Adelaide. It is likely that the ambient air monitoring program will expand subject to their advice and be considerably more effective than in recent years.

2. As at 11 December 1993 staff levels at the air laboratory at Netley totalled seven employees. The laboratory itself underwent a considerable change in focus after joining with the EPA in August 1993.

Responsibility for emission testing from Industry has been transferred to the relevant Industry itself and in most cases included as a licence condition requirement under the Environment Protection Act.

The major focus for the laboratory in recent times has been on ambient monitoring with some specific complaint based investigation work.

There are presently five persons directly associated with the air quality laboratory at Netley. Utilising alternative ways to achieve efficient and effective air quality monitoring in South Australia will influence the numbers directly employed.

COMMITTAL UNIT

199. **Mr ATKINSON:** When will funding be available for the Committal Unit?

The Hon. S. J. BAKER: The Attorney-General has provided the following response:

The Committal Unit has performed to expectation and has the in principle support of the Ministers and agencies associated with it. In particular, it has the support of the Attorney-General. The issue of the on-going funding of the unit has been included in the normal budget process, and a final decision on funding will be made in the next month.

PORT ADELAIDE PROPERTIES

200. **Mr De LAINE:** Is the parcel of properties at Port Adelaide comprising No. 1 and No. 2 Wharf Sheds, Old Customs House and Old Police Station leased and, if so, to whom and what is the rental paid?

The Hon. J.K.G. OSWALD: Wharf Shed No. 1 is under contract for sale and purchase by Fishermen's Wharf Markets Pty Ltd, which undertook development work under a lease.

Wharf Shed No. 2 is not leased. Small areas within the shed are used under short-term storage arrangements.

Portions of the Old Customs House are leased to:

- Port Employment Project $ 3 500 per annum
- Falie Charters Pty Ltd $ 5 000 per annum
- North West Suburbs Community Environment Centre Outgoings only

The Old Police Station is leased to the Port Adelaide council at no rental to facilitate the development of a tourist information and community centre under Federal and State grants, with additional funding by the council.

WATER SUPPLY TENDERS

201. **Mr FOLEY:**

1. Which Australian water industry companies were consulted by Boston Consulting in preparing its report to the Government?

2. How and by whom were the criteria determined for selection of the prime contractor for the outsourcing deal?

3. What were the criteria used to approve tenders for the prime contractor?

4. How was it determined that Australian companies, either individually or as a consortium, did not have the ability to undertake the role of prime contractor?

5. What formal assessment was made of the capacity and capabilities of Australian companies and what opportunities, if any, were extended to Australian companies to provide proof of their ability to undertake the role of prime contractor?

6. What are the specific industry development objectives of the Government's franchise deal?

7. What specific opportunities will exist for Australian water industry players to gain work and upgrade capabilities from the award of the franchise to a foreign multinational firm?

8. What specific export opportunities will be opened up for local firms by means of the franchise deal?

9. What specific analysis was made to suggest that greater development benefits would arise from award of the franchise to a foreign firm rather than a consortium of Australian firms?

10. What are the specific objectives of the water outsourcing proposal for water quality and price, maintenance of assets and customer service, as well as conservation?

11. Specifically how will the Government ensure that competitive pressure will remain on the transnational firm after award of the contract?

12. What are the project regulatory costs involved in ensuring company compliance to the terms of its contract and the various objectives of the franchise deal?

13. What controls will remain to ensure that consumers receive water at reasonable prices?

14. What provision exists under the deal for price increases and pricing review and on what criteria will price increases be approved?

15. To whom will consumers address complaints about water quality, customer service and price in the new system?

16. Who will have the power to disconnect water supply from households whose accounts are in arrears?

17. Who will be responsible for ongoing capital investment?

18. Who will be responsible for risk management of the investment?

19. What rates of return is the contractor expected to receive over the life of the contract?

20. What is the Government's target rate of return?

The Hon. J.W. OLSEN: The prime contractor qualification process was conducted with the independent expert advice and participation of the Boston Consulting Group which is a leading international consultant. The process was adopted after consultation with the Crown Solicitor and the Auditor-General.

