HOUSE OF ASSEMBLY

Thursday 26 October 1995

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

OIL INDUSTRY

Mr CAUDELL (Mitchell): I move:

That this House establish a select committee to inquire into the actions of the oil industry in relation to multi-site franchising and the impact such actions will have on South Australia, and in particular—

(a) whether dealers have been treated in a fair and equitable manner in the current offers by oil companies to purchase back unexpired terms;
(b) will the multi-site franchising as proposed by the oil industry—
  (i) result in a reduction in economic activity in South Australia; or
  (ii) have any adverse consequences for consumers;
(c) will current supply arrangements to dealer owned service stations be placed under threat by the current actions of the oil industry on multi-site franchising;
(d) will existing service station businesses be given the opportunity to continue to operate and renew their existing franchise agreements; and
(e) do the current proposals contravene any current South Australian or Commonwealth legislation?

I have written to all State and Federal members of Parliament about the issue of multi-site franchising as proposed by Shell and Mobil. I have been advised today that Ampol and Caltex have officially moved down that line as well. They propose the end of an industry as we know it. They propose unconscionable conduct. They propose an end to discounting as we know it. They propose an end to the independent operators in the service station industry. They propose an end to the local dealer as we know it. They propose an end to business opportunities for South Australians. They propose dealer cleansing and annihilation of over 90 per cent of the service station dealers in the metropolitan area of Adelaide.

My initial correspondence and media statements have been answered by representatives of Shell, who have said that multi-site franchising will lead to efficiencies, opportunities and further discounting. The Shell company is the same company that brought you the environmental vandalism in the North Sea. The efficiencies that they talk about are not efficiencies—other than to themselves in the way that the orders and supply system is set up. They propose no reduction to the overcapitalisation of that industry: all they propose is the cleansing of the dealers.

What they propose is that there will be two dealers in the whole of the Adelaide metropolitan area controlling 56 service stations. Those two dealers are companies operating out of Sydney. As a result of the information that I supplied, Mobil requested a meeting and it was conducted on a Friday morning in September. At that meeting Mobil went to great lengths to distance itself from the actions of Shell, but said that dealers in South Australia would have an opportunity to be involved in multi-site franchising: all they needed to do was find $1 million, but they could not use their family homes in that regard. We all know that most SMEs use their family home for security, but Mobil has set it up so that it is available only to large organisations in the Eastern States. When I spoke to them about the inconsistencies of their program and how it would affect the life savings of individuals and possibly send them into early bankruptcy, their answer was, 'Some are bound to fall off the table. We can't cater for those particular situations.'

I say to Mobil and Shell that they have to start catering for South Australians, for South Australian businesses and consumers, because we will not accept what they propose. As I indicated to all members following correspondence from Shell and Mobil, and based on my discussions with the oil industry, my concerns have been and still remain that Shell and Mobil have used a position of strength in negotiations to arrive at a predetermined position. They have used stand-over tactics in having dealers convert their leases to those companies. In one instance an Adelaide service station operator was advised they no longer had a lease over the property, being advised that the leaseholder of the property was actually a subsidiary of Shell. It used accounting practices to hide behind that situation. Dealers with four to five years of a lease to run are being advised that, if they refuse the offer made, at the conclusion of their lease term their lease will not be renewed. If that is not service station dealer cleansing, then I am not here in this place today.

Members have debated previously in this Parliament legislation relating to retail leases. Some members referred to the Westfield organisation as being an ogre in retail leasing. We all know that the Trade Practices Commission will be conducting an inquiry next year into unconscionable conduct involving lease renewals. Unfortunately, that inquiry will be too late for service station dealers in South Australia, and hence the need to implement something *post haste* in this area. One could be accused of being cynical because, at the time of the Mobil offer to its dealers in regard to selling off franchises, they were also saying, 'You can stay in your service stations if you want to but in July 1996 you'll have to find an extra $60 000 to stay in your service station because we will change the trading terms.' That means the dealer has to go to the bank and find an extra $60 000. He will have to tell the bank manager that he needs $60 000 and the bank manager will ask, 'How long is your tenancy?' The service station operator will then have to say, 'That's something I have to tell you. In two or three years they're not going to renew my lease.' The opportunity for a service station dealer to get that extra $60 000 in working capital is, in many instances, zero. They are using blackmail to force these service station dealers out of the industry, and I will not stand for it.

Dealers who purchased another site in the past 12 months are now being offered figures well below those that they entered into, and the oil companies are not prepared to compensate dealers for their outlay in full. In my discussions, I provided Mobil with the example of a dealer on the Adelaide Plains. A very good Mobil dealer was given the opportunity to purchase the lease of another service station. That lease had 2½ years to run. Mobil did not make full disclosure to that dealer of its intentions with regard to multi-site franchising. The dealer was told that, if he performed in the same manner as he had performed in the past, there was every likelihood that his lease would be renewed. He paid out $100 000 in goodwill for that business. He has now been offered $25 000 by Mobil. As a proprietor of a service station he stands to lose $75 000—a small fortune—and is being forced out of business.

In my initial correspondence to all members, I advised that Mobil and Shell were offering $7 000 to $12 000 per year for their remaining franchise agreements. Shell has said that that is not the case, but it has not been prepared to put on the public record the amount that has been offered. Mobil has

made no comment. However, the figures that it provided to me line up with the $7 000 to $12 000 per year that I stated publicly had been offered. The current operations of the 100 plus Shell and Mobil sites have created wealth for South Australians. Because 90 per cent of those dealers will no longer be able to stay in business, that wealth will be lost to South Australians forever. Based on the ancillary industries that supply those service stations and the profitability from those dealers, it is estimated that between $30 million and $50 million will be lost to South Australia.

At best, supply contracts being provided by oil companies to independents provide little security for the future, nor do they provide those dealers with the ability to openly compete in the marketplace. As an example, I cite the situation with respect to the Shell Service Station on Marion Road operated by Mick Skorpos. In the years prior to 1987 Esso—which was in the marketplace at that stage—tried valiantly to force Mick Skorpos out of business by using collusive practices. By supporting two service station dealers either side of Mick Skorpos, it forced the price of petrol down to a level with which Mick Skorpos could not compete. Shell has now offered Mick Skorpos a lease agreement with a set wholesale price and with no further support. If Esso achieved this in the late 1980s—forcing Mick Skorpos out of business—there is no reason why Shell, Mobil or Caltex-Ampol will not do the same thing, knowing that he no longer has an opportunity to compete.

As I said before, Shell's 50 plus sites will be controlled by two interstate companies. Mobil's 50 plus sites will be controlled by between seven to 10 proprietors. Therefore, over one third of the Adelaide market will be controlled by approximately 10 dealers. I am now informed that the amalgamation of Ampol and Caltex, which has been sanctioned by the Trade Practices Commission, is about to head down the same avenue. We will have the situation where most, if not all, service stations in Adelaide will be controlled by less than 20 operators and, because of the capital required, they will be Eastern seaboard operators. Consequently, there will be every opportunity for collusive practices and the end of discounting as we know it in South Australia. This is all about the oil industry raising its bottom line price for its product so that the profitability leaves South Australia and heads to America and Amsterdam. This presents every opportunity for the price of petrol to rise between 10c and 15c per litre.

I propose that a select committee be established, and I put the oil industry on notice that its behaviour is unacceptable. Associated with that select committee, I will confirm the situation as I have outlined it to everyone, both previously in writing and also before House. The committee will assess the current legislation to see what needs to be done to ensure the continued viability of these South Australian businesses. It will promote the divorcement of the oil industry from the retail sector to protect the customers, the punters, the battlers and the senior citizens of South Australia. If the actions of the oil industry are allowed to go unchecked, those people will no longer be able to afford to drive a motor vehicle because petrol will go into the luxury class. By having this select committee, we can ensure that the people of South Australia are protected.

As a South Australian employer I am embarrassed by the actions of this industry. As a former oil industry person I am embarrassed by the actions of Shell and Mobil. As a community leader I am outraged by their activities. We must tell Shell and Mobil that it is not on, and I seek the support of the House of this motion.

Mr QUIRKE (Playford): I want to make a few remarks on this issue on behalf of the Opposition. First, in fairness to the honourable member, the Opposition will vote for this select committee. Our position on this is that, if an issue is worth looking at, we will support members in this House in the creation of a select committee to have a thorough examination of the topic. So, my first point is that we will support the motion.

However, no member should infer from that that the remarks made by the honourable member a moment ago are supported by the Opposition. Although this is certainly a case that needs to be examined, the Opposition has a number of concerns about this matter, not the least of which is the way in which anti-competitive practices could creep into this industry, not so much by the actions of the oil companies but by the actions of the Motor Trade Association and, indeed, by the remarks of the honourable member concerned, who has just elaborated on a case which, at the end of the day, we will look forward to examining very closely.

I am somewhat amused that competition in our society is something that everyone in the Liberal Party wants when it is to do with water, electricity and all the traditional Government activities; but, when it comes down to their own bailiwick, they are not happy about it at all. In fact, they say that it is unfair and unreasonable and that for some curious reason competition will lead to higher prices. That inconsistency is a problem that the Opposition does not have, so we will look with a great deal of interest to see whether some of the remarks that have been made by the honourable member are supported by the evidence.

We will support the select committee and we are happy to participate in it, but it ought to be understood by everyone in this House that we want to see a fair and free-ranging committee. Our concerns will be not with the protection of members of the Motor Trade Association but with the motoring public. It must be said in this House that my constituents and, I suspect, those of every member are happier paying 67.3c per litre—as I paid yesterday at Mobil in my electorate—as opposed to the 72.9c or 71.9c per litre that is being charged this morning. There is a mystique surrounding—

An honourable member interjecting:

Mr QUIRKE: It could be, and I am a bit worried about some of this. It may well end up at 90¢ but, at the end of the day, the issues need to be examined. Of course, one issue relates not only to oil companies owning petrol outlets but also to some State legislation—and I do not know how we will look at Commonwealth legislation because this is a State Parliament—which affects the sale of petrol in South Australia. The Motor Fuel Licensing Board is a product of such legislation from 1972 or 1973—I am not sure what year the legislation was passed. I believe the side effects of that legislation need a thorough examination.

If I wish to develop a petrol outlet, I must not only obtain council approval but then go through a mirror procedure to another agency, such as the Motor Fuel Licensing Board. I remember that one outfit in my electorate successfully applied to council but then had its application killed off by the Motor Fuel Licensing Board on the ground that it would be competing in the middle of the night with garages that were already closed. At the time I found that rather amusing and unnecessary, and I wrote a letter to the then Minister for

Planning (to which I do not think I ever received a reply) suggesting that it would be a good idea—

Mr Brokenshire interjecting:

Mr QUIRKE: It was not one of yours. That could give the honourable member a choice of two or three from the last Parliament. But I did not receive a reply.

The Hon. W.A. Matthew interjecting:

Mr QUIRKE: The Minister is trying to draw me on this. The thing is, I did not receive a reply and I suggest that it is double jeopardy: a person should apply either to the council or to the Motor Fuel Licensing Board, not both, and there should be some coordination. Those issues should be looked at. I make quite clear that the Opposition will be supporting policies that will ensure not only genuine competition but also cheaper prices to the motoring public, both in the country and in the metropolitan area. That is our position. We are happy to support this select committee on that basis, and we make clear that the agenda of the Motor Traders Association of South Australia is not necessarily the agenda of this Opposition.

We also make clear that we support discounting, and I know that is something they are not all that happy about. But, at the end of the day, the interests of the motoring public of South Australia will be the guiding light for this Opposition, not only in its role in the select committee but also in any consequent motion before this House coming from that select committee.

Mr ASHENDEN (Wright): I support the motion. As was my colleague, I was an executive with an oil company for some years and I am only too well aware of how they work. Make no mistake, the change sought by the oil companies will, in their opinion, benefit only one group—the oil companies. I guess, we cannot blame them. They are in business to make the maximum profits for their shareholders. Of course, they will look at ways and means to increase their market share and, more importantly, to increase the profits they make on their fuel sales.

It must not be forgotten that oil companies are unique in many ways: they control the product even before it is discovered through to the time it is sold to the motorist. This gives the oil companies tremendous opportunity to make profits at many points in the production line. It is no secret, as I think the oil companies will acknowledge, that the area in which they make the least profit is retailing. They make plenty of profit when they discover the oil, when they refine it and when they distribute it, but when it gets to the final point they find that they are not making the profits they would like. Therefore, they have brought in schemes which they believe will increase their profits. We cannot blame the companies for looking to do that for their shareholders. However—and this is why I support the motion strongly—in doing that the oil companies will be disadvantaging two groups within our community. As the Opposition has pointed out, they will be disadvantaging the motorist (the consumer) and small business.

I have a number of friends in the oil industry. One, who is a very close friend, moved from South Australia to take over distribution in a rural area controlled by one of the oil companies to which we are referring, and he developed an extremely profitable and successful business. What the oil companies are doing in the retail sector is what they did a few years ago in their commercial or rural areas. They took away small rural businesses and gradually made them larger and, even though my friend was the proprietor of one of the biggest distribution networks in Australia, the company moved in and took it away from him just like that. That is what they are now seeking to do in the retail area.

The oil industry is not particularly profitable for retailers. Many small business people put their life savings into businesses which, because of the low margin of profit, require the proprietors to work very long hours to make a living. Even so, those small business people—many hundreds in South Australia and thousands in Australia—contribute strongly to the economy of the State in which they live. If those small business people lose their businesses, they and their families will lose their source of income, and it is not easy to move into another business or job today. Therefore, many of those small business people will be adversely affected by the move that the oil companies have in mind.

Another area about which I am concerned is the impact that this move will have on the pricing of motor fuel for the general public. We are all only too well aware that there is very strong competition not only between the oil companies but between the dealers themselves to get the maximum throughput at their pumps. One thing that is important to oil companies is the way in which their purchases of crude oil are defined: their retail market share determines how much Australian crude they are able to purchase, so market share is very important to them. At the moment we find the oil companies discounting through their dealers to ensure that they keep their market share. In other words, there is real competition between the oil companies to attract the motorist to their service stations to purchase their fuel.

If the move that the oil companies have in mind takes place, it will be much easier for them to control the price of fuel through the petrol outlets. The oil companies will deny it, but I know that they talk to each other, and it will be a lot easier for them to talk to each other if control of the service stations comes in. I am sure that we shall see not only the oil companies discouraging discounting but also the dealers when there are only one or two of them controlling the sale of fuel. If Shell, which used to be the biggest and is now the second biggest retailer in South Australia, has only two dealers in this State, what interest will those dealers have to discount? None whatsoever. Why should they? It will be easy for them to sit back and ensure that there is no discounting. It will not be in their interests or the oil company's interests to undertake any discounting, and the motorist will suffer. There will be no competition in the price market. There is no doubt that, if the oil companies are successful in what they are seeking to do, the price of fuel to the motorist will go up.

In the past the oil companies have cried crocodile tears and said that this discounting is affecting their small business people and that by doing this we are merely hitting the small people. That does not hold much water with me at all because there is no doubt that they have been trying to build up their profits by cutting back on what they have to do to subsidise the dealers who are discounting. It is a business and they have to do what they see as right for their shareholders and maximise their profits. However, it will be at the cost of the general motoring public and at the cost of small business. Therefore, I certainly hope that we will see some action to ensure that these steps are not taken.

It is most unfortunate to see the changes that have occurred in the oil industry over the past 20 to 25 years. I can remember that, with my first involvement, which was many years ago, I was quite proud to work for the oil company for which I worked. There is no doubt that there was genuine concern by that oil company for its dealerships. In those days

there was not discounting but there were far too many service stations, and the only way the dealers could make a profit was to be financially supported by the oil companies. With the oil company I worked for, 80 per cent of my time was spent reviewing what sort of assistance we could provide for our dealers to ensure that they survived in the marketplace, not because of discounting but because of the inefficiencies of the oil retailing operations in those days. Gradually that has gone.

That interest in their dealers has changed to the point where the only interest companies have is in their own profits and their own market share. The innocent victims are two-fold: the dealers, the small business people (who contribute so much to our society) and the motorists.

I urge the House to support the motion that has been moved by my colleague in the hope that, through it, we will be able to take steps that will ensure the protection of the livelihood of these key small business people in our community and protect the right that motorists have to purchase fuel at the cheapest possible price.

The Hon. FRANK BLEVINS (Giles): I support the motion to establish a select committee to look at this issue. Like the member for Playford, I must smile when people such as the member for Mitchell get up and seek enormous Government intervention in the marketplace. What spineless capitalists we have these days—absolutely spineless! There is not a decent capitalist left: I despair of them.

In the petrol industry these people are behaving like business people and cutting each other's throats, cutting each other off at the knees, trying to maximise their market share: it is vigorous competition. This is what it is all suppose to be about. But the wimp of a capitalist, the member for Mitchell, comes in here and says, 'No, no, we in the Liberal Party do not believe in that; we believe in enormous Government intervention, interfering in the marketplace, protecting everybody left, right and centre while, at the same time, trying not to offend anybody.' I am sad that there is not a descent capitalist left in South Australia. Nevertheless that is by the bye. That was put even more clearly by the member for Playford.

The member for Mitchell said that what the oil companies are proposing to do will end discounting as we know it and put an end to independent dealers as we know them. With regard to ending discounting as we know it, I have news for the member for Mitchell. I am speaking not only as the member for Giles but also on behalf—I know, even without their permission—of the member for Eyre and a couple of other members in this place. What discounting, I ask? Where is the discounting? I will not shed a tear for all these people who the member for Mitchell has said will go to the wall, because of what they are doing to my constituents, those of the members for Eyre and Frome, and a number of other members. The oil companies and the people down the line in the petrol industry are stealing from my constituents. Quite frankly, I could not give two hoots what happens to them.

What has happened in this discounting area? I played an instrumental part in this area—against some significant opposition, I might add (and anybody who has been a Minister could say how much opposition would come about)—when I said, 'When we increase the State tax on petrol, it will not be increased outside the metropolitan area.' That is still the same today. Officers in Treasury went mad and said, 'It cannot be done; it is too complicated.' One of my Cabinet colleagues said, 'Absolutely under no circumstance; we need the money.' However, in the end, for one reason or another, people listened to me, and we then had the system.

I thought that was a major victory, but it was not at all, because all it did was fatten the profits of the oil companies. The gradual percentage reduction in the cost of a litre of petrol that was paid in taxation did not flow on to the consumer. The oil companies kept those additional funds to subsidise even greater discounting in the metropolitan area. The difference is close to 5¢ a litre less in State petrol tax, fuel franchise levy or whatever is its fancy name, as opposed to the cost in the metropolitan area. In the metropolitan area, motorists pay about 5¢ more.

What happens at the petrol pump? That 5¢ has not been deducted by the oil companies. In Whyalla now—and Whyalla is not the worse place in my electorate—petrol costs around 79¢ a litre. It costs only 2¢ a litre to transport fuel to Whyalla. Theoretically, mathematically, morally and in any other way one wants to calculate it, petrol in Whyalla ought to be about 3¢ a litre cheaper than it is in the metropolitan area. However, because the oil companies feel that they can charge what they like in Whyalla, in Pimba, where it is even 10¢ higher, and in these other places in my electorate—and even more so in the electorate of the member for Eyre—and because the motorist cannot drive to another service station, they just get hit for whatever the companies and retailers want to charge them. That is exactly what they do. They are stealing from country people and only at times giving it to people in the metropolitan area. I do not mind the discounting in the metropolitan area, where I buy 50 per cent of my petrol. I fill up at this end, and I fill up at the other end. It breaks my heart to fill up in Whyalla, because of the way these thieving oil companies and their minions behave.

The member for Mitchell might come in here expecting us to have sympathy for members of the MTA or the oil companies, but he will get none from me. I do not care what happens to any of them, because they have been stealing from people in my electorate and those of other electorates for years. We will have a look at the honourable member's select committee and at this problem, if for no other reason than to embarrass the member for Mitchell for the wimp capitalist that he is in proposing all this massive intervention in the marketplace. He will be asking for price control on petrol next, and I will support him if he does, because I do not know what the answer is. Even though there are different oil companies, that makes no difference: the price is the same across all service stations with some very minor exceptions. Either they are colluding or it is the greatest example of ESP that I have ever seen, because it all seems to happen at precisely the same time. All these oil companies are crooks. None of them deserves any consideration whatsoever from any member of this Parliament, and particularly not from any member who represents a country electorate.

However, as my colleague the member for Playford said, we will cooperate in establishing this select committee. I know that those who will serve on it are looking forward to interviewing the MTA. Remember the MTA: $80 000 to the Liberal Party and $6 000 to the Labor Party, and it has been coming back all the time for its pay-off. I want to tell members of the Liberal Party: 'So far, you've given them nothing, and you're dead right to do so—give them nothing.' Dick Flashman is one of the nicest guys on earth, one of the greatest lobbyers I have ever met in my life, but do not fall for his blandishments, give him absolutely nothing, because to do so will go against the interests of your constituents.

Mr BRINDAL (Unley): I have never heard a more confused speech from the member for Giles. In the end, I did not know what he was talking about. He talks about wimp capitalists; he then tells us that when the member for Mitchell wants to introduce price control he will support him; he also tells us that he has no sympathy at all for the oil companies—I really do not understand why he is not attempting to support the member for Mitchell in promoting to this House a select committee to look at this matter. I am sure that every member of this House who has even driven past Gepps Cross knows exactly the situation of which the member for Giles speaks. It is outrageous!

I used to have a boat in Whyalla, and it used to break my heart to fill it up with petrol. He is quite right: what is done to people in country areas is exorbitant. What the member for Mitchell proposes is, at least, a start. I cannot see how the member for Giles can stand there and argue that oil companies with their overweening power, with what they are already doing in the industry at all sorts of levels, should by this mechanism control the number of people who can operate sites. It will give the oil companies more power and more authority within the industry, and we will be held more to ransom.

The very situation of which the member for Giles complains could well be exacerbated by what the oil companies propose. The fact is that oil companies already have enormous power, more power than many State Governments, and arguably they have more power than even the Federal Government in terms of what they can do to the economy. The member for Giles talks about wimp capitalists. I see nothing wrong as an elected member of this Parliament with espousing a fair deal. There is a profound difference between a market that is working well and one that is manipulated.

Mr Caudell: Show me one that's not.

Mr BRINDAL: That's exactly right. However, I have yet to hear anyone argue cogently that a monopoly, especially a vertically integrated monopoly, serves any good in society. America which is supposedly the—

The Hon. Frank Blevins interjecting:

Mr BRINDAL: As the member for Giles interjects, it is a terrible thing unless you own one—I presume that is what he means.

An honourable member interjecting:

Mr BRINDAL: Yes, that is exactly the sort of case in question—they serve no good. I hear members opposite bleat regularly about the service which they believe they get from the one daily newspaper in this city. It is a monopoly situation in this city, and most people would agree that it does not serve the city well. Yet, what we are looking at in the oil industry—

Mr Atkinson interjecting:

Mr BRINDAL: The member for Spence says it did not do badly by me. I am not complaining; I am merely pointing out that the other side is complaining. If a monopoly suits—

Mr Atkinson interjecting:

Mr BRINDAL: As the member for Spence records, and as I hope *Hansard* will show, I am most grateful to the *Advertiser* for its assistance. I agree with the member for Giles that the oil companies do not deserve any sympathy. The member for Mitchell deserves very serious attention for the proposal which he puts before the House.

Mr Foley interjecting:

Mr BRINDAL: I assure the member for Hart that I am not the numbers man for the honourable member's petrol Bill but, like the member for Giles, I am greatly worried by the practices of the oil companies. If the member for Hart likes to come outside afterwards I will tell him a few things I know about the oil companies that I do not want to say publicly, because they would be well and truly reported. I am no friend of the oil companies, or of the way they act, not only in South Australia.

Mr Foley interjecting:

Mr BRINDAL: I will tell us all we both know, and it will not take any longer.

The SPEAKER: Order! I suggest the member for Unley proceed with his speech and not enter into a dialogue with the member for Hart, who sets a bad example for other members with his continued interjections.

Mr BRINDAL: When the member for Giles talks about wimp capitalists and fair competition, he would do well to remember that the State has a stake in this matter. The State licenses franchises. The State actually dictates the way in which these people can operate—the way in which petrol and motor spirit can be retailed. Whenever the State seeks to control or already controls something, it has a vested interest and thereby regulates and stops the market being a free market. The fact is that the member for Spence, the member for Hart and I cannot just go down to the corner, buy a site and set up a petrol station. We cannot freely retail petrol because, first, there are Government regulations that stop us and, secondly, the oil companies have a thousand tricks for stopping people like me or any other member of the public from getting in on, as the member for Giles says, their very lucrative industry. I think the honourable member used the word 'extort' and I would concur in using that word, describing how people are ripped off for their profits.

What the member for Mitchell is proposing is sensible. It is that this House look at this matter and try to work out a way in which we can regulate an industry which we already regulate to make it fairer, not only for metropolitan people but (I would say to the member for Giles) also for country people. I do think they get ripped off and used and abused. The member for Giles knows that, if you pull in to Nullarbor Homestead and it is 300 kilometres to the next petrol stop, you really have little choice but to buy a tank of petrol and you have to pay whatever price they want for the petrol. As the member for Giles eloquently pointed out, they want a lot more than it ever costs to ship the petrol there. I therefore commend this measure to the House. I hope the House will look at it seriously. After all, all it is proposing is the establishment of an inquiry. It is asking us to—

Mr Becker: But how much will it cost?

Mr BRINDAL: I do not know how much the inquiry will cost. I accept that, as the fearless champion of parliamentary expenditure, the member for Peake is bound to ask that question, but he should also ask whether any good will come from it. I would say to the member for Peake that I hope it would cost no more than the good that it reaps. I commend the motion to the House.

Mr LEWIS (Ridley): I support the motion. I would say for the benefit of other members, particularly the member for Giles, that members on this side of the Chamber in doing so are not antagonistic to capitalism in the least. We better understand than he obviously does the strategies that will be pursued in a partly regulated marketplace of monopolies and cartels. Where there are very few players in a market for which there is a substantial sum turning over each year in gross value of the commodity in that marketplace, there will always be a cartel, whether agreed between the players

covertly or whether simply emerging as a consequence of the well documented behaviour of the rest following the leader in the group. A cartel, for the benefit of members who do not know, is a very small number of people, players or firms in a market in which they can, for their own personal or firm's goals—profitability, power and control—agree to do things which are not in the interests of the consumers. They do not reflect free market demand for that commodity at all in the way in which prices are set.

I commend the member for Mitchell for enabling us to better inform ourselves about the strategies and practices being pursued by oil companies, not just on this one narrow and particular item, multi-site franchising, but on other related matters, and through the select committee we will be able to do that. It does not mean that we do not support capitalism. Indeed, cartels and monopolies are antagonistic to the principles of the free market as defined simply in the first instance by Adam Smith and by perhaps better educated minds along the way since that time, when the rigour in mathematical analysis of the behaviour of such interests clearly shows that they will in the long term harm their own situation by seeking in the short run to maximise profits without regard to the ultimate consequence of the market.

I am pleased to be able to say that some very thorough and rigorous papers have been prepared on this anomaly by economists, not only in our universities but, as I discovered to my amazement, in universities in countries such as Taiwan and Korea. I have not been able to read any of the dissertations of scholars in economics in Japan on this matter because none of their works has, so far as I am aware, been translated—and I cannot read Japanese. But I do know that if we do not inform ourselves about what is going on in our marketplace, as a society—indeed, as a Parliament—concerned for the welfare of the South Australian community—and we pray to that end each day before we begin our deliberations—we will deserve condemnation from the wider community.

The member for Giles then is mistaken if he thinks he can score a few points by implying that we are not capitalists on this side of the House if we do not allow oil companies to continue doing what they choose to do now that they have a less regulated marketplace in which to operate and can do so as cartels in that huge market. I commend the member for Mitchell for having the courage to bring the matter to the Parliament's attention.

Mr BROKENSHIRE (Mawson): I will be very brief due to the business that we need to get through in the Chamber this morning. I also rise to commend my colleague the member for Mitchell for showing the initiative to put this select committee proposal forward. I place on record that I have also had major concerns about the way in which oil companies are going about this multi-site franchising proposal. I believe it is critical that we investigate this situation. I understand that the oil companies are under great pressure from their parent companies internationally to lift their product and profit margins in Australia.

I am delighted that Mobil Oil Australia is so much committed to South Australia: the employment that that organisation generates directly and indirectly for South Australia is something for which we all need to be grateful and which we should commend. Notwithstanding that, however, as has been pointed out, we need to protect our small businesses, which is a fundamental philosophy of the Liberal Party—as all members in this Chamber are aware—and, most importantly, to look after our constituents. In the southern region we already pay far too much for fuel—some of the highest fuel prices in the State—and not much under the price paid by constituents of the member for Giles. Despite increasing interest rates—thanks to the mismanagement of the Keating Federal Government—we must ensure that we no longer kick those people in the mortgage belt and that we implement all the protection mechanisms that are possible to guard against a monopoly situation that rapidly increases the price of this important essential commodity in a region such as mine in the south. I look forward to seeing the outcome of the select committee's deliberations.

Motion carried.

The House appointed a select committee consisting of Messrs Buckby, Caudell, Evans, Foley and Quirke; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Thursday 30 November 1995.

PETROL EMISSIONS

Adjourned debate on motion of Mr Caudell:

That the Environment, Resources and Development Committee investigate the merits of the recommendations outlined in the member for Mitchell's Report on Benzene and Aromatics in Premium and Regular Unleaded Petrol Exhaust and Evaporative Emissions—Health and Environmental Risks.

(Continued from 19 October. Page 310.)

Mr MEIER (Goyder): I am pleased to support this motion. Members may recall that I also raised this issue some months ago during a grievance debate in relation to the facts about unleaded fuel. In my comments I referred particularly to a reprinted article from the *VCCC News* which commented on a report by Dr David Warren. It dealt specifically with the problems of lead in fuel and the endeavours to overcome these problems by using unleaded fuel and benzene. At that time I highlighted the fact that lead is a poison if absorbed by the body, but it was questioned whether lead found in human bodies came from lead in petrol, because tests had been carried out all over the world to check the effect on humans of lead emissions from car exhausts.

The German Government cut lead in petrol from .5 to .15 grams per litre and after five years discovered that there was no detectable reduction in blood lead levels despite the lead content in petrol being reduced by two thirds. Professor Lowther, of the University of London, pointed out that the lead that comes out of the car exhaust had been baked at 2 000 to 3 000 degrees Celsius—a bit like a house brick—and is microscopically small. It does not get absorbed by the lungs and does not even get dissolved in the hydrochloric acid of the stomach. In fact, Dr Warren's research showed that the lead in our blood came from eating or drinking it and that the main source was soldered food cans, lead-based paints and lead water pipes. Research showed that blood levels were higher in country people who drank bore water. Blood levels were higher in New Guinea Highlanders and people on some remote lands (where there were no cars) than in blood samples taken from those living in the heart of Melbourne.

I am very interested in what the member for Mitchell's report says about benzene and aromatics in premium and regular unleaded petrol exhaust and evaporative emissions. I have taken the opportunity since the motion was moved last week to read his report. I notice that one of the particular things that the member for Mitchell highlights in the report is the level of aromatics, in particular benzene, in regular and

premium unleaded petrol. He refers to the fact that a number of studies have been completed in Australia on some of these issues. In the member for Mitchell's view, in all of these instances these reports have only scratched the surface on the level of aromatics and associated motor vehicle emissions. If this is true, it certainly reinforces the view that this needs to be looked at further.

Again, the member for Mitchell referred to studies in the United States and in Europe which indicate that there is no doubt that benzene is one of the most powerful industrial carcinogens and that other aromatics also entail oncological risks. Members will note that the second recommendation of the member for Mitchell's nine recommendations states:

> 2. A plan be established for the reduction of aromatic hydrocarbons permitted in petrol and, in particular, priority be given to reducing the levels of aromatics and benzene in premium unleaded petrol (98 octane).

I will not go into the various arguments that the member for Mitchell put forward, but it is important to note that he recognises that further reduction in lead levels should only occur if the replacement product is less harmful to health than the lead it replaces. I agree 100 per cent with that statement and with the thrust of this report. It is of great concern to me that we breath in vapours and gases which are potentially very carcinogenic. The move away from leaded petrol has quite possibly produced much greater health effects than what we were experiencing with leaded petrol. This area needs to be looked at much more. In fact, again highlighted in Mr Caudell's report, the California Air Resources Board found that five substances were found to account for 99 per cent of the cumulative statewide number of cancer cases attributable to motor vehicles. Benzene and 1, 3 butadiene alone account for 83 per cent of the statewide cancers attributable to gasoline motor vehicles.

Those figures are of great concern to me and should be of great concern to everyone who lives in an environment where the use of unleaded petrol is increasing rather than the opposite. I therefore support this motion and trust that we will have more definitive answers as a result of this matter being considered by the Environment, Resources and Development Committee.

Ms HURLEY (Napier): I will, indeed, support this matter being referred to the Environment, Resources and Development Committee. I will be much less hard on the member for Mitchell than the member for Giles, because I have no doubt about his sincerity on this issue and about his concern for the health of South Australians. The member for Mitchell has obviously put in a lot of work over a period of time to do the research required for this report. People have known for quite a long time that there is a problem with petrol—there is just no doubt about that.

Petrol contains a number of chemicals that are toxic or carcinogenic, and that has been recognised for some time by any student of elementary chemistry. It has been known for some time that complex hydrocarbon ring structures, particularly those containing metal compounds, are carcinogenic or toxic in many ways. They are carcinogenic because they intercalate themselves between the strands of DNA in cells and can cause all sorts of problems.

The member for Mitchell referred to Italian research in 1985, but I did my chemistry and microbiology in the early 1970s and have a strong recollection that the toxic and carcinogenic qualities of those sorts of compounds were well recognised then. The member for Goyder mentioned lead, which is another of those additives in petrol known for a long time to have toxic effects on the human system. In fact, he queries it, which I find absolutely astonishing, given the wealth of material that we have on the problems associated with lead.

My brother-in-law was a doctor at BHAS, Port Pirie, and knows far more about it than I do, but I can tell the member for Goyder that, in areas of high truck and car traffic, lead levels are significantly raised compared with the situation where people are living in areas with little traffic around. I do not know where it is coming from if it is not coming from the cars; I am sure it is not coming from lead pipes. I have to think that Government members, including the member for Mitchell, have been a little naive in some of the discussion that has occurred, and that is why I support the issue going to the Environment, Resources and Development Committee, because the committee will no doubt be able to set down a few facts.

In looking through the member for Mitchell's recommendations, I wonder why he is not lobbying his own Government on most of these issues, rather than shunting them through to a committee in the hope that it will act. On issues involving MMT additions in petrol and vapour recovery, I would have thought he should be lobbying his own Ministers directly, given his background in the industry.

As the member for Mitchell discovered, a great deal of research is going on in this area. He has some interesting references, and I really wonder what guided his research, because he seems to concentrate on Italian and American research, but research into this issue is going on all around the world. As I have said, it has been known for a long time that components in petrol cause problems to the human system. The boffins are beavering away in various departments around the place finding out exactly what is going on and how it affects people. But I have to tell the member for Mitchell that the bottom line is what will happen to those research findings and what funding will come from Government. The research is there and the problems are well recognised, and it is a question of either banning cars and petrol or putting Government funds in to addressing the problems as they arise.

For example, the member for Mitchell wants us to look at vapours in underground car parks and do research to see if there are any problems. I can tell him now, as can anyone who has ever wandered into or worked in an underground car park, that there are problems. There are vapours and compounds there that cannot be good for people's health. What will be the result of this research? Will the member for Mitchell's Government here in South Australia change things and ban underground car parks or require better ventilation? I do not know. It is mostly a matter of what his Government will do with that problem rather than doing more research into it. I acknowledge that the member for Mitchell is perfectly genuine in his queries and has no doubt worked hard on this report, giving us all sorts of facts and figures and using words like 'oncological'. Obviously, he is right up on all the jargon.

But, it is a little naive of the honourable member suddenly to discover that there is a problem with petrol, to want a select committee to look at it and to expect that it is able to be fixed. Basically, the honourable member needs to lobby his Government for increased funding for this area, that is, increased funding and resources for the Environmental Protection Authority in South Australia to fix the problem. Also, the honourable member needs to look at the legislation

and regulations to address any problems that arise out of petrol. The problems are well-known and I do not think we need to look at it again, but I am quite happy for a committee to look at it again and provide the member for Mitchell with a couple of solid facts and recommendations rather than his layman's report.

Mr LEWIS (Ridley): Whilst I have some sympathy with what the member for Napier has had to say this morning, she is wide of the mark in saying that the State—

Mr Caudell interjecting:

Mr LEWIS: Yes, I would have to agree with the member for Mitchell. In that respect, there is no question about that. The former member for Napier certainly had big cheeks and did not take his tongue out of them very often. In this instance, though, the member for Napier, quite sincerely, suggested that it is a responsibility that ought to be addressed by the State Government. That cannot occur, because this area is the domain of the Federal Government. We can discover the facts and use our parliamentary standing committee to examine the report that the member for Mitchell referred to in his motion to determine whether or not his arguments are well-founded and therefore what needs to be done, but the bulk of the work to address the problem will have to be undertaken by the Federal Government. That is because it has made it so and not because we as a State, or any other State, want it to be so.

I support the general thrust of the remarks of the member for Napier about the effect of volatile substances on living organisms—and human beings are a living organism. With volatile substances in this ambience—that is, at this temperature where many compounds are gasses and other compounds are liquids and still others are solids and some are, depending on the temperature, either a gas or a liquid or a liquid or a solid—it is to be expected that such compounds will interact with the substance of life, which, itself, is a fairly tenuous arrangement between solids and liquids that requires interface through, in the case of higher animals, the lungs, between liquids and gasses. Whereas we have decided that lead is a no-no, that it is wicked and bad for life, what we have done is replace it with something about which we did not document the consequences and which may well have even more detrimental consequences than the lead itself.

Some evidence is emerging now that my statement of that probability is factual. That needs to be examined. Moreover, because we have identified a problem with one compound in intimate contact with us as human beings in our environment, that does not mean that we ought to do away with that compound when it has otherwise been something that we have relied upon until and unless we can replace it with something less damaging and therefore more salubrious, more health giving and more beneficial.

Change for its own sake, it seems to me, is too often a fashionable catchcry in politics when more rigorous examination of the consequences of change and, indeed, the effects of no change would have made much better sense before we embarked on the course of action that resulted in the change. I will tell of another area in which this is true, and I will take half a minute to do so. We have banned the use of asbestos in brake shoes, yet the consequences of the substances that we have chosen to replace it with now appear to be even more damaging to health than the asbestos. In 10 years we will consider another motion like this because it will have been discovered that we should not have done what we did when we did it and that we will need to do something else to recover our position. We might have to stabilise asbestos and make it inert and incapable of ingestion, or incapable of having carcinogenic consequences once ingested into our lungs. Perhaps we should not have switched to the other substances that we now use in the high friction compounds in brake pads.

I have said enough to illustrate my point, so I offer congratulations to the member for Mitchell on having the courage to address the issue in the fashion in which he has and on having the political perspicacity to put it before us and to get it through this Chamber as a reference to a committee comprised of members of all political persuasions. That will enable them, in objective analysis of it, to come up with a proposal which the public can trust will be outside partisan politics while at the same time mapping out the policy direction we ought to pursue in the public interest in the future.

Motion carried.

STATUTES AMENDMENT (RACIAL VILIFICATION) BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 315.)

Mr ATKINSON (Spence): Australia is one of the few successful multicultural societies in the world, but recently in South Australia we have had exceptions to that successful record. One of those exceptions was a gathering of Neo Nazi youths in Rundle Mall, another was the National Action rallies at Prospect Town Hall and at Glenelg, and a third was the desecration of Jewish graves at the West Terrace Cemetery, and Catholic graves were desecrated at the same time.

There are two other examples in my own electorate. One was the attack on a statue of Mihailovich at St Sava's Serbian Orthodox Church at Woodville Park. Youths in Adelaide for a soccer match attacked the statue in the grounds of the church and cut off its head with an angle grinder. Another example in my electorate, which occurred a few years ago, was the daubing of graffiti on St Michael's Ukrainian Orthodox Church at Croydon, graffiti which accused the parishioners of that church of war time atrocity against Jews. It seems to me that there is a difference between ordinary graffiti and graffiti on racial themes, and Ron Castan, QC put it very well when he said in the *Australian*:

> Greater harm is caused by many racially motivated criminal acts than by similar acts with no racial motivation. There is a clear difference between scratching your name in a public phone booth and writing racist slogans and messages of hate on a place of worship.

The Bill before us, introduced by the Leader of the Opposition, punishes by a fine of up to $5 000 or imprisonment for six months a public act inciting hatred towards a person or group of persons on the grounds of race by threatening physical harm towards a person or property or by inciting others to do the same. This is the criminal aspect of the Bill before the House. In most instances, the person who is charged with this offence will also be charged with an offence under the ordinary criminal law, such as assault or damage to property. This offence proposed by the Opposition would merely be a second offence with which the offender could be charged.

It is a worthwhile offence to add to an otherwise criminal act, for the reason I gave before. When a criminal act involves a racial element, there ought to be an extra penalty.

This part of the Bill is not very controversial. The more controversial part of the Bill is that which provides a civil remedy for racial vilification from the Equal Opportunity Commission. The claim may be made by the person affected or by a representative body. Compensation of up to $40 000 may be awarded and the remedy may include the publication of an apology or retraction.

The Bill is modelled on New South Wales legislation which was passed consensually in New South Wales and which has not been used very much. Indeed, in New South Wales the preferred method is to conciliate cases rather than to bring criminal charges or a civil action. Before I continue, I want to say that I do have one reservation about the Bill, and that is the notion of putting the terms 'race' and 'racial' in our laws. I do not believe there is such a thing as race. Our ancestries are always mixed up far too much for the notion of racial purity to mean anything. There is no better example than the Irish who, although monocultural today, are a wild ethnic mix created by 1 000 years of continuous invasion by Gaels, Vikings, Normans, Scots and English. The notions of race and racial purity were an essential part of the National Socialist ideology that was the scourge of our century. Yes, we have nations, ethnic groups, countries of origin and colour, but I do not think we have races. But that is only a quibble.

I say at once that freedom of speech is not just the right to express agreeable opinions. I do not want to outlaw discussion of religion, inter-ethnic relations, the politics of minorities, or our immigration policy, but I do not think the Bill does that. There could perhaps be unexpected outcomes from the Bill. It is the expectation of most of us that this Bill will first be enforced against National Action or the League of Rights. Father Frank Brennan makes a good point when, in a *Quadrant* seminar, he wrote:

> Such a law may fulfil a useful purpose in a society that habitually persecutes members of one ethnic minority. But in Australia, most vilification is exchanged between members of warring minorities whose relatives are at each others' throats back in the home country. It would be a brave Director of Public Prosecutions who decided to prosecute the Greek agitator and not the Macedonian organiser. It would be an unenviable task for the police officer, having to decide whether to arrest and charge the Croat or the Serb. Presumably the advocates of this law would espouse a selective prosecution procedure under which one would leave warring minorities to themselves while making a show trial of the mainstream community member who had singled out one racial group.

It is interesting, from the point of the politics of this matter in this Chamber, that the Deputy Leader of the Federal Liberal Party, Mr Peter Costello, made clear that he was opposed to the second part of this legislation. In the same seminar Mr Peter Costello, speaking on behalf of the Liberal Party, said:

> However laudable its aims, this part of the Bill is too wide, too vague, and a major inhibition of freedom of expression. And if it came about, who would think it the last word? If legislation of this nature is introduced, it will lead at once to demands for sexual vilification and homosexual vilification legislation while we're about it. Why not have political vilification legislation as well? Why should some people be able to bring the political beliefs of others into serious contempt?
>
> I'll tell you why. It's because a free society requires it. It requires the ability to subject political beliefs to exacting criticism. And to engage in such criticism the whole gamut of life that has political implication needs to be up for discussion whether it covers race, sex, religion or other issues that involve Government policy or expenditure or administration. If the discussion incites damage to a person or their property, let's draw the line and stop it. But outside that line let's be very careful where we say discussion has to stop. And let's especially be careful about stopping it through the legal process rather than through debate and robust refutation which, you might find, is more effective in countering racism anyway.