The process was designed to identify a manageable number of companies capable of meeting the Government's requirements and to create an intensely competitive bidding environment.

The Government did not wish to expose the community to any operational risks in providing water and wastewater services. Therefore, size and experience were critical as was substantial success in Asian markets to support economic development goals for the South Australian water industry.

The first step in the qualification process was research into the water industries of advanced western economies. Twenty seven companies at least the size of the EWS in countries of the size, complexity and wealth of Australia were identified as the starting group for application of the criteria.

No established, experienced Australian company was identified by the research. Sydney Water and Melbourne Water were considered but they were not included because Melbourne Water was being broken up and neither had substantial operations offshore in Asia.

A consortium created especially to bid for the outsourcing contract would not qualify because it would not be an organisation with substantial experience of managing, operating and maintaining

large water and wastewater systems. Nor would it be a major, established player in Asian water markets able to be a credible lever for South Australian industry into those markets.

6. to 9. The economic development objectives of the outsourcing contract are:

- To maximise the extent to which South Australian firms are used as sub-contractors to the outsourcing contract subject to meeting the cost savings objectives of the Government; and
- To achieve the maximum possible rate of export growth for South Australia through connecting South Australian industry to the prime contractor's growth path in Asia.

The potential prime contractors will be required to tender on the following matters:

- A target rate of growth in exports for South Australia supported by a business strategy and plan for developing the South Australian water industry; and
- The proportion of the value of the outsourcing contract to be sourced from local firms.

The specific outcomes will depend on the offers made by the potential prime contractors in the competitive tendering process.

Enormous effort has already been devoted to identifying South Australian firms with water industry expertise and, with their approval, making their credentials known to the potential prime contractors.

A consortium of Australian firms would not have qualified under the criteria as explained in the answer to questions 1 to 5. Research showed that Asian Governments are seeking large western water authorities for major water and wastewater projects. These markets are likely to be controlled by a few large global companies and this is consistent with the fact that the world's largest players are already operating in these markets.

10. to 12. The objective for operating and maintaining metropolitan water and wastewater assets is to maximise cost savings. Existing service standards for water quality, asset management, customer service and conservation will be at least maintained.

The contract will provide mechanisms to ensure that prices paid under the contract continue to be competitive. Furthermore, the costs to SA Water of contract administration and management will be taken into account in determining the successful tenderer.

13. to 16. Existing arrangements for consumer pricing will not change once the outsourcing contract commences. As has been repeatedly stated, the prime contractor will not be setting prices to consumers. This will continue to be the responsibility of the Government.

Existing customer service arrangements will also continue. Regardless of whether a function is provided directly by SA Water or by a contractor on behalf of SA Water, the corporation's customers will continue to do business with the organisation as at present.

Under the South Australian Water Corporation Act 1994 only the corporation, with delegated authority from the Minister, will have the power to cut off water to any customer whose account is in arrears.

17. to 20. SA Water will continue to own the assets and will be responsible for determining annual capital funding allocations.

The Government's priority is to enter into a prime contractor which offers the maximum possible cost savings and the greatest overall economic benefit to South Australia.

Provided the Government's goals are met, the rate of return achieved by a contractor is of consequence only to the contractor.

GOVERNMENT VEHICLES

202. **Ms GREIG:** What Government business was the driver of the vehicle registered VQP-935 conducting when the vehicle was parked outside Cash Converters, Main South Road, Morphett Vale at 1.15 p.m. on 13 March 1995?

The Hon. J.W. OLSEN: The driver of vehicle number VQP-935 at the time in question was Mr Lee Piekarski, a Plumbing and Drainage Inspector who is based at the Engineering and Water Supply Department's Happy Valley Service Centre.

Mr Piekarski is required to carry out on-site inspections within a designated area, necessitating a daily absence from the office from the hours of 10.00 a.m. to 4.00 p.m.

Morphett Vale is within Mr Piekarski's area of inspectorial responsibility and at the time in question was on his entitled lunch break outside of Cash Converters. Due to Mr Piekarski having an urgent need to attend a public convenience, this location was chosen as it was the first available car park within close proximity of the public conveniences.