The Hon. Frank Blevins: Hear, hear!

Mr ATKINSON: I hear the member for Giles say, 'Hear, hear!' Respectfully, I disagree with the Deputy Leader of the Federal parliamentary Liberal Party, Mr Peter Costello, and on this occasion with the member for Giles, because I think the Bill is worthwhile. I do not think South Australia ought to be a forum for ethnic hatred, ethnic intimidation or ethnically motivated violence.

The Hon. Frank Blevins: This State was founded as a free colony—

Mr ATKINSON: The member for Giles interjects that this State was founded as a free colony. I have had my say. I do not think that South Australia should be a forum for these kinds of hatreds. We limit free speech all the time by the laws of defamation. One is not allowed to scream 'Fire' in a packed cinema. We limit free speech in a lawful and democratic way. I think this is a sensible provision. In conclusion, I should like to quote a Canadian legal academic, Professor Kathleen Mahoney, who said:

> Non-violent hate exists on a continuum which eventually and inevitably leads to violence once the weapons of segregation, disparagement and propaganda have done their work. All constitutions in free societies permit limits on speech if those limits are justified, reasonable and prescribed by the law in a democratic context.

I think that we ought to get on by passing this legislation as soon as possible. I support the Bill.

Mr WADE secured the adjournment of the debate.

CREA, TERESA

Mr SCALZI (Hartley): I move:

> That this House congratulates South Australian playwright and director of Doppio Teatro, Teresa Crea, on winning the first national award for cultural diversity in the arts and recognises her contribution to multiculturalism.

Members will be aware of the *Advertiser* article on 6 October in which Samela Harris says:

> Adelaide theatre director, Teresa Crea, has won the country's first award for cultural diversity in the arts. Ms Crea, playwright and director of the Italian/Australian theatre company, Doppio Teatro, was presented with the $8 000 inaugural prize last night by the Prime Minister. . .

It is great for South Australia to have won that award, because we have a strong tradition of recognising diversity. As members said in the previous debate, South Australia started with the acceptance of that diversity and freedom.

Who is Teresa Crea? Teresa Crea is a writer and director. In 1983 she co-founded Doppio Teatro and, as its current artistic director, she continues to explore the boundaries of intercultural theatre forms. Works developed with Doppio Teatro have been performed at Adelaide International Arts Festivals, the Brisbane Biennial International Festival of Music, Leeds International Youth Festival, Australian National Theatre Festival, Come Out and the local Italian festival. Other productions include radio versions of *Red Like the Devil* and *The Migration of the Madonna* (finalist in the 1993 New York International Radio Festival), commissioned by the ABC Radio National, and so on.

With the current activities Doppio Teatro recently launched a new production *Eremophilia: Pulcinella*, as part of the 1995 Brave New Works season, Adelaide Festival Centre, and in 1996 will embark on an extensive New South

Wales-Victoria tour of its 1992 Adelaide Festival production *Una Festa di Nozze*. Teresa Crea is currently guest director in the State Theatre production *Six Characters in Search of an Author*. That is quite an achievement for Teresa Crea, for South Australia and for multiculturalism and the development of an Australian identity.

We only arrive naked at birth. At all other times we come clothed. If we do not accept the clothes, we do not accept the person. We are clothed with tradition, language, art, food, dancing and all the full aspects of humanity. The work of Teresa Crea in Doppio Teatro is a witness to this fact; it is important in the development of a national identity. I read from an article by Louise Nunn in the *Advertiser* of 3 October, as follows:

> It is natural to take for granted how many of our customs and habits originated elsewhere, so completely have they been absorbed into our everyday lives. Crea is reflecting on the way they have merged, in a sense, to create something new, a sort of a hybrid culture that is being recognised as one of the most interesting outcomes of the social experiment that is multicultural Australia.

It further states:

> Her work during the past 10 years as an Australian director of Italian origin largely has been an expression of this.

It is very important work. Whenever we have different people coming together there are always some problems. To have a truly equitable and just society, one must provide structures for its citizens to come together and to develop that new identity. They must have support in health, and we have, by way of migrant help, ESL (English as a Second Language) and interpreters' cards. All these things are a testimony of the work that all Governments have done in promoting the Australian community.

We have come a long way since the 1950s and 1960s, when many of those services were not provided for migrants. I am testimony of that. When I was in a classroom of about 45 students, there was no English as a second language, no special English class and no special provisions when one did one's matriculation. Members opposite complained about the basic skills testing. I had to go for the intelligence quota test in English in first year high school, and I was put in the second to bottom class. So, we have come a long way and we must continue to provide those services.

All these things are important. However, there are hidden needs on the road to becoming an Australian which are not always apparent, namely, how we answer to such questions as, 'Who am I?', 'Where do I come from?', 'What are my customs?', 'What are my traditions?', and, 'What is my place in Australian society?' This is where art, theatre and drama play an important part. They play that part especially for Australians whose parents came from another country. It does that, and it does that well. Members who might question that only have to refer to ancient Greek history, to playwright Sophocles and what he did when he wanted to illustrate the point that we had reached a time when he thought that man (and today we would have to say 'man and woman') was the measure of all things. He came up with the play *Oedipus Rex*, which showed that we are still dependent upon the gods. As theatre has played an important role through history, Doppio Teatro plays an important role today.

I was most impressed when I went to see the example of *Eremophilia: Pulcinella* last month at the Norwood Town Hall, and I was fortunate enough to be with the new Italian consul for South Australia (Dr Roberto Colamine) and other people from the Italian community who were most impressed with this recent production of Doppio Teatro. It is important because Doppio Teatro and *Pulcinella* focused not only on what *Pulcinella* was in Italy but also on what the new *Pulcinella* was in Australia; he displayed characteristics of an Australian. He had travelled and become a philosopher. The last scene was touching, when *Pulcinella* took off his mask and talked about the new world—and the new world is not only Italian or Australian but something that is unique to Australia.

We can develop through art and drama, and we can help people to find an identity. In a way, drama does that. If we walk in someone's else shoes, we are less likely to say that their feet smell. Drama can put us in someone else's shoes and make us understand how things are difficult for people who have come from a different perspective, culture and background. I am proud to move this motion. I am proud to know that Teresa's work has been recognised. As an Australian with an Italian background, and as one who has witnessed the plays first-hand, I can understand the importance of that work. I have spoken to members who have been fortunate enough to see the plays, and they agree that it does play that important role.

In a way, Australian society is a mosaic of which we are all a part. Without a vision, we have only colour and texture; without colour and texture, we have no picture. Art and works such as those of Teresa Crea help us to develop that picture. We have to look only at what has happened to Australian Aborigines when Aboriginal culture was taught in schools—and I should know; I was a teacher at Ingle Farm High School, which was part of the Wiltja program for nine years. I could see that, when Aboriginal language, culture and traditions were incorporated, we gave them a sense of self-worth. When you give someone a sense of self-worth, they are more likely to feel good about themselves and contribute to the society, as well as participate like any other Australian. It is important. It is not enough just to provide the necessary services of health, education, and so on: we must also provide a vehicle for people who are on that road to becoming an Australian and going through those crises to enable them to express that road to identity. Art and theatre does that.

If we refer to the Australian dreaming in the sense of Aboriginal culture, it is forever going, forever changing and forever inclusive. If we incorporate those aspects in the development of a new identity as Australians, I think we will be all the better for it. Only this morning I was fortunate to come across an article on multicultural teaching. I quote from this magazine, as follows:

> Finally, identity formation is a central and essential aspect of becoming an Australian somebody: we are active agents in our own production and presentation of self. By focusing our attention on the processes of identify formation and reformation by these 'outsiders' from their position we may well expose new and more inclusive perspectives and understandings. The position of being on the margin provides the possibility of insight and critique. It is from this position that the difficult task of explaining how difference can be accommodated in our theorising about Australian society must commence. Creating dialogue across difference will challenge our knowledge and understandings of what it is to be Australian—whatever our position.

I am honoured to move this motion, and I know that I speak for many members here who appreciate the work of Doppio Teatro. Of course, it is a great honour for South Australia to have a South Australian win this award for the first time.

The Hon. M.D. RANN (Leader of the Opposition): I have great pleasure in seconding this motion by the member for Hartley. It is true to say that Doppio Teatro is a real

unsung hero of the arts scene not just in South Australia but also nationally. It is about time that we all tried to recognise the work of Doppio Teatro in many ways. In June this year, I had the privilege, together with the member for Hart, to attend a performance of Doppio Teatro entitled *Bread and Onions*, which was held at the Marche Club in Paradise. Not only were we extremely well looked after, but the play itself was simply outstanding. It was particularly good to see a whole range of contemporary issues addressed in this play—cross-generational conflicts, coping with people in a new land and references to the past—a play which was relevant to both Italian speaking and non-Italian speaking members of the audience as it switched from Italian to English in a quite uniquely bilingual way.

During my recent visit to Campania, I talked about Doppio Teatro with Presidente Andria of Salerno Province and also with Assessore Fasani, a Minister in the Campanian regional Government in Napoli. With the shift from the Italian festival, which was usually held around this time of the year, to the Carnevale, which will be held in February, and with international interest in the Carnevale, it would be terrific to try to encourage, under the Gemellaggio agreement between Campania and South Australia, an exchange of theatrical and musical performances. Minister Fasani was keen to arrange for a theatrical or artistic group from Campania to visit South Australia either next year or during a future festival or fringe.

If we could encourage any ambassador in the arts scene to go to Italy, there could be none better as a representative of our multicultural society than Doppio Teatro. I think it does outstanding work. It is recognised both internationally and across the nation, and it has been recognised by the Minister for the Arts (Michael Lee). I join the member for Hartley in paying tribute to the Director of Doppio Teatro, Teresa Crea, who won the new award for cultural diversity in the arts.

Just to add to what the member for Hartley said, Teresa is both a playwright and a director of this quite unique bilingual Italian Australian theatre company and is the inaugural winner of the Federal Government's cultural diversity in the arts award. It is even more special that not only has a South Australian been honoured nationally but also this is the first time this award has been given. Given the massive diversity of multicultural arts in Australia, particularly in the huge cities of Melbourne and Sydney, this is truly an honour for both South Australia and Doppio Teatro.

The Prime Minister, Paul Keating, presented Teresa Crea with the $8 000 award at the National Australia Bank Annual Ethnic Business Awards. The annual award is to recognise artists or groups of artists of non-English speaking background in any field who through creative excellence have contributed to the development of multicultural arts in Australia. Congratulating Teresa Crea, the Minister for Immigration and Ethnic Affairs, Senator Nick Bolkus, said that she set exciting new directions for Australian theatre when she founded Australia's first bilingual company in Adelaide back in 1983. He said:

> This award recognises the enormous contribution she has made to cultural diversity in the arts throughout the country. A first generation Australian of Italian background, she has long been an advocate for artists of non-English speaking background, and has worked hard to promote multicultural arts as a member of the Performing Arts Board of the Australia Council, and Chairperson of its Drama Committee.

Accepting the award from the Prime Minister, Ms Crea paid tribute to the support of the Doppio Teatro company which had made her work possible. Nick Bolkus said that mainstream literary performance and visual arts awards increasingly recognise how central the migrant experience is to Australia's cultural identity. That is what I really picked out of the Doppio Teatro performance to which a number of us went. *Bread and Onions* was about the relevance of migrant experiences, the contribution of migrant experiences and also the difficulties of generational change, the difficulties of new migrants with their children as they adapt to a new multicultural society as well as references back to their home country. In many ways Doppio Teatro is at the vanguard of multiculturalism in this country. We as a Parliament should be doing everything we can to ensure that its outstanding work of international standard is known internationally. Certainly, I am writing to Campania in an effort to make the Gemellaggio agreement work and be given more teeth. I will certainly suggest greater ties between us on the cultural level, and there could not be a better start than through Doppio Teatro.

Ms WHITE (Taylor): I support the member for Hartley and the Leader of the Opposition in moving that we congratulate South Australian playwright and director of Doppio Teatro, Teresa Crea, on winning her first national award for cultural diversity in the arts and that we acknowledge, recognise and congratulate her for her contribution to multiculturalism in this country. The previous two speakers have covered the CV and contributions of Teresa Crea, and the member for Hartley has read her CV into *Hansard*. One thing which has not been mentioned so far and which is worth mentioning is that Teresa is a graduate of a university in South Australia. She graduated from Flinders University with a Master of Arts in contemporary Italian poetry, so she is a South Australian through and through.

As the Leader mentioned, she is also a former South Australian representative on the Australia Council and a former Chair of the Drama Committee on that council. Her contribution has been recognised by the Prime Minister and by the Federal Minister for the Arts, Michael Lee. She is perhaps best known for her contribution as co-founder of Doppio Teatro. That company started out in 1983 on a volunteer basis with eight performers, but under Teresa Crea's stewardship, it has grown in stature around the country. Members may not be aware that in 1993 a radio production of the theatre company's production of *Migration of the Madonna* was a finalist in the New York International Radio Festival. In 1993 also, as has already been mentioned, the company won the Sidney Myer Performing Arts Award, a very important award which they shared with the Bangarra Dance Theatre. That award was given for its distinctive contribution to the Australian performing arts.

Currently Teresa Crea is the guest director for the State Theatre Company's production of *Six Characters In Search Of An Author* at the Belvoir Street Theatre. Members may be interested to know that she has directed a half-hour film for SBS television as part of the *Under The Skin* series. The Doppio Teatro Theatre Company is now a full-time theatre company. It specialises in bilingual theatre productions performed in both English and Italian. The company presents plays to both Australian and Italian communities and mixtures thereof, and performs in theatres, schools, clubs, etc., around the country.

Its purpose in setting up (and what it has been able to achieve over the past decade) was to extend Australians' understanding of Italian culture and of what it is like for Italian migrants particularly to come to this country and

grapple with language barriers and other barriers with which they might initially be presented. Certainly, they have done a good job in presenting that. One of the main themes coming out in some of Doppio's productions is the issue of tradition and change, and linking Italian and Australian cultures through art forms. Much of their work is humorous, examining Italian attitudes and behaviours, and really is very successful in demonstrating the effects that migration has on family structures in this country.

The Leader mentioned the recent production of *Pane E Cipola* or *Recipe For Bread and Onions,* a particularly inspiring play. Set on a park bench, it portrays a group of older men from three different parts of Italy who meet and ponder the modern world and their place in it. It really encapsulates part of the multicultural society that is Australia today and talks about some people's place in that society and their reluctance to accept death, change and all those sorts of issues. In summary, I commend this motion to the House and congratulate Teresa Crea on her contribution and success, and the success of Doppio Teatro.

Motion carried.

AUSTRALIAN LABOR PARTY CONFERENCE

Mr BROKENSHIRE (Mawson): I move:

That this House condemns the Australian Labor Party for locking out a political journalist from the Australian Labor Party's annual conference because he was not a member of a union.

Not very often do I talk about Party politics in this Chamber, but after seeing what was reported after the ALP Conference on 13 October—a disgusting and most unfortunate demonstration of non-democratic principles being put forward by the Australian Labor Party—I have no choice but to raise this matter in the House. It is absolutely deplorable that Mr Mike Duffy, a political journalist, was locked out from their conference simply because he is not a member of the union. He was denied the basic right of democracy by this appalling action.

Last week, when this motion was introduced in the Chamber, we all heard the Deputy Leader of the Opposition on numerous occasions call the person concerned a scab. That to me is very disappointing, but the matter goes further than that. Members are aware that only 30 per cent of people working today actually have union membership. Therefore, by calling the political journalist a scab because he was not a member of a union, the Deputy Leader of the Opposition implies that 70 per cent of the workers of South Australia are scabs.

The Leader of the Opposition is happy, day in and day out in this House, to fabricate untruths and send out, through press releases to journalists, negative messages to the community of South Australia about, among other things, the economic and social situation of South Australia. I am sure that the Leader is very happy to send his press releases to the political journalist Mr Mike Duffy and would expect—as we all do—that political journalist to report those press releases. However, here comes another classic double standard, and we see this saga of locking out a journalist simply because he is not a member of the union. They send out press releases yet by allowing the ALP to lock out this journalist the Leader has clearly condoned his Party's actions.

Clearly, therefore, the Leader has not the control or the ability to be Leader of the Opposition, and that is substantiated in two areas. We have seen the massive debacle in their preselection process: the Leader was trying to promote Miss Chesser for the seat of Lee and failed miserably because he got rolled by the union movement. I am sure that any Leader, if he had any interest whatsoever in democracy, would want to see non-union people and union card holders having a right to appear and report on a conference of the Australian Labor Party, as happens with the Liberal Party, which believes in the basic democratic liberal philosophy of allowing people to come into the convention whether or not they are members of a union.

This opens some other very interesting doors, and I refer here to the industrial relations and employee legislation considered in this Chamber over the past 18 months. I will be very pleased to note the legal notification from Crown Law when the Minister for Industrial Affairs receives a response. I believe that what the Australian Labor Party has done contravenes that legislation.

I believe that what the Australian Labor Party has done is illegal when one considers what is now in the industrial relations and employees' amendments. I highlight 'employees', because the Industrial Relations Act brought in by our Liberal Government is all about employees. Then, of course, there come all the other issues about this lock-out of the political journalist, Mr Duffy, by the Labor Party, and things like enterprise bargaining. We all know that, if we are ever going to get South Australia out of the mire and, indeed, also get a sustainable future for Australia, we have to encourage enterprise bargaining. Over the next six months the Prime Minister (Hon. Paul Keating) and the Leader of the Opposition in the South Australian Parliament (Mr Rann) will run around with all their scare tactics to the workers of Australia and South Australia, but the fact remains—and Paul Keating is smart enough to know well—that the future pay structures and working relationships for Australian employees with employers will all revolve around enterprise bargaining.

I trust that he does not, but if he gets back in at the next Federal election the Prime Minister will go straight out on an enterprise bargaining platform. Our Brown Government has an excellent enterprise bargaining platform, but what the Australian Labor Party (South Australian branch) has done by locking out this journalist is to say that it is not fit and proper for people to be able to enter enterprise bargaining agreements where there may be some mutual benefit for both that employee and the employer. So, it is also condemning enterprise bargaining. The Australian Labor Party (South Australian branch) has shown by its opposition to these enterprise agreements that it is therefore denying workers the right to benefits for themselves and their families. Members of the ALP do not want to have a bar of anyone who is not a member of the union; they call them scabs. I believe that is a shocking thing to call people, simply because they want to make a democratic choice.

Not only do they call them scabs because they are not a member of the union, but they are against enterprise bargaining agreements and denying workers the right to benefit themselves, their families and their employers. The Rann South Australian ALP is clearly not up with modern procedures. In fact, I think its members are still well and truly back in the nineteenth century. One would have hoped that 50 years ago we sorted out the situation of democracy, of giving people the freedom of choice, the right to make a decision as to whether or not to work under union membership, and so on. But this ALP Opposition in South Australia is back in the nineteenth century.

Given the examples that I have just highlighted, whilst I thought that we would be in government for at least 10 to 15

years it is clear that under Mike Rann as Leader of the Opposition—and from what the Deputy Leader of the Opposition has been saying in this Chamber—that members opposite will be in opposition for at least 20 years, because it will be a very long time before they get up to speed with the current employment procedures of the twenty-first century. What we have also seen in this is, once again, an illustration that the parliamentary Labor Party in South Australia is absolutely dominated by the union movement. Of course, we know how the Leader of the Opposition got in here: he was one of the heavies in the union movement. So, he is committed to supporting that union movement.

I give credit where it is due, and I think that the Deputy Leader of the Opposition has a lot of brains, but he has to go along with this lock-out because he has preselections coming up and is absolutely handcuffed by the fact that he has to do whatever the union movement tells him. In fact, members opposite are just a *de facto* Opposition, because we all know in this Chamber, and it is becoming clearer to all South Australians, that the South Australian parliamentary Labor Party and organisational Party is absolutely controlled by the unions. That is also backed up by the fact that in the *Advertiser* today—

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader.

Mr BROKENSHIRE: It is also backed up by the fact that in the *Advertiser* today—

Members interjecting:

The SPEAKER: Order! The Deputy Leader has been unusually well behaved, and I want him to continue with that better approach he has been adopting. He will have the chance to respond. The member for Mawson.

Mr BROKENSHIRE: Thank you for your protection, Sir. Of course, I would expect the Deputy Leader of the Opposition to be jumping around and making a lot of noise in this Chamber, given all that I have highlighted in the past seven or eight minutes and given the fact that he has now got himself in a pretty hot spot. Let us look at another situation here. Today it was reported on radio that, in the past 10 years under Paul Keating and Bob Hawke, $100 million worth of Australian taxpayers' money has been shovelled back into the union movement. That is $100 million that could have been put into the electorate of Mawson to support education, health, economic development, public transport, family and community service and many other areas.

But, once again, the Australian Labor Party has demonstrated that it is hamstrung by the union movement. The Australian Labor Party has entered into a $100 million deal which will see Australian taxpayers' money put into the pockets of the Australian union movement. The Leader of the Opposition, Mike Rann, and a former Premier, Mr Dunstan, have run around telling us about their big campaign and about how Labor listens. Let us get back to the point. A headline in today's *Advertiser* states 'Carr drawn into donations row', and I quote from the article:

> For a fee of $500 we cannot only offer you an insider's look at the convention, but access to Federal—

Mr Clarke interjecting:

Mr BROKENSHIRE: The Deputy Leader of the Opposition asks what this has to do with Mr Duffy. It has a lot to do with Mr Duffy, because it states:

> . . . an insider's look at the convention with access to Federal Ministers—

That would be pretty good—

> . . . to South Australian Labor Leader Mike Rann and his Shadow Executive, Gary Gray, and. . . Bob Carr.

One can have access to the whole lot of them for $500. In other words, for $500 you can buy yourself an insider's look at the Australian Labor Party's conference in South Australia; but denied is the right for a man to go about his business in reporting and honouring the contract that he has with his employer because he is not a card carrying member of the union. What a shocking set of circumstances. By their actions, which were condoned by the Leader and the Parliamentary Party, they have denied a political journalist his basic, natural justices. They have labelled him a scab. They have prevented him from being able to go about his duties and to fulfil a contract that that political journalist has with his employer. I also highlight a comment in the article from Mr John Hill, the ALP Secretary, where he states:

> However, because of a poor response to the $500 offer, the business service was still being finalised.

In other words, they have not taken up the $500 offer. After the debacle of locking out a non-union card member, I would be very surprised if any employer would ever pay $500 to listen to the debacles and the rubbish that goes on inside one of these Labor Party conventions. We have a situation where freedom of justice has been denied to someone who does not want to be a member of a union but who wants to enter into an enterprise bargaining agreement with an employer to perhaps make a few more dollars to feed his family and to give them a better lifestyle. I do not think any business person with half a brain would spend $500 to listen to these delegates at that conference, or indeed, in any other place.

In conclusion, I condemn in the strongest possible manner the farce that is being put forward and the denial of natural justices to this political journalist, Mr Duffy. The nineteenth century ALP has to come into the twenty-first century and never again deny freedom and particularly fairness to a political journalist, or for that matter any other worker in South Australia, simply because they choose not to be a member of a union. I condemn the Australian Labor Party and the Parliamentary Party of the Australian Labor Party.

Mr CLARKE (Deputy Leader of the Opposition): Not surprisingly, I rise to oppose vigorously the motion of the member for Mawson. Before I deal with the issue in hand, I point out that, with respect to the member for Mawson's attack on the financial contributions of the Labor Party, everyone in South Australia knows where Trades Hall is. They can physically see it, knock on the doors and meet South Australians who are secretaries or officials of those unions. We do not have to go overseas to a $2 Hong Kong-based shelf company to get donations from overseas investors and seek to flout our political funding laws in South Australia. That point ought to be firmly impressed. The member for Mawson stands condemned by his own actions in this area, because he is quite happy to receive Hong Kong dollars to finance his election campaign, but South Australian trade unionists resident—

Mr BROKENSHIRE: Mr Speaker, I rise on a point of order. The Leader of the Opposition—

Mr Clarke: The Deputy.

Mr BROKENSHIRE: The Deputy Leader of the Opposition has clearly misled the Chamber, because I have never received $1 from any Chinese company for my election—

The SPEAKER: Order! The member for Mawson is not raising a point of order. Therefore, I cannot accept it. The honourable member is out of order.

Mr CLARKE: Turning to the issue at hand in this motion, it is well known by every journalist that, since the Labor Party opened up its conventions and State councils to full scrutiny by the media, we have adopted a position that simply says, 'If you are invited into our house, you will abide by our rules, which are simple: you must be a member of your appropriate trade union.' That has been well known by every journalist in this town and nation since we first opened up our conventions and State councils to the scrutiny of the media, which, I might add, is something that your Party, Sir, does not do, except for the odd photo opportunity when the Premier gives a set piece speech at your annual general meeting.

Perhaps at your next State Party council meeting, Mr Speaker, we will send along Mr Garry Orr, a working journalist for the Labor Party's national newspaper *The Herald*, to sit in and cover all the proceedings. Indeed, we could send a journalist who works for the *Public Service Review*—a working journalist like Hendrik Gout—to knock on the door of your next State council meeting and ask—I am not sure with respect to Mr Gout but, certainly with respect to Mr Orr, he is a member of the Australian Labor Party and also a member of his accredited trade union—'Am I welcome to attend your State council meeting and be there not just for the photo opportunities but to cover the debate?'

The Labor Party is a voluntary association of individuals and trade unions who share a number of common beliefs and philosophies. As I said earlier, the Labor Party has the same right as a householder in choosing who they wish to invite into their home. The Labor Party allows virtually unlimited access to the media to cover its conventions and State councils. They can cover all of our debates, as fulsome and passionate as they get from time to time, and learn what is going on within the Party, both in the back rooms as well as the front rooms because of their presence on the convention floor. None of those courtesies is extended to journalists covering the Liberal Party annual general meeting or State convention.

Mr Duffy, who is the subject of this motion, is reputed to be a political journalist, so he would know the rules of the Labor Party with respect to this matter yet he chose to deliberately flout them. It is our right to say to him, 'If you want to cover our convention where all our delegates are members of their appropriate trade union, we expect the same of you. If you do not wish to, you do not have to, but we do not have to invite you in, either.' However, on this occasion the State Secretary, John Hill, said, 'We will forward you our agenda papers. The minutes for each session are printed at the end of each session, so you will get copies of the minutes as they take place, virtually at the end of every morning or afternoon session, so you can carry out your job.'

The Leader of the Opposition gave Mr Duffy a copy of his speech beforehand so that he could cover it if he chose to do so and allowed him to interview him. Mr Duffy was not being prevented from carrying out his job as a reputed political journalist. Nonetheless, he chose not to be a member of his trade union and, just as I can choose who enters my home, the Labor Party is perfectly entitled to choose who attends its conferences. That is the only rule we have and anyone is welcome, whatever their political persuasion. We have not denied Mr Duffy the right to work in any way, shape or form. However, Mr Duffy, for his own reasons, wanted to create a political stunt that served the interests of the Liberal Party.

Mr Duffy's articles appear in the *Sunday Mail*. That well-respected newspaper—and I can barely get the word 'newspaper' out because it is not a newspaper; it is a toe rag, a garbage sheet—prints Mr Duffy's articles which are really an extension of the Liberal Party's press releases. It is a simple regurgitation of every press release the Liberal Party puts out, and the *Sunday Mail* is happy to be used as a vehicle to advance the interests of the Liberal Party. I do not mind that the *Sunday Mail* has an editorial which supports the Liberal Party but, at the very least, it should openly admit that it is a supporter of the Liberal Party and not pretend to be an unbiased disseminator of information. It should at least state, 'Look, the way we place articles in the newspaper and the type of tenor we give to particular news stories is all slanted towards the Liberal Party' so that when we spend the $1 or whatever it costs every week we know we are doing it in the interests of the Liberal Party.

We in the Labor Party have not objected to that. We would have allowed Mr Duffy to attend, notwithstanding that many of his articles are that of a grovelling lap-dog to the Liberal Party establishment. All we ask is that he be a member of his appropriate trade union like the other working journalists who front up to our convention. Mr Duffy, as I said, has a perfect right to be a non-unionist, and he has chosen that right. He is perfectly free to do it and I do not wish to interfere with that right. However, we in the Labor Party also have a right to be selective in the company we choose, just like any other citizen. The trade union delegates in the Labor Party openly state that as their position for all to see and to criticise—as has been done—but they do not warrant censure or condemnation because what they have done is well-known and above board.

As I said earlier, we do not seek to deny Mr Duffy, or any other journalist, the right to cover in full all the Labor Party's conventions or other forums—they have a right to do it—but we have certain standards which, we say, ought to be observed with respect to one simple requirement, that is, they ought to be a member of their appropriate trade union. One must remember that Mr Duffy's own working conditions and salary, which are negotiated, no doubt, directly with his employer, are, in part, assisted by the fact that he has the protection of a journalists' award which guarantees him certain minimum wages and working conditions below which no agreement can fall. So, he is protected. He has the right to force his own wages and conditions above the award—and good luck to him if he has been successful in achieving that—but he has a basic award structure which protects certain minimum floor levels of wages and conditions. All we simply say to him in that type of environment is, 'You should help contribute towards maintaining your own standard and those of your fellow journalists by belonging to your appropriate trade union.'

Mrs PENFOLD secured the adjournment of the debate.

TORRENS VALLEY INSTITUTE OF TAFE

Mrs KOTZ (Newland): I move:

That this House commends and acknowledges the international recognition of the excellence of the electronics course presented at the Torrens Valley Institute of TAFE and further acknowledges the role played by the State's education and training facilities in the development of new industries contributing to South Australia's resurging economy.

In her opening speech Her Excellency the Governor mentioned the international recognition of the excellence of the electronics course presented at the Torrens Valley Institute of TAFE. Her Excellency made further mention of the pivotal role which will be played by the State's education and training facilities in the development of new industries which, in turn, will contribute to a resurgent South Australian economic outlook. I wish to take this opportunity to deal in some detail with the successful innovative programs which play an immense role in the new look information and technology 2000 strategy.

The Tea Tree Gully campus of the Torrens Valley Institute offers an electronics and information technology program that provides vocational preparation and skills development to equip students seeking to enter the electronics industry. The student centred program offers open entry, open exit and competency based curriculum, and takes into account the importance of the development of industry competencies and the fostering of broad based generic skills. The electronics program relies heavily on interactive learning guides and support learning materials, including the development, customising and integration of computer assisted learning modules, which is a very efficient method of assisting lecture based and self-learning techniques.

This exciting move forward in resources and technology means that the electronic classroom is very much part of the program, providing off-campus communication links via phone tutorials and modem connected computer system linkages. Video conferencing facilities are also available, which provide total tutorial support. The electronics and information technology program prepares students for the new look workplace, which is already clearly envisaged by this Government's IT 2000 strategy, a working environment characterised by more highly skilled, multiskilled workers, flat management structures, multi-disciplinary and self-managed teams, and personnel who regularly upgrade their skills.

The claim that this program is noted as a world leader in information technology training is clearly indicated by its selection in 1994 as the public sector example of world's best practice by the Royal Institute of Public Administrators of Australia. In 1994 the Tea Tree Gully campus was selected as the location for the international conference on learning environment technology, the sponsors of which included bodies as important as UNESCO and the OECD. Its most recent and prestigious accolade was its identification as one of the best industry training models in the Asia-Pacific Economic Cooperation (APEC) member countries. APEC awarded the Torrens Valley electronics and information technology course with exemplary training model status—the only Australian course chosen in the field of electronic technology, and awarded by a panel of 200 judges.

I am sure that all members would agree that this is an outstanding achievement, and there are many more. Other internationally notable training activities at the Torrens Valley Institute of TAFE are contributing to this Government's desire to carve for South Australia a niche in the world information technology market, and that is recognised by the Centre for International Education and Training, a joint enterprise by TAFE and SAGRIC International. The centre represents an endeavour to market both within Australia and overseas the collective capabilities of industry, Government and educational institutions in South Australia with a view to attracting fee-paying students and fellowship holders from developing countries in the Asian and Pacific regions.

The centre specialises in the development of customised programs to meet specific needs of students, which can include the formal academic study programs including masters degrees; PhDs; postgraduate study programs; work attachment programs in educational institutions, private enterprise or Government agencies; field visits to industry and other institutions; enrolment in short courses designed to transfer specific skills; processes in technology; trainer training programs for transfer in participants' home countries; and the production of learning materials, case studies and reports.

The centre has successfully linked all South Australian tertiary training institutions, most Government departments and major private companies—including BHP, General Motors Holden's Australia, Mitsubishi Motors Australia and Caltex Australia—in the presentation of its internationally recognised training programs, which have been taken up by countries such as China, Tonga, the Philippines, the Solomon Islands, Sweden, Indonesia and Papua New Guinea.

These international programs are part of South Australian TAFE's world-wide training activities. The centre is but a part of South Australian TAFE's international activities, all of which are clearly focused on enhancing the development of this State's reputation as a provider of top-quality training with quantifiable economic and cultural benefits for our State. South Australian TAFE personnel, acting either on behalf of TAFE or in concert with the SAGRIC International joint venture arrangement, worked on projects in 16 countries in 1994-95. Extensive and multiple training projects were undertaken in Indonesia and Thailand, others being located from as near to home as Papua New Guinea and as far afield as China, Pakistan and Vietnam.

It is also worthy of note that the Helpmann Academy, jointly supported by South Australian TAFE and Adelaide's three universities, is developing close commercial links with its arts training institutions in Indonesia, with a view to developing training opportunities for young Indonesians in South Australia. Her Excellency, the Governor, who is patron of the academy, will personally lead a delegation of the academy to Indonesia at the end of this month with the intention of cementing commercial linkages with the Institute Seni Indonesia (ISI)—Indonesia's most prestigious art university.

ISI is the hub for a network of Indonesia's art colleges (each with more than 1 000 students), and the academy will be aiming to provide extensive upgrade training courses for art teachers at these institutions. I wish to conclude my remarks by supporting the Minister, the Hon. Bob Such, in his endeavours to provide South Australian students access to an exciting future through the links now developed with South Australian TAFE and our universities, and to acknowledge the Premier's role in placing South Australia on the international stage, opening up recognition of our first-class training facilities, which provides the impetus to export our training and development skills to international industry and agencies, creating greater potential for economic growth and economic stability for South Australia's future.

Mr BASS (Florey): I support the motion. One of my first duties when I became a politician was to attend the Torrens Valley Institute of TAFE to present certificates to some Philippine people who had completed an accountancy course. These people were all employees of the Government of the Philippines. They had been sent by their Government to the Torrens Valley Institute of TAFE to learn accountancy. They

could have been sent to any Australian State but the Philippines Government selected South Australia, in particular the Torrens Valley Institute of TAFE, because of its high standards.

Mrs Kotz: It has international standing.

Mr BASS: Exactly. And it will continue to be an international standard while this Government is in office. We know that our future lies north of Australia in such areas as the Philippines, Singapore and Malaysia, and we will continue to produce high-class facilities for these people to use. I support the motion.

Mr De LAINE secured the adjournment of the debate.

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

SCHOOL SERVICES OFFICERS

A petition signed by 3 295 residents of South Australia requesting that the House urge the Government to restore school services officers' hours to the level that existed when the Government assumed office was presented by the Hon. M.D. Rann.

Petition received.

QUEEN ELIZABETH HOSPITAL

A petition signed by 967 residents of South Australia requesting that the House urge the Government not to privatise the management of the Queen Elizabeth Hospital was presented by the Hon. M.D. Rann.

Petition received.

WATER, OUTSOURCING

A petition signed by 1 067 residents of South Australia requesting that the House urge the Government to retain public ownership, control and operation of the water supply and the collection and treatment of sewerage was presented by the Hon. M.D. Rann.

Petition received.

CAPITAL PUNISHMENT

A petition signed by 97 residents of South Australia requesting that the House urge the Government to consider favourably the reintroduction of capital punishment by lethal injection for horrific violent crimes was presented by Mrs Rosenberg.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. D.C. Brown)—

Department of the Premier and Cabinet—Report, 1994-95

By the Deputy Premier (Hon. S.J. Baker)—

State Courts Administration Council—Report, 1994-95

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Corporations—City of Campbelltown—By-Laws—
- No. 1—To Fix Penalties
- No. 2—Keeping of Bees
- No. 3—Waste Disposal Receptacles
- No. 4—Ice Cream or Produce Carts
- No. 5—Inflammable Undergrowth
- No. 6—Activities on Streets and Footways
- No. 7—Erection of Tents
- No. 8—Height of Fences, Hedges and Hoardings
- No. 9—Caravans and Other Vehicles
- No. 10—Excavations and Depositing of Rubbish
- No. 11—Keeping of Poultry, Birds or Animals
- No. 12—Traffic on Streets or Roads
- No. 13—Removal of Garbage at Public Places
- No. 14—Parks and Reserves

By the Minister for Primary Industries (Hon. D.S. Baker)—

Primary Industries of South Australia—Report 1994-95

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

Environment, Resources and Development Committee—Response to the Sixteenth Report—Inquiry into Compulsory Motor Vehicle Inspections.

HINDMARSH ISLAND BRIDGE

The Hon. S.J. BAKER (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.J. BAKER: The Attorney-General today will be making a statement in another place on the Hindmarsh Island Royal Commission, as follows:

In recent weeks there has been growing speculation as to whether the royal commission would require a further extension of time beyond 1 November 1995 to complete its task. Today the Government has agreed to grant a further extension of time to allow the Royal Commissioner to complete the task of taking evidence and to prepare her report. This decision has been made following a request from the Royal Commissioner. The Commissioner has advised that the commission will require a further six weeks from 1 November 1995 to complete the taking of evidence and to furnish the report.

The Commissioner has advised that she is determined to conclude the taking of evidence by approximately 15 November 1995. In order to achieve this date the commission has extended the sitting hours each day and the commission is now sitting 9.30 a.m. to 5 p.m. and will sit on Saturdays. Following the conclusion of the taking of evidence, the Commissioner will need to consider any written submissions and prepare her report, for which she has indicated she will need four weeks. The Government, having considered the Commissioner's request, has agreed to extend the time for the provision of the report to 14 December 1995. In granting this extension of time, the Government recognised the complexity of the issues the Commissioner is considering and the need for all relevant parties to be afforded the opportunity to provide evidence to the commission and particularly for those whose reputations are in question.

The extension of time will inevitably raise the question of additional cost. The Government is still examining that question but expects that, because there are only two more weeks of evidence, any extra costs will be at a rate much less than those related to the previous extension. The Government remains firmly of the view that the issues being addressed by the royal commission are issues of importance for all South Australians and therefore must be thoroughly investigated.

PORT AUGUSTA HOSPITAL

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: It gives me—and I am sure you also, Mr Speaker—enormous pleasure to announce that the Government has given in-principle agreement for a new $18 million publicly managed hospital to be built by the private sector at Port Augusta. The facility will be built and owned by the private sector and made available to Port Augusta Hospital on an operating lease basis. The Govern-

ment is delighted that the open tendering process begun last year has resulted in the present public hospital management retaining management under the new arrangements. For nearly 15 years the Port Augusta Hospital has been seeking finance to redevelop the hospital. The years of neglect has reached the stage where something had to be done, and done urgently. The current hospital is a four storey tower block construction, which is an extremely inefficient design by today's standards. It was estimated that between $7 million and $11 million would have to be spent over the next three to five years just to keep the hospital functional, and that would have done nothing to make it more efficient. The hospital services just over 15 000 people living within the Port Augusta local government area and approximately 31 000 people living within the Flinders and Far North region.

In September last year the Brown Government sought from the private sector expressions of interest which included redeveloping the present hospital, building a new hospital, retaining the present public sector management or introducing private sector management. That process has shown that redeveloping the present hospital would cost considerably more in the long term than building and fitting out a new hospital. The preferred location of the new hospital is on land presently owned by the South Australian Housing Trust on the northern edge of the city and is bounded by Flinders, Rogers, Boston and Tassie Streets. The choice of a greenfield site for the new hospital would allow uninterrupted hospital services for the local community while the new hospital is being built. The new hospital will ensure that the long-term needs of the local community are able to be met and at the same time the community will enjoy much greater access both to the building itself and also within the building for people with disabilities.

The tendering process also showed that the best solution was, first, to allow the private sector to build and own the hospital, which the Government would then lease; and, secondly, to allow the present public sector management to continue to manage the hospital. I recognise that there are aspects of managing both a regional country hospital and one with limited private hospital opportunities which increase the commercial risk for the private sector. However, the present public management is to be congratulated on showing that it is competitive when compared with the private sector. A 10 bed private hospital operation managed by the public hospital will be incorporated on site to cater for the private patients who may wish to use that service. I expect that the process of finalising the financial contract and ensuring that it is the best possible deal for the Government will take approximately four months. The building of the new hospital will then commence, and I would expect the finished hospital to be operating within two years. The new hospital will be built to cater for the special needs of the many Aboriginal community members and their families who attend the hospital.

I congratulate the Chairman of the Port Augusta Hospital board, Mr Clive Kitchen, for the way in which he and his management team have assisted the process in reaching this stage. I also thank you, Mr Speaker, for your assistance in ensuring the smooth progress of each stage of the tendering process and for your continuing vigorous representation on behalf of everybody who will benefit from the new hospital. It has been a time of considerable uncertainty for the staff of the hospital. I am delighted for them that they have retained the management of the new hospital, and I know they will enjoy working in the new facilities. I am equally confident that the people of Port Augusta and the surrounding districts will be delighted that their hospital's future has been consolidated in such a positive fashion.

QUESTION TIME

GARIBALDI SMALLGOODS

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier assure the House that property transactions undertaken by the directors or the Secretary of Garibaldi Smallgoods will not reduce the capacity of the victims of the epidemic to obtain compensation? Land title records show that on 3 February 1995, the day before the Premier met with the directors and the Secretary of Garibaldi, a property at Grange was transferred from Mr Neville Mead, the Secretary of Garibaldi, to a Lynette Mead. The consideration is recorded as 'love and affection', and therefore attracted no stamp duty.

The Hon. DEAN BROWN: If there has been any attempt by the directors of Garibaldi to transfer assets away from the ownership of the company or from them personally across to other parties to avoid liability from any prosecution or action taken by either the State Government or any of the parties involved who were affected by the HUS epidemic, I would want to make sure that the evidence for that was taken to the appropriate corporate affairs people to enable them to take appropriate action against those directors. It is an offence under the law to deliberately transfer assets with the objective of avoiding liability as a company director. In fact—

Mr Cummins interjecting:

The Hon. DEAN BROWN: Exactly. I was about to say that both Federal and State law allows that to be traced back for a period of, I think, two years on any transferred asset. Therefore, the Leader of the Opposition should certainly hand me the information, and I will take it to the Attorney-General, who will decide whether it is appropriate for either State or Federal Government action. I think some of this comes under Federal law, so we may need to take it up with the Federal Attorney-General. It is a clear breach of the law to transfer assets with the specific objective of avoiding liability under the Companies Code.

PERSONAL AUDIENCE FEE

Mrs ROSENBERG (Kaurna): Does the Premier intend to charge a fee for a personal audience?

Members interjecting:

The SPEAKER: Order! The member for Kaurna has the call. She does not need any assistance.

Mrs ROSENBERG: I understand that newspapers have recently reported that Prime Minister Keating was selling audiences with Federal Government Ministers and the Prime Minister, and I question whether the South Australian Government might be considering a similar fundraising exercise.

The Hon. DEAN BROWN: Earlier this week—

Mr Quirke interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It is fairly clear that members of the Labor Opposition in this State are very uncomfortable about this question today. Why? Because earlier this week it was found that access to their Prime Minister was being offered by the Queensland ALP to business people at a price

of $20 000. Imagine paying $20 000 just to have the chance of meeting the Prime Minister! I cannot think—

Members interjecting:

The SPEAKER: Order! The member for Playford.