POLITICAL DONATIONS

203. **Mr ATKINSON:** When will the Premier reply to the letter of 9 March from the member for Spence relating to an election campaign donation?

The Hon. D.C. BROWN: I have nothing to add to my statements in the House of Assembly on 8 March 1995. The facts remain that the honourable member personally received a donation of $4 678 from the Shop Distributive and Allied Employer's Union and subsequently publicly supported the policy of that union to oppose the extension of shop trading hours proposed by the Government.

TRANSADELAIDE BUS SERVICES

204. **Mr ATKINSON:**

1. Will the Government restore the 246 and 247 buses to Oaklands Park and Marion on the timetables and routes of two years ago and, if not, why not?

2. Will the Government restore the shuttle bus that operated on the 246 and 247 routes on Sundays and public holidays?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information:

Prior to August 1992 the State Transport Authority operated an hourly service at nights, on Sundays and public holidays on bus route 247 from the city via Bells Road and Marion Shopping Centre to Seacombe Heights and in addition, operated an hourly shuttle service on route 246, connecting with route 243 at Plympton and travelling via Hendrie Street and Marion Shopping Centre to Seacombe Heights.

As part of the severe reduction in services provided at nights and weekends by the previous Government in August 1992, services on routes 246 and 247 were replaced by an hourly service on one bus route, 248, which travels from the city via both Hendrie Street and Bells Road then via Marion Shopping Centre to Seacombe Heights. As a result, the portion of route 246 along Morphett Road from Oaklands Road to Diagonal Road and route 247 along Bray Street and Morphett Road as far as Bells Road are no longer serviced at nights, on Sundays and public holidays. The situation in this area is exactly the same as that applying in most other suburbs.

As competitive tendering of public transport is extended throughout the metropolitan area, costs will be reduced. There are a host of uses for the savings so generated, including increasing the frequency of services, reinstating evening and weekend services withdrawn by the previous Government or providing much needed new services. In the meantime, there are no plans to restore the route 246 and 247 services at nights, on Sundays and public holidays.

OPERATION PATRIOT

205. **Mr ATKINSON:** What was the cost in 1993-94 of Operation Patriot and other prostitution related law enforcement by the Police?

The Hon. W.A. MATTHEW: During the 1993-94 financial year, the cost to the Police Department of running Operation Patriot was approximately $280 295.00. This amount includes personnel, accommodation, general expenses and vehicle costs.

The costs involved in policing prostitution by members of various other operational units cannot be specifically identified or quantified from the general overall costs of running those units. However, it can be safely assumed that Operation Patriot would have contributed to 90%+ of the policing of prostitution during that year.

ABORIGINAL SACRED SITES

206. **Ms WHITE:**

1. Does the Government have a register of all Aboriginal sacred sites in South Australia and are landholders informed of the existence of Aboriginal sites on their land without their asking and, if not, why not?

2. Does the Department of Aboriginal Affairs take between six and 12 months to respond to requests by purchasers of land for information about Aboriginal sites on their property and, if not, what is the average time for a response?

3. Are the department's responses to these queries specific in relation to the location of the site or do they only indicate the general area?

The Hon. M.H. ARMITAGE:

1. The Government maintains a Register of Aboriginal Sites and Objects within South Australia. The register contains known sites and objects and is not a definitive register of all sites and objects.

Landholders are not informed of the existence of Aboriginal sites on their land due to the confidentiality clauses within the Aboriginal Heritage Act which restricts access to information until consultation has taken place with traditional owners and approval obtained.

2. Under the Land and Business Agents Act 1973 (section 90 inquiries on sale of land) the Department of State Aboriginal Affairs has a statutory obligation to respond within three days whether there is an entry in the Register of Sites and Objects for the land concerned.

Under the confidentiality provisions of the Aboriginal Heritage Act it may take quite some time to consult with the relevant traditional owners, local Aboriginal organisations and State Aboriginal Heritage Committee to obtain approval for the release of information concerning the site.

3. The response to queries varies depending on the type of inquiry, however, due to the confidentiality clauses, the information provided is of a general nature.