The Hon. DEAN BROWN: First, I cannot think of a more inappropriate use of the money; and, secondly, it is clearly a breach of the practices and procedures of Parliament throughout the whole of Australia. It is what I would describe as one of the most unethical practices that any political leader could undertake.

Members interjecting:

The SPEAKER: Order! Members are not helping the process of Question Time by engaging in irresponsible interjections, and that includes the Minister for Emergency Services

The Hon. DEAN BROWN: I brought to the attention of this House a week earlier the fact that the Labor Party in South Australia was specifically charging $500 for access to the Leader of the Opposition. It is exactly the same principle of $20 000 for access to the Prime Minister. I find two interesting points here: the first is that a Federal Labor leader charges $20 000 whereas a State Labor leader charges only $500. Is that some indication of the relative importance that the Labor Party gives to the Federal sphere as opposed to the State sphere? Does that mean that the Labor Party in this State is willing to sell off the State very cheaply compared to the $20 000 for the Federal leader?

The other important thing that arises from this is that the Opposition has breached exactly the same code of ethics that the Prime Minister and the Federal Ministers breached in the offer that was made in Queensland. Therefore, if the Prime Minister's Department has the courage to admit that a mistake was made and such access should never have been charged for, I ask the Leader of the Opposition whether he will have the courage to make the same admission. Will he publicly say that $500 should never have been charged for access to the Leader of the Opposition?

Members interjecting:

The SPEAKER: Order! I suggest to all members that they contain themselves, and I ask the Premier to round off his answer.

The Hon. DEAN BROWN: I point out to the House that John Hill, the State Secretary of the ALP, admitted this morning that the whole thing was a failure at any rate; that very few people, if any, paid $500 for access to the Leader of the Opposition. In fact, I ask for the names of anyone who paid $500 for access to the Leader of the Opposition. As a result of this failure, the State Secretary of the Labor Party is saying that the business-Labor liaison service had a very poor response and the service is now being reviewed. The State Labor Party has been in Opposition for two years. In the letter it admits that business has not had direct contact with it in the past, and it appears it will not have direct contact in the future because the whole business liaison service has collapsed and no-one has paid the $500—not one person apparently has been willing to pay $500 to see the Leader of the Opposition.

An honourable member interjecting:

The SPEAKER: Order! The member for Mawson.

HUS EPIDEMIC DOCUMENTS

Ms STEVENS (Elizabeth): My question is directed to the Premier. When the Coroner's constable visited the Health Commission to obtain copies of all relevant papers, were the Premier's files, advice and memoranda and the Minister for Health's files available to the constable? The Premier and the Minister have repeatedly told the House that the Coroner's constable had access to all relevant documents. Documents provided to the Coroner and obtained by the Opposition under freedom of information indicate that the Coroner did not receive any documents from either the Premier or the Minister.

The Hon. DEAN BROWN: I realise that the honourable member is new to Parliament and new to the whole system of Government; if only she had been here a little longer or asked one of her colleagues who had been a Minister, she would realise that, every time something is generated within Government, it is done on a Government docket through the appropriate Government department. Therefore, in this case the documents would have been generated through the Health Commission. There are no files at all in my office, and there are no files in the Department of Premier and Cabinet. All of the files concerning the HUS epidemic are with the Health Commission or, in relation to the meat testing from Victoria, the Department of Primary Industries.

There were no minutes kept by my office or by the Department of the Premier and Cabinet. All the relevant material is in the dockets and file system of the Health Commission, and they have been made fully available to the appropriate authorities.

GRAND PRIX

Mr SCALZI (Hartley): With less than three weeks before the final Australian Formula One Grand Prix in Adelaide, will the Minister for Tourism inform the House of ticket sales to date and crowd estimates?

The Hon. G.A. INGERSON: I am delighted to say that the Grand Prix that will be held here in just under three weeks will be the most successful ever held in Adelaide. Without speculating on the final results, clearly it will for the first time be the biggest amount ever under budget, and that is an excellent result in terms of management. The demand for corporate facilities is the highest we have ever had. At the moment we are running at $16 million for the corporate and general tickets, and it is normally about $11 million at this stage. We have built an extra 14 000 gold ticket seats in pit straight and around the track, and nearly all those tickets have been sold. There are 9 000 extra corporate people in the corporate facilities.

The Sensational Adelaide program, as last year, will be the most important part of the signage on the track. Obviously, with EDS as the major sponsor, it has been important for us to make sure that the Sensational Adelaide program is continued.

An honourable member interjecting:

The Hon. G.A. INGERSON: I will come to that point in a minute. One of the most important things for the community to recognise is that on Sunday there will be about 175 000 people at the event, which makes it equivalent to two AFL grand finals. If God delivers us in the right way—and I have been told that, if you dial 00 0014 and there is no answer, you can guarantee good weather—and we are praying, of course, that will come through. If we get to those sorts of figures (and we ask the people of Adelaide to try to come along to the general attendance), the event will be the biggest Grand Prix ever held in the world—not in Adelaide, not in any other country but the biggest Grand Prix ever held in the world.

The Hon. D.S. Baker interjecting:

The Hon. G.A. INGERSON: I take up the comment from my ministerial colleague about next year. It is a tragedy that the race is going to Melbourne, but that is history. Unfortunately, because of all sorts of management and Government reasons, we do not have that event here, or the opportunity at least to bid for the event here, in the future. But that is history. That history all came from the previous Government and we know all about that, but this Government is about getting on with positive things. We want to make sure that our community recognises the value of this last event.

Another of the major changes this year is that normally there are about 50 to 55 events during the Grand Prix, but this year 71 events will be tied up with the whole Grand Prix. So, it will be not only the Grand Prix itself but putting Adelaide on notice to the rest of the world from a tourism perspective. Some of the highlights are the dinner in the pits, the Channel 9 City of Adelaide family fun run and the canine Grand Prix. I was fascinated when I first heard about that. Something like 20 000 dogs and their owners come out onto the track on that Saturday morning; it is a huge community event. They have their sweepers and all the other things that go with them.

The Hon. S.J. Baker interjecting:

The Hon. G.A. INGERSON: Yes, a couple of mongrels. The Deputy Leader and his mongrel will be there, no doubt about that. One of the other major events will be the four FA18 jets, which have been kindly donated by the American Air Force to the South Australian Government and the community, parading in our skies during that week. One of the most important events of the whole weekend is the Bon Jovi concert. Since the announcement of that event, we have had the biggest escalation in interest not only for the race but for general admission. We have sold more general admission tickets so far this year than ever before during the event, and it is because of that group.

Finally, I put on public record that, without the effort of the Grand Prix board, and in particular the staff of the Grand Prix, we would not be able to stage this fantastic event. Clearly, it shows that, if South Australia and its people get together to put on the best program in the world, we have people in this State who are capable of doing it. There is one correction that I need to make. I understand that 00 0014 is an emergency number. The number that I was given—and I did misread it—was 0001114: I know that that is a much closer line to the man himself and, if we do not get any answer, we know that it will not rain on Sunday 12 November.

HUS EPIDEMIC DOCUMENTS

The Hon. M.D. RANN (Leader of the Opposition): I direct my question to the Premier. Following the Ombudsman's criticisms yesterday of the Minister for Health's statements to Parliament, is the Premier prepared to meet with me, the Minister for Health and the Ombudsman to resolve once and for all whether—

Members interjecting:

The SPEAKER: Order! The Minister for Employment, Training and Further Education and his colleagues will cease interjecting.

The Hon. M.D. RANN: I am aware that the Premier regards these issues as a joke, but I want to know whether the Premier will meet with me, the Ombudsman and the Minister for Health to resolve whether my freedom of information requests for HUS documents have been properly and fully complied with and, most importantly, to determine whether the Coroner was given access to all the documents held by the Government relating to the fatal HUS epidemic.

The Hon. DEAN BROWN: That is just a waste of Question Time, because the Minister for Health answered that very issue yesterday. I point out to the Leader of the Opposition that I have better things to do than having to hold his hand to go along to see the Ombudsman with the Minister for Health.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader needs to be careful.

GRAND PRIX

Mr CUMMINS (Norwood): Further to the Minister for Tourism's answer to the previous question about the final Adelaide Grand Prix next month, will he inform the House of some of the behind the scenes organisation taking place to ensure all those attending the last race in Adelaide will experience a send-off to remember?

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: One thing is for certain: the member for Norwood has more interest in it than has the Deputy Leader. One of the two most important issues that make up this event are the people on the track—nearly 3 500 on the day. The catering provisions are a very interesting part of the program. It might be interesting for Parliament to know that 7.5 tonnes of salad, 2.4 tonnes of chicken, 1.4 tonnes of cheese, 240 000 cans of coke, 200 000 litres of beer, 110 000 icecreams, 60 000 rolls, 9 500 lemons from the Riverland, 5 000 kilograms of seafood, 2 700 punnets of strawberries, 2 200 kilograms of fresh fruit, and 2 400 dozen oysters from South Australia are being used in the campaign.

Mr Clarke interjecting:

The SPEAKER: How is it that the Deputy Leader cannot understand Standing Order 307?

EDS CONTRACT

Mr FOLEY (Hart): I can assure you that I understand your ruling, Mr Speaker. My question is directed to the Premier. When will the computer outsourcing contract be signed with EDS, and will the value of the contract be $700 million as earlier announced by the Premier? On 13 September 1994, the Premier announced a contract to outsource all the Government's computer work, that it would be signed with EDS by December last year and that it would be worth $700 million. In April this year the Premier announced that there were real difficulties in finalising the contract by June 1995 and, in his September visit to the United States, he said that he hoped to have the contract signed by Christmas.

The Hon. DEAN BROWN: Negotiations on this contract are proceeding very well, and I assure the honourable member that the contract will be signed before Christmas, as he just mentioned. I am delighted that the member for Hart has raised this issue because I should like to compare what this State Government has achieved in less than two years in information technology with the performance of the previous Labor Government. We found this material for the first time in some of the Government files, and I should like to bring to the attention of the House the performance of the Leader of the Opposition in terms of what he did not achieve despite his efforts during the number of years in which he was in Government.

EDS first approached the Labor Government in 1986, some seven years before that Government lost office. EDS went to the Labor Government and said that it would like to do a deal, first to take over the data processing of the State Government and then to make some very sizable investments in South Australia. The Labor Government, which was a Government of real action, listened to that point in 1986 and finally in September 1992, six years later, decided to put out a registration of interest for the establishment of a strategic alliance for the whole of Government data processing. It took the Labor Government six years to take the first fundamental step.

Members interjecting:

The SPEAKER: Order! The Deputy Leader and the Leader of the Opposition.

The Hon. DEAN BROWN: I just ask the Leader to be patient because there is more embarrassment for him to come. They closed the registration of interest in October 1992, and in November 1992 the former Government established a short list of three companies for further negotiations. EDS was one of those companies. On Government files are a number of very significant letters from EDS offering sizable economic benefits for South Australia if the Labor Government could bring itself to outsource its data processing. In a letter of 11 February 1993, EDS made a significant offer to the Labor Government. A further letter of 30 March 1993 was addressed to the Hon. Michael Rann, MP, Minister for Business and Regional Development, 8th Floor, Terrace Towers, Adelaide, South Australia 5000.

So, first, it took them six years even to ask the companies to register an interest, despite the very significant offer. I ask the Leader of the Opposition to wait, because there is more embarrassment still to come. Finally, in September, they asked for registrations of interest and short-listed three companies: 12 months later—12 months after they had short-listed those three companies—they still had not made a decision as to which of the three companies might even be allowed to negotiate with the State Government. There is further embarrassment for the Leader of the Opposition, because on 25 October—

Mr Foley interjecting:

The Hon. DEAN BROWN: I invite the member for Hart, who was a senior adviser to the Government at the time, to listen. On 25 October 1993 the now Leader of the Opposition, then Minister Rann, put up a proposal to Cabinet. I will read the first paragraph of that proposal. It was merely that he be allowed to issue a press release, the first paragraph of which reads as follows:

> The State Government of South Australia and EDS Australia have signed a memorandum of understanding for a strategic alliance in the area of supply of systems management services. The two parties have been working towards the strategic alliance for several months, following a successful submission by EDS *via* the registration of interest process.

It took 14 months for this draft press release even to get to Cabinet. Even more embarrassing for the Leader of the Opposition, Cabinet knocked it down. Here is this press release, wherein all he wanted to do was announce a memorandum of understanding—a very loose understanding—and it took them 14 months from the registration of interest and 7½ years from when they first had talks with EDS.

There is more embarrassment for the Leader of the Opposition. I will keep it brief. Having failed on 25 October to get the support of Cabinet, what did he do? He put it back to Cabinet on 27 October.

The Hon. G.A. Ingerson: And what happened?

The Hon. DEAN BROWN: What happened? On 27 October Cabinet rolled him once again. After seven years the former Labor Government could not even put out a press release saying that it was to have a memorandum of understanding. I cannot imagine a more embarrassing situation for the Leader of the Opposition than to have his colleague the member for Hart asking this question, when he well knows that this Government will not only have selected the appropriate company but also signed the entire agreement in under two years—a world-leading agreement involving South Australia of which the rest of the world is now envious.

TRADE MISSION, ASIA

Mr ASHENDEN (Wright): Will the Minister for Industry, Manufacturing, Small Business and Regional Development advise the House of the latest plans for business activities in Brunei, Hong Kong and Kuala Lumpur associated with the staging of the Australian Formula One Grand Prix? I understand that some of South Australia's leading manufacturers, food producers and service sector representatives will take part in three trade missions in Asia to coincide with the Grand Prix in Adelaide.

The Hon. J.W. OLSEN: Following on the heels of the successful Grand Prix promotion last year—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader of the Opposition—

The Hon. J.W. OLSEN: Well, they did get stung a moment ago, didn't they, Mr Speaker? Do you want another serve? Following on the heels of the successful Grand Prix last year, where more than $10 million worth of business was transacted, the Government of South Australia again this year is facilitating trade missions to both Hong Kong and Kuala Lumpur during Grand Prix week and, prior to that, is next week participating with the Northern Territory in a trade mission in Brunei.

The Grand Prix trade mission last year did translate into specific real business deals for South Australians. Based on that, this year more than 80 people and over 60 South Australian companies will be in Hong Kong from 6 to 12 November promoting the best of South Australian food, wine, education, tourism and advanced manufacturing technology. The three South Australian universities, TAFE and Government, as well as private schools and colleges—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: Of course I am going: it was in the paper last week that I was going—I do not know why that is such a revelation. The three universities, TAFE and Government, as well as private schools and colleges, will show that South Australia can supply a sophisticated range of goods and services. The program will include a tourism exhibition, a tourism workshop, samplings of Australian cuisine, a business dinner and exhibitions during the period for food, wine, education and advanced technology. Each of these functions is expected to attract up to 500 invited guests from targeted industries.

The Brunei, Indonesian, Malaysian, Philippines and East Asian growth area is becoming an important region for trade for South Australia. A five-day expo is being held in Brunei from next Thursday. There will be more than 400 exhibitors, 300 forum participants and 1 000 foreign delegates, as well as members of the general public, attending. South Australia has agreed to join forces with the Northern Territory to jointly promote export products and services and is a flow-on

from the memorandum of understanding signed by the Premier and the Chief Minister, with cooperation between South Australia and the Northern Territory, in accessing the Asian region.

There will be 12 companies from South Australia attending that expo, including Australian Opal, Beerenberg, Janesce, the Virginia market gardeners, building suppliers, a food network, Mineral Control Instrumentation and Hemer Pottery. South Australia recently signed the memorandum of understanding with the Northern Territory, to which I have just referred, and this is one of the first tests of that memorandum of understanding going into the Asian marketplace.

In addition, to coincide with the promotion in Hong Kong, the Minister for Education and Children's Services (Hon. Robert Lucas) will lead a group of businesses to Malaysia in promotional activities and an exhibition. Some 30 business will be participating in the KL promotion covering areas of health, education, real estate, tourism, computer software and hardware, food and wine. These exercises are about seizing promotional opportunity, working on it carefully and translating it into business opportunities in South Australia. The bottom line is jobs for South Australians.

EDS CONTRACT

Mr FOLEY (Hart): My question is again directed to the Premier.

Members interjecting:

Mr FOLEY: We will not allow the diversion tactics to work. How did the Premier calculate in September 1994 that the EDS deal would save the Government $200 million, given that the Auditor-General has revealed that the means to identify any savings were not available until seven months later? On 13 September last year the Premier announced that EDS was the preferred tenderer for the Government's $700 million IT outsourcing contract. On that day he told this House that cost savings would be well over $200 million. The Auditor-General's Report states that identification of assets, human resources, in-house costs and service levels were critical in assessing potential savings to be generated by contracting out. He says that this process was completed by the Office of Information and Technology only in April this year.

The Hon. DEAN BROWN: In fact, the Government did know the cost of information technology right across the whole of Government.

Mr Foley: That is not what the Auditor-General says.

The Hon. DEAN BROWN: The Auditor-General is referring to the assessment of each individual agency identifying it exactly—and this is part of the due diligence process that I talked about previously.

Mr Foley interjecting:

The Hon. DEAN BROWN: I said it would take two or three months and in fact it took six months.

Mr Foley interjecting:

The SPEAKER: Order! One question at a time.

The Hon. DEAN BROWN: The total amount spent in the whole of Government on information technology was known very accurately. What was not known was every individual piece of data processing carried out in individual agencies. That is what took until the end of April to finally assess, and that is what the Auditor-General is referring to.

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The honourable member obviously did not realise that if we had not taken the step—

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I suggest that the honourable member listen. If we had not taken the step we took to capture EDS at the time we did, it would have established its Asian headquarters elsewhere. That was the important step. Because of the specific process that we went through—

Mr Foley interjecting:

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

The Hon. DEAN BROWN: —we captured EDS and stopped it putting its Asian headquarters elsewhere in Australia, which it was about to do. If the member for Hart has a question, I suggest he turn around and ask the Leader of the Opposition. As senior adviser to the former Premier at that stage, he would have known that in February 1992 EDS made an offer to spend $200 million here in South Australia. Imagine a company coming through the door and offering to spend $200 million here in this State, and the Leader of the Opposition and the member for Hart absolutely blew the deal and could not even put out a press release some 9 months later to say there was a memorandum of understanding. It is absolutely incredible.

When EDS came to the State Government it was in a state of absolute frustration. It said that, unless it was able to sit down on a firm basis and negotiate with us very quickly indeed, it would go somewhere else after seven wasted years talking with the then Labor Government. That is why we had to go through the process we went through, which was to capture EDS at an early stage, having put up the best of the two or three offers and to make sure that we then went through the final process of due diligence and negotiation of the contract. I highlight to the House the enormous achievement we have made in less than two years, including what will be the signing of the contract within two years, compared with the seven wasted years under Labor, which could not even produce a press release.

PORT AUGUSTA HOSPITAL

Mr KERIN (Frome): My question is directed to the Minister for Health. What implications does today's welcome announcement about Port Augusta Hospital have for the future of public sector involvement in public health service provision?

The Hon. M.H. ARMITAGE: In answering this question, Mr Speaker, I acknowledge your particular interest in today's announcement as well. I wish to reiterate a couple of matters that were in my ministerial statement. The Government has given in principle agreement for a new $18 million hospital at Port Augusta to be built and owned by the private sector but, very importantly, to be managed by the public sector. I am absolutely thrilled that the open tendering process has resulted in the present public hospital management retaining that management. A number of implications result from that tendering process.

First, and perhaps most importantly of all, as we have been saying on this side of the Chamber for a long time, the public sector can be competitive with the private sector. It can be competitive with all comers. Certainly, we respect the quality and commitment of the public sector health managers but, unlike the previous Government, we did not feel the need to build barriers and walls around them to protect them unnecessarily. For instance, the antics of the Opposition with the

Queen Elizabeth Hospital would seem paranoid, suggesting that the management of the Queen Elizabeth Hospital would not be able to compete in the open market. I absolutely reject that, and today's announcement proves how silly is the reaction of the Opposition. Its reaction is frankly insulting to the public sector managers, because they ought to be allowed to compete perfectly adequately. They ought to be able to compete. If they are able to compete, they may well win any tender process, as the Port Augusta Hospital management has done and as was announced today.

Another implication is that this Government, completely opposite to the previous one, is not hamstrung by ideology. In re-engineering the health sector, we have said time and again that we are interested primarily in two things: first, world quality services; and, secondly, cost efficiency in the provision of those services. Neither I nor the Government has any bias towards the private sector. Our bias is towards world quality services provided cost effectively. It does not matter to this Government whether that cost effectiveness comes from the private or the public sector.

Another very important implication from today's announcement is that this Government is creative in the mix of public and private involvement in the provision of health care. For instance, at Modbury Hospital we have public ownership and private management of the asset. At the soon to be built Port Augusta Hospital we have the exact reverse: we have private ownership and public management. We have no set formula and no ideological bias as to how these services ought to be provided or delivered. The Government will look at each individual hospital process totally on its merits.

This is a great day for Port Augusta, and I acknowledge that a number of people from Port Augusta will have a particular interest in this, including, I am quite certain, one member who is quite close to the Chamber. It is a great day for Port Augusta, because for 15 years the Port Augusta Hospital has been seeking finance to redevelop, and those years of neglect mean that the hospital has now reached the stage where something had to be done. It is a great day, because the new hospital will be much more efficient. It will be built to cater for specific needs, such as Aboriginal community members who often travel long distances with their families, and also people with disabilities. It is a great day because, after finalising all the contract detailing, which will take about another four months, we expect the finished hospital to provide better health care services with private ownership and public management within two years. So, the answer to the member for Frome's question about what implications it has is that they are enormous.

EDS CONTRACT

Mr FOLEY (Hart): My question is directed to the Premier.

Members interjecting:

Mr FOLEY: There is more. Does the Premier accept the Auditor-General's comments that the Government entered into the EDS deal before the Premier knew how much IT operations cost the Government or the value and extent of the Government's computer assets? The Auditor-General states in his report:

> A satisfactory outcome in respect of cost benefits and service delivery is generally more readily achieved if the client negotiates from an early established position of firm knowledge regarding critical issues such as its in-house costs, asset identification and valuation, and detailed service delivery requirements.

That firm basis was not a characteristic of this particular contracting out process.

The Hon. DEAN BROWN: First, if only the former Government had done its job properly—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart is warned a second time.

The Hon. DEAN BROWN: —there would have been appropriate valuations on all that equipment, instead of inappropriate book values that the former Labor Government put down. I point out that, if only the Labor Government had taken up the initiative with EDS in the first place, we would not have been put in the position that we faced.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: For seven years, EDS had been trying to get the South Australian Government to establish a major facility here in this State. For seven years it was rejected. The Leader of the Opposition—

Members interjecting:

The Hon. DEAN BROWN: Goodbye Frank; have a safe trip home. Mr Speaker, I am sure our best wishes go with him for an enjoyable and relaxed weekend in the sun, as I am sure will be the case up in Whyalla. The most unfortunate thing of all was the enormous damage done by the inactivity of the former Labor Government. I will highlight to the member for Hart something that I have not revealed previously. I had about four of these major IT companies that had negotiated through what they called Public Utility No. 1, Southern Systems No. 1, Southern Systems No. 2 and then finally Southern Systems. All of these companies had reached the point of absolute despair prior to the election. They said that, unless something decisive was done, they would walk away from South Australia and leave this State. We sat down with those companies and gave them an absolute commitment so we could lock them in. If we had gone through two years of trying to piece together the full audit of every piece of information that should have been done by the previous Labor Government, those companies would have established their operations elsewhere.

In fact, we were able to obtain a commitment from EDS to establish its Asian-Pacific operations here in South Australia only because we moved quickly on a given time frame. The last thing we wanted was to spend two years fiddling around like the former Labor Government only to find that we had an offer that was not even worth accepting.

GARIBALDI SMALLGOODS

Mr BECKER (Peake): In relation to the previous question today concerning the Garibaldi company, will the Premier explain how corporations law and Federal bankruptcy legislation applies to company liquidations?

The SPEAKER: Order! As much as the question comes within the Premier's responsibility, I suggest he answer only that part of the question.

The Hon. DEAN BROWN: I gave an answer earlier today in response to the Leader of the Opposition on what I considered to be a very important and serious matter. In fact, I have had it confirmed that the answer I gave earlier was correct. I would like to further clarify that answer. The State corporations law and the Federal bankruptcy law have very clear provisions for overturning asset transfers in circum-

stances where they have been undertaken to avoid obligations to creditors.

In relation to a transfer of assets by an individual, where this occurs over a period of two years or even longer, in some circumstances before a liquidation, the transfer can be overturned. When I responded earlier I said that I thought it was two years. In fact, it is two years and, under certain circumstances, it can be more. Instead of grandstanding on this issue in his typical form, it would have been more appropriate for the Leader of the Opposition simply to ask his shadow Attorney-General for some information on this. The shadow Attorney-General could have had his moment of glory and the Leader would have been given this information.

I ask the Leader of the Opposition to ensure that he forwards all the relevant information he has on this matter to the company's liquidator, because the company's liquidator is required to carry out the action of that law. In fact, the company's liquidator can take action to chase back those assets over a two year period. I assure the honourable member that I will also follow it through with the company's liquidator, but I ask him to do likewise—

The Hon. M.D. Rann: That's good. Let's do it together.

The SPEAKER: Order!

The Hon. DEAN BROWN: —so, if there has been any breach of the law, the appropriate action can be taken against any of the Garibaldi directors.

EDS CONTRACT

Mr FOLEY (Hart): My question is directed to the Premier. Has the Government reduced the number of departments and agencies to be involved in the EDS contract from 140 to 90? In the Auditor-General's Report on the IT deal, he states:

> The initiative has significant implications across Government as it provides for an amalgamation of the processing requirements of approximately 90 autonomous and diverse agencies.

The Hon. DEAN BROWN: In fact, the data processing for the EDS contract covers 140 different Government agencies, but some of those agencies were having their data processing done through Southern Systems, so they did not have their own data processing facilities. It still covers 140 Government agencies and all the data for those 140 agencies. It is simply a matter of how you interpret it. In respect of those who were doing the data processing as individual autonomous units, there were 90, but the total number of Government agencies involved is over 140.

The Hon. S.J. Baker: It's 144.

The Hon. DEAN BROWN: Yes, 144.

CITRUS INDUSTRY

Mr ANDREW (Chaffey): My question is directed to the Minister for Primary Industries. Following the recent decision by the New South Wales Government to close the Horticultural/Quarantine Research Centre at Rydalmere in New South Wales, will the Minister indicate what impact this may have on the citrus industry in South Australia? I understand that the Rydalmere Research Centre undertakes all the national virology work for citrus, and therefore any closure of this centre may have major effects on the future of the citrus industry in South Australia.

The Hon. D.S. BAKER: I thank the honourable member for his question and interest in this matter, because this is of vital concern to the Riverland and in fact potentially to exports from South Australia. First, I do not criticise the New South Wales Government's right to close the Rydalmere Research Centre because I am told that it will relocate many of its functions. However, in South Australia, we are very worried about the citrus virology unit which currently is at Rydalmere and which is expected to be relocated to the Elizabeth McArthur Institute at Camden. I will write to the Minister to confirm that, because it is very important for this State that that unit remains and continues to provide this service to South Australia.

There is also uncertainty about the future site for the post-entry horticultural quarantine services, and again I will write to the Minister about that. In South Australia we want to make sure that we work with the New South Wales Government to see whether we can provide some of those services because we have large horticultural industries in South Australia. If there has to be rationalisation around other States in Australia, it is only right and proper that we determine whether some of those services can be efficiently and profitably provided by South Australia. I thank the honourable member for his question, and I will be taking up the matter as the closure of Rydalmere comes closer to ensure that South Australian horticulturalists have access to the correct technologies that are necessary to allow them to export their product.

POLICE SECURITY ADVICE UNIT

Ms STEVENS (Elizabeth): My question is directed to the Minister for Emergency Services. How will older people and those with disabilities now obtain the assistance that was provided to them on security matters by the Police Security Advice Unit that his department is now proposing to close?

The Hon. W.A. MATTHEW: In fact, the Police Department's consideration of the way in which it continues to use the Security Advice Unit was first brought to my attention by my colleague the member for Davenport. The member for Davenport put to me some weeks ago the fact that it had been brought to his attention that, as part of an internal review of the Police Department, consideration was being given to closing the Security Advice Unit. On being alerted to this matter by my colleague, I naturally brought it to the attention of the Police Commissioner, who indicated to me that a number of areas in the department were being considered for change. I also indicated to the Commissioner, in writing, that I believed the Security Advice Unit had a significant part to play in ensuring that particularly elderly people in our community received advice they needed for their security.

As a result, the Commissioner has advised me that the Security Advice Unit will continue to operate in South Australia, that it will continue to provide this service to the community and, further, that ways of expanding the opportunity for that unit to deliver its message to as many people as possible will be continued by the department so that this valuable service is made available to even more people in the South Australian community.

POLICE TRANSIT DIVISION

Ms GREIG (Reynell): Will the Minister for Emergency Services advise the House of the latest arrest and report rate of the Police Transit Division?

The Hon. W.A. MATTHEW: The member for Reynell is one of a number of members who have continually stressed

to me the importance of ensuring that police do their utmost to make our public transport system safe for all users in South Australia.

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: I am sure that the member for Spence would appreciate the benefits that the police transit squad has brought to the transport system now that it is a fully operational unit, a fully operational arm of sworn police. Members would recall that I advised the House that in 1994 there were 1 928 arrests and reports compared with 393 in 1993. I now advise the House that, as at the end of September this year, there have been 2 164 arrests and reports on our public transport system by this now fully operational unit of the South Australian Police Department. Further, since 21 September this year, the unit has been fully operational. It now has all its recruits in place; there are now 80 police on buses, trains and trams, and protecting interchanges throughout Adelaide and the Adelaide Railway Station.

To place these impressive statistics into perspective, members can look at what has happened as an example in March 1993, 1994 and 1995. In March 1993, when STA transit officers policed the public transport system under the then Labor Government, there were 15 arrests and reports even though there was a lot of activity—hooliganism and vandalism—occurring on public transport. In March 1994, when the first fully operational sworn police, wearing police uniforms or plain clothes, were brought onto our transport system, that number increased to 204 arrests and reports. In March 1995, with still more police on our transport system, there were 270 arrests and reports compared with 15 in March 1993. The level of hooliganism and vandalism has not increased but we now have people with the powers to ensure that hooligans and vandals on public transport are brought to justice. As a result, public transport is now a much safer medium of transport in 1995 than it was in 1993. I take this opportunity to put on the record this Government's recognition of the fabulous job that our transit police have done in bringing these offenders to justice.

TRADE MISSION, LIBYA

Mrs GERAGHTY (Torrens): My question is directed to the Premier. What support has the State Government given or offered to the proposed trade mission to Libya involving Lord Mayor Henry Ninio, prominent Liberal Abdo Nassar and former Government Minister Ted Chapman; and will the Premier assure the House that the mission does not in any way contravene the intent of the United Nations Security Council resolution 883? United Nations Security Council resolution 883 imposed specific trade sanctions against Libya because of Libya's failure to renounce terrorism, therefore constituting a threat to international peace and security.

The Hon. DEAN BROWN: I am delighted that the honourable member has raised this issue, because she would know, as her former boss, Peter Duncan, was apparently at the planning session for this very trade mission.

Members interjecting:

The Hon. DEAN BROWN: Her accusation that this is some Liberal trade mission falls absolutely flat on its face when Peter Duncan was there as part of the planning for the trade mission. I indicate to the House that no assistance whatsoever has been given to the trade mission from the State Government. Whether there has been a breach of any guidelines laid down by the United Nations, as I do not know all the details about the proposal, I am unable to say. It would be better if the honourable member asked Peter Duncan, the Federal Labor member of Parliament, who apparently did a lot of the planning for this. I suspect that, being a Federal member of Parliament and knowing what the Federal embargo is—if there is one—he would know exactly what circumstances apply. I suggest that the honourable member talk to him.

MURRAY RIVER

Mr LEWIS (Ridley): Is the Minister for the Environment and Natural Resources aware of any steps being taken by local communities in the Murray Valley to help restore the health of the Murray River and to improve jobs and the income and prosperity we can get from our river within the strategic framework of a sustainable future? The Murray River has been described as a national environmental disgrace with limited flow, increasing problems of salinity and algae, and a limited sustainable life unless urgent remedial action is taken.

The Hon. D.C. WOTTON: I understand the importance of this matter, as do all members of the House. Today, with the members for Ridley and Chaffey, I was fortunate enough to be present at the launch of what local people in the Riverland have been able to achieve through the Murray River Water Resources Committee in developing a regional approach to management issues of the Murray. This excellent plan draws together initiatives of the newly released South Australian water plan and the Murray-Darling Basin Ministerial Council in providing a 20-point blueprint to address the issues of the Murray ranging from irrigation management to wetland restoration and revegetation. The plan provides a ready made framework for the proposed Murray River Catchment Board and also funding applications under the Murray-Darling Basin Program, to which this State contributes $14 million a year.

This plan developed by the community shows vision, initiative and commitment. It also shows an admirable unselfishness in addressing the issues from the Victorian border to the Murray Mouth so that all of us in this State particularly can benefit. As we deal with what many say has become a natural disgrace—as has been pointed out by the member for Ridley—we can look forward with confidence to the future of this vital and most important water resource, particularly as a result of the contribution that so many people in the Riverland are making to this cause.

TENTERDEN HOUSE

Mr ATKINSON (Spence): Why has the Minister for Health not replied to the City of Hindmarsh and Woodville's request to him of 29 September for Tenterden House, Woodville South, to be placed on the heritage list; and why has the Health Commission hired a private contractor to demolish Tenterden House today? Built from 1844, Tenterden House is a two storey, early colonial, rendered stone and brick mansion with twin side returns, Victorian cast iron front veranda and balcony, cast iron columns, lace work and tessellated geometric tiling. Today I have been informed that the Royal Park Salvage Company has been hired by the Health Commission to demolish Tenterden House to make room for more car parking at the Queen Elizabeth Hospital.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: The member for Hart asks what do people involved in heritage protection make of that?

The simple fact of the matter is that this building has been assessed on a number of occasions as being either available or unavailable for heritage listing, and on every occasion I am informed it has not made the grade. Therefore, we are not dealing with a building that has any heritage significance. That is not my judgment but the judgment of people who put things on heritage listings. We are dealing with a building of no particular significance, and I reiterate that that is not a decision of the Health Commission: it is a decision of people who assess these things on a statewide basis.

OLYMPIC GAMES

Mr BASS (Florey): Will the Minister for Industry, Manufacturing, Small Business and Regional Development advise the House what the State Government has done to ensure that South Australian businesses gain maximum access to opportunities arising out of the Sydney Olympics? It has been brought to my attention that there are only 17 days to the Grand Prix, 60 shopping days to Christmas and 1 786 days to the Sydney Olympics.

The Hon. J.W. OLSEN: I am glad that the member for Florey is counting down to the Sydney Olympics, and I am glad to indicate what we can carve out in terms of opportunities for South Australians. It is well documented that the Sydney Olympics will generate some $7 billion worth of economic activity in Australia, of which an estimated $2.3 million will be shared amongst the States. We are intent on achieving a good proportional share of that economic activity for this State. That is why South Australia was the first State in Australia to establish a Sydney Olympics office, which is on level 2, 1 York Street, Sydney; Phillip Meyer is the General Manager. That office is located near the Sydney Olympics organising committee to ensure a good working relationship and identification of what opportunities might exist.

Information relating to potential opportunities is forwarded to the Economic Development Authority and South Australian businesses as soon as details become available, and a database is being established in that office linking businesses in Sydney to their counterparts in South Australia. In addition, the Industrial Supplies Office, through the Centre for Manufacturing, is working closely with the Sydney representative office to assess opportunities and to match company capabilities and those opportunities as they are identified.

Since the Premier, as part of the road show, formally opened that office several weeks ago in July, 14 strategic industry workshops have been held. A catering workshop is being held today for industry members to begin putting together a collective proposal to bid for at least 20 per cent of the catering business at the Sydney Olympics. About eight individual company deals are now nearing completion, that is, South Australian businesses identifying contracts with the Sydney Olympics office. This is another example of positioning South Australia for business opportunities within Australia and ensuring that we in this State get our fair share of the business opportunities from the Sydney Olympics.

EDS CONTRACT

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: I wish to clarify two matters that arose during Question Time. First, the member for Hart claimed that I had said in Parliament on 13 September that the specific cost saving with the data outsourcing contract would be $200 million. I would like to quote to the honourable member, who seems to be very loose with his words, in fact what I said. I stated:

> In saying that, I stress that the cost savings over a nine year period will be more than $100 million. If you take what has been the norm in Government [that is, under the previous Labor Government], which has been an increase in the cost of data processing [each year], you are looking at savings of probably well over $200 million.

Mr Foley interjecting:

The Hon. DEAN BROWN: You left that part out. The part that I stress is the fact that we said that the cost saving would be $100 million, and that is on a declining base line. But if you take the percentage increase that had been occurring in Government, the savings could be $200 million. I also point out that, when talking about the EDS matter and the letters received, whilst I pointed out to the House that the letter of 30 March 1993 was sent to the Hon. Michael Rann MP, Minister for Business and Regional Development, the letter of 11 February 1993 was sent to the Hon. L.M.F. Arnold MP, Premier of South Australia and, of course, as such, went straight to the member for Hart as his main senior adviser. I failed to point out to the House the end of the last paragraph of that letter, which stated:

> . . . will involve EDS in a capital investment program well in excess of $200 million.

SAND REPLENISHMENT

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. WOTTON: Yesterday we heard in this House from the member for Hart about the disapproval of his community over sand carting in the Semaphore area and for the need for long-term approaches to issues such as coastal management. I acknowledge that the honourable member made clear that this practice occurred under previous Labor Governments, but I find it curious that it is only now becoming an issue and that members of the Labor Party have not spoken out against the practice previously or voiced support of our current coastal management review, which is, after all, focusing towards the long-term solution that the community is seeking. The management of Adelaide's beaches from Brighton to Port Adelaide requires a cooperative approach between councils to make the best use of the limited sand available and to ensure that houses, land and roads needing protection are not allowed to collapse into the sea during times of severe storm.

Suggestions by residents that the Government buy up tracts of property along the metropolitan foreshore to revert land to sand dunes are cost prohibitive and certainly impractical. The cost of specialised dredging equipment to dredge a limited quantity of sand is also cost prohibitive. This issue is part of a bigger picture, not an isolated snapshot, and I reject suggestions that this Government is overlooking Semaphore

residents. Numerous top level meetings and consultations have been held, letter box drops have occurred and I have had representations, as the honourable member would know, with the honourable member in my office. Indeed, the issue could have been out of the way much earlier had we proceeded as initially planned.

Semaphore is a popular beach and I acknowledge the tremendous efforts of the community in reinvigorating the area. Indeed, backing local efforts, this Government announced only on Sunday a program to upgrade the Port River, a move welcomed by residents. Our beaches have a limited supply of beach sand but, because of the drift northward, beaches in the Semaphore and Largs Bay area have steadily accumulated sand, with the result that those beaches are now 75 to 150 metres wider than they were in 1977. In fact, I am told that in 1985 the Port Adelaide council actually wanted to sell its sand to neighbouring councils for replenishment purposes.

Coastal management is currently subject to the most extensive review commissioned into this issue in this State. The review was commissioned by the Liberal Government and draws together experts from throughout this country. As part of that review, submissions have been sought from members of the public and from groups wishing to have input into management strategies and the issues they deem appropriate. To date, none has been received from the Port Adelaide council or from the area, which I find a little disappointing, particularly with submissions due to close tomorrow. I hope that we do receive submissions. Coastal issues are always contentious. The coastline is vital for environmental, social and economic reasons, and this Government has given it top priority.

As with the Patawalonga, the Torrens River, the Murray River and now the Port River, this Government has taken the issue from the bottom of the too hard basket and, politics aside, is doing something about it with the long-term view in mind. We are giving high priority to other options to avoid or minimise, if possible, sand carting in the future. In the meantime, there are valid reasons why the sand replenishment project must proceed, among them the very important reason that we need to prevent public and private property falling into the sea. If it had not been for this Government, the quest for long-term strategic solutions to our coastal management would never have been addressed.

GRIEVANCE DEBATE

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

Mr ANDREW (Chaffey): I rise this afternoon to put on record and give an update of the current situation regarding the effects and action taken in respect of the severe frost damage that occurred in the Riverland in the first week of September, in particular, over the period of 5, 6 and 7 September. The scenario began back in late August when many of the fruit growing districts in southern Australia, particularly in the Riverland, basked in what I would call summer type temperatures which caused the growth of some fruit and grapevines to spring ahead of the normal season by perhaps two or three weeks. Then, between the nights of 5 and 8 September, there were some south-east winds which drove a bank of cold dry air into southern Australia. This was compounded on the days of 5 and 6 September by low daytime temperatures; in other words, it did not provide any heat bank for the protection of the fresh shoots and flowers that had burst.

The immediate outcry in the following days was some public pronouncements that the damage was extremely severe and it had been devastating—and there were some alarmist predictions and estimates at that time. There was no question that there was some significant damage, particularly to grapevines, involving some of the early table grapes, some of the wine grape varieties, whether it be sultana used for multiple purpose or some of the early wine grape varieties such as colombard and chardonnay. Also, there was severe damage to stone fruit, as all of the stone fruit plantings in the Riverland at that time were either in full bloom or the flowers had progressed to the size of small fruit often up to the size of a thumbnail.

I put on record, because of that concern and that cry for help at the time, some of the action the Minister and I undertook. On 7 and 8 September, I immediately contacted the Minister's office to alert him of the situation, although I was aware that he was in the Middle East but, subsequently, a full briefing was passed on to him regarding this matter. Similarly, early the following week I made a personal appointment to have discussions with the Manager, Service Delivery for PISA (Department of Primary Industries), in the Riverland to obtain the appropriate guarantees from him that the Department of Primary Industries was active in making an immediate assessment of the damage, but also to bear in mind that the financial impact to the local growers would not, of course, have its full impact until harvest time later in the year.

I also used the opportunity while visiting the Riverland Field and Gadget Days during that week to talk to the many people present to try to ascertain the damage. I further took up the discussion with the Minister for Primary Industries, when he had returned from overseas, at our parliamentary seminar in Murray Bridge later in September, conscious of the fact that he was planning to visit the Riverland on 7 October (which visit subsequently had to be changed). In the meantime, it gave me the opportunity to make a number of personal inspections and assessments and also to have discussions with my colleague the member for Mildura, Craig Bildstein, with regard to the impact in Sunraysia, across the border. In addition, I arranged and organised for a deputation from the Riverland Horticultural Council to meet with the Minister. This was originally planned to take place this week but, because of the ongoing assessment by the Department of Primary Industries, that has now been postponed until early November when a complete and ultimate assessment will be totally verified. This has highlighted the fact that the Department of Primary Industries is actively undertaking the ongoing assessment.

The real damage has not been anywhere near as severe as at first thought, but it will take the entire six or eight week period to ascertain the full damage. Subsequent to this, I am confident that with appropriate assistance through rural assistance, whether it be interest rate subsidy in the first instance or, more particularly, with full assessment and evidence of the damage, appropriate interstate liaison can continue. If it can be shown that criteria can be met under the special circumstances criteria for rural assistance, then with that tri-State support we will make a united approach to Minister Collins through Minister Dale Baker.

Mr FOLEY (Hart): I come back to the issue of the Auditor-General's Report in respect of the Premier's

negotiations and the Government's position with the EDS outsourcing contract. The Premier today, as is his usual style, has chosen to throw in some diversionary tactics to hide his and the Government's embarrassment over what has been an appallingly handled outsourcing contract. Again, I draw members' attention to what was stated in the Auditor-General's Report, because they are damning criticisms of the handling of this outsourcing contract. As I said in the House today, on page 127 of the Auditor-General's Report he makes the point very clear:

> Best practice suggests:
> - in-house costs should be established as early as possible in the contracting out process and should be available to support contracting out decisions before any final decision on this course of action is made.