GAMING MACHINES

208. **Mr ATKINSON:** May a publican who runs poker machines make a security check on a prospective employee for the purpose of the Gaming Machines Act other than through the Office of the Liquor Licensing Commissioner?

The Hon. S.J. BAKER: All persons seeking to be approved as a gaming machine manager or employee must lodge a Personal Information Declaration with the Liquor Licensing Commissioner. Section 37 of the Gaming Machines Act provides that applications for approval of managers and employees can only be made by the holder of a gaming machine licence.

In the majority of cases the Personal Information Declaration is provided to the licensee by the employee. However, the Commissioner has provided for these declarations to be submitted in a confidential envelope which can only be opened by the Commissioner if an employee wishes the declaration to remain confidential.

The Personal Information Declaration authorises the Commissioner of Police to release to the Liquor Licensing Commissioner particulars of all information held relating to the applicant.

The Police Liquor and Gaming Advisory Unit have advised that the Police will not release this information to a third party. Where a person seeking to be approved requires clarification of his/her criminal history then this information is released by the Police but only to the person concerned.

The Gaming Machines Act would not prevent an employer from asking an employee for details of past offences but the Police would not provide this information. The Act would also not prevent an employer from employing a private agency such as a credit reference firm to investigate potential employees.

CLAPHAM RAILWAY SERVICE

209. **Mr ATKINSON:** What is the nearest alternative service on Sundays for TransAdelaide patrons of Clapham Railway Station?

The Hon J.W. OLSEN: The Minister for Transport has provided the following information.

The nearest alternative service on Sundays for TransAdelaide patrons of Clapham Railway Station is the 190 bus route which travels to the City from Kays Road via Belair Road/Unley Road. The service is hourly and the closest bus stop to the station is stop 18 which is less than 100 metres distance away.

TRAFFIC INFRINGEMENT NOTICES

210. **Mr ATKINSON:**

1. How many of the traffic infringement notices issued by police on Monday 10 April 1995 at Barton Road, North Adelaide were issued to people whose address given as North Adelaide and how many were issued to people whose address was a suburb other than North Adelaide?

2. What warning was given by police to the public before starting to enforce the closure of Barton Road for the first time in more than three years?

3. What representations were made by the Lord Mayor, the Right Honourable Henry Ninio to Police about enforcement of the closure, to whom were these representations made and on what date?

4. On what basis did police at Barton Road make decisions to fine motorists and cyclists on 10 and 11 April 1995 as distinct from cautioning them and how many motorists and cyclists were cautioned and how many were issued with traffic infringement notices?

5. Did Assistant Commissioner Bevan inform the Police Commissioner before he ordered the diversion of police to the special operation at Barton Road on Monday 10 April 1995?

The Hon. W.A. MATTHEW: The Police Commissioner has advised the following:

1. On Monday 10 April 1995, a total of four traffic infringement notices were issued at Barton Terrace, North Adelaide, for breaches of road closure restrictions. All persons reported resided in suburbs other than North Adelaide, two in the northern suburbs and two in the western suburbs.

2. There was no specific announcement to the public prior to the policing of the road closure. Police action was initiated in response to a complaint from a bus operator, complaining of the hazard caused by vehicles disobeying the road closure signs. During the course of the policing on 10 April 1995, the police officers at Barton Terrace, North Adelaide initiated a media release to the public advising that the roadway should not be used.

3. On 27 February 1995, the Lord Mayor wrote direct to the Commissioner of Police, indicating that advice of the legality of the road closure had been received by the Adelaide City Council and requested policing of the closure. The Lord Mayor spoke personally to the Commissioner in similar terms in early April 1995.

4. The decision to caution or issue expiation notices was made by the police officer concerned in each case, and was based on the attendant circumstances. Northern Traffic Division records indicate that a total of four persons were issued with traffic infringement notices and seven persons were cautioned.

5. No Assistant Commissioner ordered the diversion of police to Barton Terrace, North Adelaide on 10 April 1995. The attendance of police on that day was in response to a complaint and was at the discretion of the Northern Traffic Division Supervisor who was aware that the legality of the closure had recently been confirmed by the Crown Solicitor.