That means that before you make the decision to outsource your information technology you do your homework: you do your sums and undertake due diligence. You work out exactly what it is that you are putting out to tender and establish exactly what it will cost so that a comparison can be made as to whether or not outsourcing is an advantageous thing to do. The Premier did not do that.

The Auditor-General goes on to say that the Office of Information Technology advised that the Government did not establish its position in respect of the critical issues that the Auditor-General mentioned until April 1995. When the Premier announced this deal in the early part of September 1994 he said, 'We'll have it wrapped up in two to three months.' That means that the contract would have been signed off in December. But, the Auditor-General says that it was not until seven months later, in April 1995, that the Office of Information Technology actually did what it should have done before this deal was put out to tender. That is a damning comment from the Auditor-General. He continues:

> A satisfactory outcome in respect of cost benefits and service delivery is generally more readily achieved if the client negotiates from an early established position of firm knowledge regarding critical issues such as its in-house costs, asset identification and valuation, and detailed service delivery requirements.

He continues—and this is a sting in the tail to the Government:

> That firm base was not a characteristic of this particular contracting out process.

That is a damning indictment on the Premier's personal handling of this outsourcing contract. The Auditor-General goes on to say that he has taken a very close look at exactly how these contracts are handled elsewhere in the world, given the world-breaking nature of what the Premier is attempting to do. The Auditor-General says:

> It is of interest to note that a study published by Business Intelligence (UK) in 1994—

and members should listen to this—

> identified poorly defined service requirements as the main factor in the failure of IT contracting out agreements. The importance of service level agreements suggests that they should be specified and costed in advance.

That is the main reason these contracts failed. If the Government is to adopt the policy of outsourcing it should get it right. What the Auditor-General has said in his report this year is that the Government has not got it right: it did not do its homework. Today the Premier said that he had to 'steal' or 'grab' EDS in September last year to ensure it did not go off and establish somewhere else. What he said today was, 'I will put at risk the whole Government's information technology systems; I will put at risk the State's credibility; I will put at risk taxpayers' dollars on the off chance that I get it right.' As I have said in this Chamber before, this contract is too important for the Premier to get it wrong.

I draw members' attention to other outsourcing contracts announced in this House in recent weeks. At least the homework was done on the water outsourcing contract. At least the Minister for Infrastructure, regardless of the policy differences we have in Opposition, knew what he was doing before he put out the tender process and before he entered into financial negotiations with the contractor. At least the Minister for Infrastructure used due diligence before he brought the companies in and announced a contract—not like the Premier, who through his own failure has put at risk the Government's outsourcing of information technology.

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

Mr CAUDELL (Mitchell): I want to talk about a letter that fell off the back of a truck and arrived at my office by fax. It deals with a meeting to be held in North Adelaide on Sunday 29 October 1995 at 10.45 a.m. for 11 a.m, at St John's Hall, 178 Tynte Street, North Adelaide.

An honourable member interjecting:

Mr CAUDELL: No, it is open to everyone. It is opposite the North Adelaide Hotel. Because there will not be too many people there, the meeting is being held in the toilet. This letter comes from Ralph Clarke, the member for Ross Smith, and Rod Sawford, the Federal member for Port Adelaide. I understand that the member for Hart might also go along. The letter reads:

> Over recent weeks there has been considerable speculation about the future of the centre left. The speculation has centred on the preselection for the seat of Lee and the election of the ALP State Executive. But as Mark Twain said that reports of his death were greatly exaggerated, reports of the demise of the centre left are decidedly premature. While the departure of some of our supporters—

John Quirke, the member for Playford, has departed and I have on good authority—I hope I am not pre-empting a press release to come out later in the day—that Mr Terry Cameron, a member of the Legislative Council, is also resigning from the centre left to move to the right. That leaves only the member for Elizabeth, the member for Hart and the member for Ross Smith in the centre left. It will be an interesting meeting at the hotel. The letter continues:

> While the departure of some of our supporters is disappointing [to say the least], the centre left remains strong, viable and true to its policy ideals.

'We will go down with the ship,' it says! The letter continues:

> This strength was again evident at the recent State convention, especially in the preselection of good ALP candidates, the policy platform and the State Executive ballots. In terms of preselections, there have been negotiations over a long time. The centre left played a key part in bringing about an overall very positive result, including for our group. The candidates chosen by the sub-branch and union delegates will maximise the ALP's chances of winning Government at the next State election. Some features of that preselection include a record number of women in winnable seats. South Australia is the first State to reach the target of 35 per cent of women, seven years ahead of the deadline.

That is not the case federally, because the Labor Party has fallen over there somewhat. Indeed, federally it has fallen over very badly. The letter continues:

> The centre left is represented by some first-class candidates.

However, the letter does not mention the regurgitation process that has occurred. Michael Wright has been preselected for the seat of Lee, but I understand that he stood for the

seat of Mawson at the last State election. Lyn Bruer has been preselected for Giles, and John Hill has been preselected in Kaurna. Surprise, surprise! He wants another go at the chocolate wheel of the centre left. All that faction has left are people who can be regurgitated. We often talk about oncers in this place, so we can include the member for Hart, the member for Elizabeth and the member for Ross Smith, because they have every chance of losing their preselection as a result of no longer having any support in the centre left. The centre left will drop away completely. There will be 'Labor Unity (the right), the Progressive Left Unions and Sub-branches—PLUS'—I like these titles—

An honourable member interjecting:

Mr CAUDELL: —or the Bolkus left. Then there is the minus: the Duncan left or the Progressive Labor Union Alliance—the PLA. There are the PLAyers and the PLUSes! The centre left has been left out completely. The letter goes on to say:

> It means that no one group controls the Party.

The centre left certainly does not. It continues:

> Genuine debate and negotiations will have to take place to decide all important issues. This means a greater say, not less, for all ALP members, and that is what the centre left has always stood for. This healthy outcome is the result of other recent developments, including the recent Duffy review of the South Australian branch. . .

The letter goes on with some very interesting stuff. It contains an apology for Terry Cameron, stating:

> One very unfortunate by-product, however, was that one of the key people involved in the success of the centre left, Terry Cameron—

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

Mrs ROSENBERG (Kaurna): I felt inclined to move that the honourable member's time be extended because I was having such a good time listening to his speech. He is a very hard act to follow.

Mr Brindal: Who is this Hill character?

Mrs ROSENBERG: He is no dill, he tells us, but I am not sure about that. In one of my previous grievance debate speeches, I touched briefly on Operation Flinders, and I believe that this program is worthy of more recognition. I also believe that it is particularly important to put on record some of the absolutely magnificent reports about our juvenile justice program in relation to the South Australian crime figures. The Minister for Correctional Services recently announced that crime figures in general throughout South Australia have fallen significantly. The Crime and Justice in South Australia (1994) report indicates that house breakings are at the lowest level since 1986. Much of this has been credited to successful Neighbourhood Watch areas.

Local Neighbourhood Watch areas in my electorate have shown dramatic falls in crime over the past 12 months, and the Willunga District Council has recorded very low figures per population for some crime statistics. The Government's policy of community police stations is largely responsible for the recent successes. Excellent work has been done at the Aldinga Police Station over the 12 months that it has been in operation. It has been really well received in the community and it has made a huge difference to vandalism and house breakings in the Aldinga-Sellicks area.

The Noarlunga Community Police Station, which is located in the Colonnades Shopping Centre, was commissioned recently and has been open for a little over a week. The local Messenger newspaper ran a story this week on the success that has already been experienced with that shopfront police station. The article reads:

> The station, on Ramsay Walk, was opened on 21 September in a push to improve security at Noarlunga Centre.

In the short time that it has been open, nine arrests, 23 reports and 15 cautions have been made relating to incidents such as shoplifting, carrying offensive weapons and drug offences. The success of this community police station has supported my push and that of the Minister over the past 12 months to have this facility opened at Noarlunga. A number of people have knocked Colonnades as not being a safe place to shop, and John Hill, who is no dill, was one who put himself on the front page of the Messenger newspaper and said it was full of vandals and thugs. This police station, which is a Government initiative, can easily overcome that problem.

Operation Flinders is an important issue that should be given more attention. It was begun three years ago and has had the support of South Australian police and the Australian Army, as well as the Attorney-General's Department and the Department of Youth Affairs. The program has been very successful per unit dollar spent compared with the equivalent amount of money spent on incarceration. The key to all crime prevention strategies is the education component, rehabilitation and the early detection of those at risk of breaking the law.

Participants in Operation Flinders have come from a variety of sources such as FACS and the Youth Court. Some of them are nominated by community groups and some come through the education system. Team leaders come from retired army personnel and South Australian police officers, and they are chosen because of their bush skills and their strength of character. Groups of youths spend seven days at a sheep station 650 kilometres from Adelaide. There are particularly good follow-up programs which are essential so that all the benefits gained from Operation Flinders are not lost on their return to their original surroundings, and the Government has been very supportive of these follow-up programs.

Many in the community have raised objections about these programs, saying that they are just taxpayer-funded holidays. I believe that quite the opposite is the case. Anti-social behaviour such as truancy, bullying, aggression and running away from home are addressed very successfully by these programs and at minimal cost to the State. The alternative is to watch these problems develop into offences which will see these youths before a court and finally incarcerated at huge cost to the taxpayer. I put on record that I fully support programs such as Operation Flinders and congratulate all those involved.

Ms STEVENS (Elizabeth): I was very pleased to hear from the Minister for Emergency Services earlier today in Question Time that the Police Security Advice Unit is not to be closed. What an ill-conceived proposal it was to close that unit. The announcement by the Minister was interesting. It is a pity, after his smug answer here, that he did not bother to pass on that information to the Council on the Ageing, which raised the matter with me yesterday at the launch of Senior's Week. The Minister would know, because he has received correspondence from the council (as have the Police Commissioner and the Minister for the Ageing), that this body and many older persons were concerned about the proposed closure. Certainly it was on the agenda. What an amazing way for it to be on the agenda.

We can look at some of the concerns that the Council on the Ageing raised in relation to the way that the closure was to occur. The questions that the Council on the Ageing put related to why the closure had been proposed without any real evaluation of the nature of the usefulness of its work or of any clear proposals for suitable alternatives; and, why there had been a total lack of consultation with the community or peak bodies such as the Council on the Ageing. It also mentioned the inability of local councils to provide effective home security advice because of insecure funding and the patchy nature of some local government services.

Finally, it mentioned the total inappropriateness of proposed outsourcing of the security unit to private operators, including charities, given that such operators could not give truly unbiased advice if there was a financial stake in the type and amount of security equipment recommended to a client. So, I am pleased that finally sanity prevailed, that the Minister for Emergency Services has agreed that this unit does provide a very valuable service and that it will not fall under the axe. I hope that he will have the courtesy to inform those many older people in our community—and 300 or more were in attendance yesterday when this was mentioned—as soon as possible of his decision, because there has been great concern across that sector.

I will briefly mention two other issues and matters raised at the launch of Seniors' Week yesterday. The chairperson of the organising committee stated that health was a major concern for older people in our community, and we would all agree that that is true. The committee chairperson welcomed the advent of a 'health of older persons' policy, and I also welcome that policy. I also welcome definite time lines and resources being made available for the implementation of that policy and look forward to news from the Minister for Health and the Minister for the Ageing about how specifically they will implement the recommendations encompassed in that policy.

Finally, it was mentioned to all the people there that future wonderful performances by music students from Brighton High School may be under threat if cuts to funding in the education sector continue. It was pleasing to hear that that point was made to all the people in the room because, with cuts to education staffing in special music schools, that is precisely what will happen and we will no longer see schools like Brighton High and other music schools being able to provide that sort of entertainment and pleasure for large groups of people like those at the launch of Seniors' Week yesterday.

The ACTING SPEAKER (Mr Becker): Order! The honourable member's time has expired.

Mr CONDOUS (Colton): I rise to speak on a matter that relates back to the debate in May on the Shop Trading (Miscellaneous) Bill. At that time I was strongly criticised by three members of the Labor Party, the first being the member for Hart who said:

> Condous was prepared to use the SDA to his political advantage.

He went on to say that he did not want to dwell on the shameful display by the member for Colton. The colourful budgie, still chirping away in his mirror and looking at himself, can make these sort of statements. The member for Ross Smith then said:

> Last night we saw a giant backflip from the member for Colton.

I will refer to that in a moment. The last statement was from the Leader of the Opposition. He criticised me, saying that I would not have the guts to vote against it because I pledged to the people that I would become a Minister in nine, 13, 29 or 49 months and that I am the only one who believes that. The amazing thing about it is that in the *Advertiser* of 10 October, following the great conference in Trades Hall where the big decisions are made, I read the headline 'Shop trading back-down'. The accompanying article states:

> The State ALP has backed away from moves to scrap Sunday trading. Instead it has pledged not to extend the present Sunday trading hours in the city or to allow suburban retailers to join Sunday trading. The convention originally was asked to support calls for Sunday trading to be abolished once the Labor Party was returned to Government.

All of a sudden we are talking about backflips. The member for Ross Smith said that I did a giant backflip on the shop trading hours. If I did a backflip, seeing that Michael Edgley is coming to town, I reckon that the 11 Labor members opposite should go down to the Entertainment Centre and do a performance for the Moscow Circus because my one somersault cannot compare with that of members opposite two weeks ago when they decided to back away from Sunday trading. It is an absolute sham because at least I had the gumption to stand up here and say why I was prepared to change my mind. The Labor Party has not given any reason for backing down on its promise to scrap Sunday trading when it gets back into Government in 20 years.

The Leader of the Opposition talked about my not having the guts to vote against it and said that I had promised people that I would become a Minister. If the Leader of the Opposition thinks I have any plans to become a Minister, which I do not, I certainly hope that he does not have the champagne on ice to celebrate when he becomes the Premier of South Australia because, by the time he even looks like achieving that, the bubbles will have gone, the corks will be off and there will be nothing left inside the bottle.

Mr Acting Speaker, you would be interested to know that I had a constituent of Greek-ethnic background in my office last week who told me that the Labor candidate for Peake at the next election was running around the electorate saying to everybody that, seeing he was a member of the SDA, when he got elected he would make sure that all city retailing was closed down on Sundays. We have to decide whether the Labor Party, as reported in the paper, has backed down on moves to scrap Sunday trading or whether its candidate for Peake is right and it will close down the city. We are getting two conflicting stories. We do not know yet.

Members interjecting:

Mr CONDOUS: Your Party decided at Trades Hall that you will back down and you will do nothing about scrapping Sunday trading. You have done the greatest backflip of all time.

Mr Foley interjecting:

Mr CONDOUS: Don't worry about the petition: you worry about what you said. I would like you to stand up in this House and explain why the Labor Party has done a backflip and decided that now it will not do anything about scrapping Sunday trading. You had better talk to your candidate, too, who is running around saying that you will scrap Sunday trading when you are elected to Government next time—in about the year 2015.

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

Mr Foley interjecting:

The ACTING SPEAKER: Order! The member for Hart.

CONTROLLED SUBSTANCES (GENERAL OFFENCES—POISONS) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Health) obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill is largely a "machinery" Bill which will enable the introduction of new, comprehensive Poisons Regulations.

The *Controlled Substances Act* was enacted in 1984 to regulate or prohibit the manufacture, sale, supply, possession or use of certain poisons, drugs and therapeutic goods. It was enacted to replace the *Narcotic and Psychotropic Drugs Act 1934* and the *Food and Drugs Act 1908* and has been progressively proclaimed, with concurrent repeal of all or parts of the older legislation. This has been a long and complex process, taking into account national as well as local considerations.

The stage has now been reached where promulgation of new, comprehensive Poisons Regulations under the *Controlled Substances Act* will allow revocation of existing, outdated poison Regulations. In developing the new *Controlled Substances (Poisons) Regulations*, it became apparent that a number of provisions in the Act needed amending so that they could be more effective when brought into force. The Bill seeks to make such amendments and to update penalties substantially.

An important provision of the Bill is Clause 18. Section 18 of the principal Act is somewhat anomalous in that it refers to supply or administration of prescription drugs to persons. Veterinary surgeons are, however, included in this Section, when clearly, acting in the ordinary course of their profession, they do not administer or supply drugs for the treatment of persons. The insertion of the word "animals" into this section removes that anomaly. It is also made clearer that each of the professional persons is only authorised when acting in the ordinary course of the particular profession.

Clause 18 should also assist in policing situations whereby prescription drugs (*eg* antibiotics) are obtained illegally to treat food animals without proper diagnosis of an alleged disease and without professional advice about dosage or withholding periods. This can result in unwanted residues in food.

Another significant new provision is the creation of an offence of being in possession of a prescription drug without lawful authority. Situations have occurred when known offenders have been found to be in possession of prescription drugs without them being prescribed for their own use. They may have them for their own misuse or they may have them to sell to other drug users. The new offence which is inserted by this Clause should assist with enforcement.

Clause 20 also contains an important new provision—it creates an offence of giving a false name or address to a pharmacist (or doctor) when obtaining a prescription drug. It is unfortunately a fact of life that some people use false names and addresses in order to obtain extra supplies of drugs which may either be for their own misuse or for sale. The new provision should assist with enforcement.

The Bill is designed to pave the way for the introduction of comprehensive new Poisons Regulations and to assist in their effective enforcement. The Regulations will come before this Parliament as soon as possible and be open to scrutiny in the normal manner. While a number of the Regulations will be in the nature of updating, several new matters will be covered. Examples are the rescheduling of bronchodilators to facilitate their inclusion in school first-aid kits; and provision for medical practitioners working in rural areas, with no supporting pharmacy service, to sell drugs in the ordinary course of their profession.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Act to come into operation on proclamation.

Clause 3: Amendment of s. 13—Manufacture, production and packing

This clause increases the fine for manufacturing poisons without a licence to a maximum of $10 000.

Clause 4: Amendment of s. 14—Sale by wholesale

This clause similarly increases the fine for selling poisons by wholesale without a licence from $2 000 to $10 000.

Clause 5: Amendment of s. 15—Sale or supply to end user

This clause broadens the ambit of section 15 by including supply, and by exempting medical practitioners and dentists who also supply the poisons to which this section will apply. The fine is increased to $10 000.

Clause 6: Amendment of s. 16—Sale of certain poisons

This clause also increases the fines selling the poisons to which this section will apply (i.e., schedule 7 agricultural pesticides).

Clause 7: Amendment of s. 17—Sale of poisons the possession of which requires a licence

This clause increases to $10 000 the fine for selling a poison to a person without the purchaser producing his or her licence if possession of the poison requires a licence (e.g., DDT).

Clause 8: Substitution of s. 18

This clause substitutes the current section 18 which deals with the supply of prescription drugs. The section as re-cast will apply to the treatment of animals (i.e. this can only be done by a vet or a person using a drug that has been prescribed by a vet)—thus better ensuring, for example, that meat products do not contain overdoses of prescription drugs. It is provided that certain drugs (to be set out in the regulations) can only be administered by specialists. Subsection (3) creates the new offence of being in possession of a prescription drug without lawful authority.

Clause 9: Amendment of s. 19—Sale or supply of volatile solvents

Clause 10: Amendment of s. 20—Prohibition of automatic vending machines

Clause 11: Amendment of s. 21—Sale or supply of other potentially harmful substances or devices

Clause 12: Amendment of s. 22—Possession

Clause 13: Amendment of s. 23—Quality

These clauses all increase fines from $2 000 to $10 000 (or $1 000 to $5 000) for the various offences to which the sections relate.

Clause 14: Substitution of s. 24

This clause re-casts section 24 which deals with packaging and labelling or poisons. This section now covers supply as well as sale, and carries the increased penalty.

Clause 15: Amendment of s. 25—Storage

Clause 16: Amendment of s. 26—Transport

These clauses increase fines and change the wording of the two sections dealing with transport and storage of poisons, as it is now contemplated that the regulations made for the purposes of these sections will only deal with some poisons, not all poisons.

Clause 17: Substitution of s. 27

This clause re-casts the section dealing with the use of poisons. Again it is made clear that the regulations relating to use of poisons do not have to cover all poisons, only some poisons. The section is also widened to make it an offence to sell, supply or purchase a poison for a prohibited purpose.

Clause 18: Amendment of s. 28—Prohibition of advertisement

Clause 19: Amendment of s. 29—Regulation of advertisement

These clauses increase fines to the new levels.

Clause 20: Amendment of s. 30—Forgery, etc., of prescriptions

This clause increases fines and also includes a new offence of giving a false name or address to a pharmacist (or doctor) when obtaining a prescription drug.

Clause 21: Amendment of s. 52—Power to search, seize, etc.

Clause 22: Amendment of s. 55—Licences, authorities and permits

Clause 23: Amendment of s. 57—Power of Health Commission to prohibit certain activities

Clause 24: Amendment of s. 59—Duty not to divulge information relating to trade processes

Clause 25: Amendment of s. 60—Health Commission may require certain information to be given

These clauses all increase fines.

Clause 26: Amendment of s. 63—Regulations

This clause increases the fine level for regulation offences and also inserts the now standard provisions relating to the incorporation of codes into the regulations.

Ms STEVENS secured the adjournment of the debate.

LOCAL GOVERNMENT FINANCE AUTHORITY (REVIEW) AMENDMENT BILL

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations) obtained leave and introduced a Bill for an Act to amend the Local Government Finance Authority Act 1983. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

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

Leave granted.

The Bill is designed to bring up to date the Local Government Finance Authority Act 1983. Its provisions clarify and strengthen the accountability of the Authority to Local Government, make provision for a Taxation Equivalent Regime (TER) for the Authority, and enhance and streamline communication between the Authority and the State Government.

The Bill does not alter the primary functions of the Authority, to develop and implement borrowing and investment programs for the benefit of Councils and prescribed Local Government bodies, and to provide financial management advice to Councils and prescribed Local Government bodies on request.

Since its inception, the Authority has been managed and administered by a Board of Trustees, which supervises the conduct of its business. A majority of the Board comes from Local Government and it is not proposed that this change. The Board's primary lines of accountability lie through the Board members to the Councils, all of which are members of the Authority, via the Local Government Association and the Authority's Annual General meeting and Annual Report. The Bill amends the constitution of the Board to include more adequate representation of the State Government.

Under the Act any profits made by the Authority may be retained and invested, or may be distributed among the Councils and bodies using the Authority's services, or, with the Minister's approval, may be applied for other Local Government purposes. The LGFA has engaged in a combination of retaining profits to build up its capital base, returning bonuses to Councils, and supporting the Local Government Research Foundation and the introduction of the new Accounting Standard for Local Government (AAS 27). The Bill removes the requirement for the Minister to approve the disbursement of profits for other Local Government purposes. The LGFA will make decisions about distribution of all its after-TER profits itself in future.

Liabilities of the Authority are guaranteed by the State Treasurer, for which the Authority pays a fee to the Consolidated Account. The fee was recently increased and the impact of the increase is being monitored. The Treasurer's guarantee continues to be an important and valuable commercial advantage enjoyed by LGFA. The Bill does not alter this arrangement.

The Bill introduces provision for payment of a TER by the Authority in keeping with principles of competitive neutrality. The mechanism proposed in the Bill for application of a TER provides for the payment of the necessary amounts initially to a Treasury deposit account dedicated to Local Government purposes and disbursement of the funds subsequently within the Local Government sphere for purposes proposed by the Local Government Association and agreed to by the Minister for Local Government Relations. The application of a TER is not designed to have a resource impact on the Local Government sphere. However, it is essential that the TER funds be demonstrably cleared from the LGFA, and their payment into a Treasury deposit account is designed to achieve that end. The arrangement requiring the Minister's agreement for disbursement allows the Minister to be satisfied that competitive neutrality principles are respected. The first year for application of a TER is proposed to be 1996-97.

An additional accountability measure is included in the form of a special report to be made each year to the Minister setting out the nature and scope of business transacted with prescribed Local Government bodies. It is not intended that this information be made public in any way in the ordinary course of events but that it be provided on a confidential basis to the Minister, who retains a residual discretion about its use should the interests of the Authority require it. The collection of the information will allow for monitoring of the prescribed bodies with a view to ensuring that the list is maintained appropriately.

In all, these amendments seek to ensure that the principles of transparency, competitive neutrality, responsible management and clear lines of accountability are given new emphasis in the operations of the LGFA in accordance with the Government's overall position in relation to public sector reform and reform of Local Government.

Explanation of Clauses

Clause 1: Short title

This clause provides for the short title of the Bill.

Clause 2: Commencement

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

Clause 3: Amendment of s. 3—Interpretation

This clause updates a cross-reference to the Local Government Act 1934.

Clause 4: Amendment of s. 4—Establishment of the Authority

This clause inserts a provision in the Act that describes the general object of the Authority and specifically provides that the Authority is not part of the Crown, nor is it an agency or instrumentality of the Crown. Furthermore, the Authority will not be able to be brought within the operation of the Public Corporations Act 1993.

Clause 5: Amendment of s. 7—Constitution of the Board

This clause relates to State Government representation on the Board of the Authority. Currently, the Board's membership includes the person who is the permanent head of the Department of Local Government (or nominee), and the Under Treasurer (or nominee). It is intended to replace these positions with a person appointed by the Minister and a person appointed by the Treasurer. It will also be provided that at least one member of the Board must be a woman and at least one member must be a man.

Clause 6: Amendment of s. 8—Terms and conditions of office

It is necessary to include an amendment to section 8 of the Act in view of the fact that two of the members are now to be appointed by Ministers, rather than hold office ex officio.

Clause 7: Amendment of s. 12—Disclosure of interest

This amendment revises the penalty for a breach of section 12 of the Act, which relates to the obligation placed on a member of the Board to disclose a direct or indirect interest in a contract (or proposed) contract with the Authority. The penalty is to be increased to $10 000 or imprisonment for 2 years.

Clause 8: Amendment of s. 13—Allowances and expenses for members

This amendment is consequential on changes to the Board's membership under clause 5.

Clause 9: Amendment of s. 21—Functions and powers of the Authority

The Authority may, in addition to its principal financial activity, engage in various other functions determined by the Minister to be in the interests of local government. It is proposed that the Minister be required to consult with the Local Government Association before the Minister makes a determination under this provision of the Act.

Clause 10: Amendment of s. 22—Financial management

The Authority has power to apply surplus funds to various purposes, including, with the approval of the Minister, for the benefit of a council or prescribed local government body, or for any other local government purpose. It is intended to remove this requirement for the approval of the Minister. It is also necessary to make a consequential drafting change to section 22 of the Act.

Clause 11: Amendment of s. 26—Power of councils, etc., to borrow money from or deposit money with Authority

Section 26 of the Act relates to the financial relationships between a council or prescribed local government body and the Authority. Various transactions or arrangements are specified, with other transactions or arrangements being available with the approval of the Minister. It is proposed to replace this Ministerial approval with a requirement to obtain the approval of the Treasurer.

Clause 12: Repeal of s. 27

This clause provides for the repeal of section 27 of the Act. This section authorises the Minister, on request, to transfer to the Authority the liabilities of a council or prescribed local government body. It has been determined that this power is no longer necessary or appropriate, and that any such transfer should now be conducted according to practices in the market place.

Clause 13: Amendment of s. 29—Staff

It is intended to strike out section 29(3) of the Act. This provision authorises the governor to appoint persons under the Government Management and Employment Act (now the Public Sector Management Act) for the purposes of the Act. It has been decided to

remove this provision in view of the decision to declare that the Authority is not an agency or instrumentality of the Crown. Staff of the Authority do not hold appointments under this provision. Its removal would not prevent the secondment of public service officers to the Authority under an arrangement between the relevant Minister and the Authority.

Clause 14: Repeal of s. 30

This clause provides for the repeal of section 30 of the Act.

Clause 15: Insertion of s. 31A

This clause introduces a tax equivalence provision into the legislation, under which the Treasurer will be able to require the Authority to make payments equivalent in effect to income tax, and other Commonwealth taxes or imposts. Amounts paid under this section will be held in a special deposit account established with the Treasurer, and applied for a purpose or purposes proposed by the Local Government Association and agreed to by the Minister. The provision will apply from 1 July 1996.

Clause 16: Substitution of s. 33

This clause revamps the drafting of section 33 of the Act relating to the accounts of the Authority, and the audit of those accounts.

Clause 17: Amendment of s. 34—Annual report

This amendment revamps section 34(2) of the Act, particularly so as to provide consistency with the amendments effected by clause 16.

Clause 18: Substitution of s. 35

This clause provides for the substitution of section 35 of the Act. The operation of current section 35 has been overtaken by the provisions of the Summary Procedure Act 1921. New section 35 will require the Authority to prepare a special report, on an annual basis, on the nature and scope of its business with prescribed local government bodies. The report will be made to the Minister. The Authority will be required to include in the report advice to the Minister about bodies that should no longer be prescribed as local government bodies for the purposes of the Act.

Clause 19: Amendment of s. 37—Rules of the Authority

This clause relates to the way in which the rules of the Authority may be altered. An alteration currently requires the approval of the Minister. It is intended to replace this requirement with a provision that requires that amendments to the rules of the Authority must be approved at a general meeting of the Authority, or by a majority of members in accordance with a procedure set out in the rules, and that the annual report must include details of any amendments that have been made in the relevant financial year.

Clause 20: Transitional provision—Rules

This clause makes express provision with respect to the validity of the existing rules of the Authority.

Ms HURLEY secured the adjournment of the debate.

SOUTH AUSTRALIAN HOUSING TRUST BILL

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations) obtained leave and introduced a Bill for an Act to provide for the continuation of the South Australian Housing Trust and to define its functions and powers; to repeal the South Australian Housing Trust Act 1936 and the Country Housing Act 1958; to make related amendments to the Housing Improvement Act 1940 and the Housing and Urban Development (Administrative Arrangements) Act 1995; and for other purposes. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill is an important step forward in the management of the South Australian Housing Trust.

The Trust is a major institution in this State with a proud record of achievement in public housing since its inception by a Liberal government in 1936.

It has grown through rapidly changing circumstances into the current organisation which owns and lets over 61 000 houses and financially assists a further 23 000 households in private rental accommodation.

These contributions assist more than half the rental residential accommodation in South Australia.

The Trust also has a proud record in its treatment of tenants and the entrepreneurial way in which it has gone about its business. It has also benefited in the past from favourable treatment by successive Commonwealth and State governments, as a result of its leading position amongst Australian public housing authorities.

In recent years, the conditions under which the Trust must operate have changed, resulting in adaptation of the Trust to those conditions. The most important changes are a marked reduction in the proportions of tenants paying full rent, a change in the demand for housing, from families to single- and two-person households, and financial pressures arising as a result.

There has also been a reduction of funds provided under the Commonwealth State Housing Agreement, the predominant resource of capital for new public housing, while the Federal Government has signalled a move away from capital grants towards recurrent funding of housing assistance.

The net result is that the Trust has, in common with other public housing agencies, been asked to do more with less.

These pressures have caused it to consolidate its operations and adopt more efficient ways of providing services. Recently, those endeavours have been given the stimulus of the National Competition Policy, the Hilmer Report and the negotiations of the National Housing Minister's Conference.

The need to find new sources of capital, contestability of services, and the potential introduction of tax equivalence regimes and dividend payments by government businesses have all influenced the Trust's operations and are likely to do so more in future.

While the debate over the application of these measures to public housing continues at the national level, it is clear that the fundamental issues of demand and resources will have to be matched by a new approach to the management of the Trust.

The Government has responded to these factors, which affect the whole housing and urban development area, by the reorganisation of the portfolio under the Housing and Urban Development (Administrative Arrangements) Act 1995, passed with amendments by the Parliament earlier this year. It is based on the concept of full accountability and responsibility of the Minister for the activities of the portfolio.

The portfolio reorganisation under that Act was proposed by the Ministerial Review carried out in early 1994 by consultants Deloitte Touche Tohmatsu and the SA Centre for Economic Studies.

Their reports recommended that the community services provided by the portfolio, the government businesses and the regulatory functions should be separated from each other.

They recognised that this principle needed refinement in light of the desired outcomes, and made specific recommendations based on a study of the individual agencies in the portfolio.

The Consultant's report "Organisation Structure, Governance and Management Arrangements" was accepted by the Government as the basis of the reorganisation and a team of senior staff was given the task of putting it into practice.

The reorganisation was overseen by an Implementation Steering Committee comprised of Board Chairmen of the affected agencies, the Director of the Office of Public Sector Management and the Assistant Crown Solicitor. It was chaired by the Chief Executive Officer of the Department of Housing and Urban Development.

The Government has a clear policy for urban development, published as the Planning Strategy. The activities of the various parts of the portfolio are aimed, together, to work towards the attainment of that policy. The intention is that they should do so in the most efficient and rational manner, and in a way that opens them to scrutiny, for the Minister, the Government and the people of the State.

The arrangements adopted under the Housing and Urban Development (Administrative Arrangements) Act, 1995, allow for separate reporting of the operational corporations, with the attendant visibility of performance. However, it stops short of the complexity of quasi-independence and internal trading that has characterised some private sector group structures.

It is expected that both the operating environment and the commercial maturity of the corporations will change over time. It follows that the current structures are not necessarily permanent as they represent a current balance between practicality and administrative ideals. It is intended to further reform the structure of the entities in response to those influences.

The intention is to have no redundant functions, no duplication, clear responsibilities and to achieve the best result for our limited resources.

It is intended to present a separate Bill to the Parliament to integrate Housing Cooperatives and Associations, within a new South Australian Community Housing Authority. This is necessary to regulate the Associations and to secure the substantial public investment in housing under their control. That Bill will ensure that the operation of SACHA can be regulated in the same manner as the Trust or a statutory corporation under the Housing and Urban Development (Administrative Arrangements) Act.

All these arrangements are consistent with the national approach to public housing reform and urban development initiatives adopted by the Federal Government and other States. South Australia is at the forefront of reforms to the provision of public housing. These new arrangements will underscore and strengthen our position and provide a new flexibility and quickness of response to changing circumstances in the future.

This South Australian Housing Trust Bill is introduced in response to an invitation from the Legislative Council. On the motion of the Hon Sandra Kanck, the Council removed the South Australian Trust from the ambit of the Housing and Urban Development (Administrative Arrangements) Act, 1995. In doing so, the Council acknowledged the need for new management conditions for the Trust, to replace the current ones, which had their genesis in 1936.

The Government accepted that amendment, which was prompted by an acknowledgment of the pivotal role of the Trust in public housing in this State and the desire to see it maintain its own statutory existence.

The Council also made some procedural modifications to the Housing and Urban Development (Administrative Arrangements) Act, 1995, notably the granting of certain powers to the Governor rather than the Minister and their promulgation by regulation rather than by notice in the Gazette.

Once again, the Government accepted these changes and has adopted the finished administrative structure, which they define, as the model for this Bill.

The Trust is held in general high regard by its customers and other public housing authorities. It commands a very high proportion of South Australian residential tenancies. It is therefore proposed to retain the corporate structure and its name. That will provide continuity and retain the goodwill of the Trust.

To accord with the national agreement on public housing, the Trust's operations have already been split into two divisions, of Property Management and Housing Services, which deal with each other on a supplier-customer basis. They will account separately for their operations to the Board and for the information of the Minister and Treasurer. This split is essential for the proposed funding arrangements for the new Commonwealth State Housing Agreement. The Bill will allow for a further degree of corporatisation at a future stage, should it be practical to do so.

The rationale for this change is that current circumstances have removed the opportunity for the SAHT to operate entrepreneurially and the community service subsidy moneys distributed by it have amplified and resulted in a substantial debt.

The Bill repeals the South Australian Housing Trust Act 1936. It provides transitional arrangements which, amongst other things, preserve the rights, remuneration and conditions of all employees, whether employed under the GME Act or any other industrial agreement or determination. Arrangements for enterprise bargaining will also be available.

Mobility of staff across the portfolio is provided for, by agreement between the Minister and the Board, with benefits for career development as well as administrative reform.

The Bill provides the same management conditions for the SAHT Board as apply to the statutory authorities under the Housing and Urban Development (Administrative Arrangements) Act, 1995. These include a requirement for setting objectives for the Trust, which must be reviewed annually. It also requires an annual report to the Minister, who is bound to have it laid before both Houses of Parliament within 12 sitting days of receiving it.

The Bill also allows the SAHT, if it so decides, to establish subsidiary corporations. These may be used to separate a current operation from the Trust or to improve the flexibility of operation of a new project.

This Bill makes the South Australian Housing Trust directly responsible to the Minister. It changes the current arrangement that the Trust Board, while bound to comply with a direction of the Minister, can estimate the cost of complying with such a direction and the amount, if certified by the Auditor-General, must be paid to the Trust out of moneys to be provided by Parliament. That power has, in the past, proved to be an effective brake on Ministerial control of the Trust.

It has been conclusively demonstrated that Governments cannot escape responsibility for the actions of their agencies, no matter how far those agencies are theoretically removed from Ministerial direction. Hence, accountability must be matched with responsibility and the Bill is intended to ensure that the Trust is made directly responsible to the Minister.

National initiatives, especially the Hilmer Report, The Industry Commission Report into Public Housing and the Commonwealth Government's National Competition Policy, are the source of some provisions of the Bill, the Tax Equivalence Regime and facility for payment of dividends.

The Bill provides for dividends and tax equivalents to be paid by the statutory corporations, in accordance with Commission of Audit recommendations and in consultation with the Treasurer. Under the current Commonwealth State Housing Agreement, tax equivalent payments must be paid between the Trust and the Minister to the housing portfolio for use in accordance with the agreement.

Performance agreements between the Trust and the Minister will specify these dividends and tax equivalents as part of overall portfolio budgeting and resource allocation.

I have described the overall reform of the housing and urban development portfolio, of which the South Australian Housing Trust is the most significant part.

The Government's intention is to provide the best possible housing opportunities for tenants of public housing and receivers of housing assistance, in response to need and consistent with principles of equity, that it can with the available resources.

There are rapid changes occurring in this most significant social field. We are now looking at much more diverse tenancy forms, including sharing equity with tenants, with cooperatives and with the sponsors of community housing associations. There is also the possibility of moves towards more direct financial assistance to tenants by the Commonwealth.

These changes have the potential to blur the edge between public and private rental, between home owners and tenants. They could result in quick changes in assistance patterns, in response to the tenants' needs and circumstances.

It is essential that our housing agencies, especially the Trust, are able to respond quickly and effectively to these challenges. This Bill is intended to facilitate the process.

I commend to the House the Functions and the General and Specific Powers of the Trust in this Bill, which set out its charter clearly for the first time in its long and illustrious history.

I ask the House to agree that the Trust's administrative conditions should be the same as those of the other agencies in the portfolio, so that they might be managed together as a cohesive whole, while each pursuing their particular goals.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

Clause 3 defines certain terms used in the Bill.

PART 2

THE SOUTH AUSTRALIAN HOUSING TRUST

DIVISION 1—CONTINUATION OF SAHT

Clause 4: Continuation of SAHT

This clause provides that the *South Australian Housing Trust* (SAHT) continues in existence as a body corporate.

Clause 5: Functions of SAHT

The functions of SAHT are defined to include—

- assisting people to secure and maintain affordable and appropriate housing by acting as a landlord of public housing, managing public housing, providing private rental assistance and providing advice and referral on housing;
- providing houses to meet public and community needs;
- managing public housing to ensure acceptable rates of return and protect the value of the assets through developing, supplying, managing and maintaining public housing;

- undertaking programs for the improvement of community housing within the State, and supporting other housing programs;
- reporting to the Minister on public housing issues, and other matters;
- carrying out any other functions conferred under this or other Acts, by the Minister or by delegation under an Act.

Clause 6: General power of SAHT

Subject to any statutory limitation, SAHT has all the powers of a natural person as well as the powers conferred on it by statute.

Clause 7: Specific powers of SAHT

SAHT's specific powers include the power to lease and let houses, fix terms, covenants and conditions on houses to be let, pay bonuses or allowances to tenants, divide or subdivide land for development, participate in strata corporations, initiate, facilitate or participate in joint developments, provide appropriate services to other organisations, provide financial assistance to the public and community housing sectors and receive and administer funds on behalf of third parties, on an agency basis.

DIVISION 2—MINISTERIAL CONTROL

Clause 8: Ministerial control

SAHT is subject to the control and direction of the Minister.

DIVISION 3—BOARD OF SAHT

Clause 9: Constitution of board of management

SAHT is managed by a board consisting of seven members appointed by the Governor (one of whom will be appointed as the presiding member). At least one member of the board must be a woman and at least one member must be a man.

The Governor may also appoint deputies for board members.

Clause 10: Conditions of membership

A member of the board is appointed for a maximum of three years, and may subsequently be reappointed.

The clause also provides for removal of a member of the board and for vacancies in office.

Clause 11: Allowances and expenses

A board member is entitled to remuneration, allowances and expenses determined by the Governor.

Clause 12: Disclosure of interest

This clause deals with disclosure requirements in relation to conflicts of interest and prescribes the effect of disclosure, or failure to make a disclosure, on contracts entered into by the board.

The clause also provides that the Minister may direct a member to divest himself or herself of an interest that is in conflict with the board's duties or to resign from the board (and non-compliance with the direction constitutes misconduct and hence a ground for removal of the member from the board).

A disclosure must be recorded in the minutes of the board and be reported in the annual report.

Clause 13: Members' duties of honesty, care and diligence

Members of the board must act honestly in the performance of official functions, must exercise a reasonable degree of care and diligence in performing official functions, must not make improper use of information acquired because of his or her official position and must not make improper use of his or her official position. Breach of any of these duties is an offence.

Clause 14: Validity of acts and immunities of members

This clause provides that a vacancy or defect in board membership will not invalidate an act or proceeding of the board and, in the absence of culpable negligence, a member of the board incurs no civil liability for an honest act or omission in the performance of duties or powers. Any liability of a member attaches instead to the Crown.

Clause 15: Proceedings

This clause provides for the conduct of proceedings by the board.

Clause 16: General management duties of board

The board is responsible for overseeing the operations of SAHT with the goal of securing improvements in its performance and protecting its viability as well as the Crown's interests.

The board must, amongst other things, ensure—

- that appropriate strategic and operational plans and targets are established and that SAHT has appropriate management arrangements and performance monitoring systems; and
- that the Minister receives regular reports on the performance of SAHT, and the initiatives of the board; and
- that the Minister is advised of any material development affecting the financial or operating capacity of SAHT or that gives rise to an expectation that SAHT may not be able to meet its debts as and when they fall due.

DIVISION 4—STAFF, ETC.

Clause 17: Staff

This clause provides for the Minister to determine SAHT's staffing arrangements after consultation with the CEO and SAHT. Staff will, subject to any other provision or unless the Minister otherwise determines, be persons who are appointed and hold office under the *Public Sector Management Act 1995*.

SAHT may engage agents or consultants with the approval of the Minister and may, by arrange to make use of the facilities of a government department, agency or instrumentality.

DIVISION 5—COMMITTEES AND DELEGATIONS

Clause 18: Committees

This clause provides for the establishment of committees by SAHT. A committee's procedures will be as determined by the Minister, the board or the committee.

Clause 19: Delegations

The board may delegate functions or powers.

DIVISION 6—OPERATIONAL, PROPERTY AND FINANCIAL MATTERS

Clause 20: Common seal

SAHT will have a common seal.

Clause 21: Further specific powers of SAHT

This clause gives SAHT the relevant powers of a body corporate.

The approval of the Minister, or authorisation by regulation, is required before SAHT can deal with shares, participate in the formation of another body or borrow money or obtain other forms of financial accommodation.

SAHT may only establish or participate in a scheme or arrangement for sharing of profits or joint venture with another person if—

- SAHT is acting with the approval of the Minister (who must obtain the concurrence of the Treasurer); or
- the other party to the scheme or arrangement is a statutory corporation or SACHA; or
- the regulations authorise the scheme or arrangement.

Clause 22: Property to be held on behalf of Crown

SAHT holds its property on behalf of the Crown.

Clause 23: Transfer of property, etc.

The Minister may (with the agreement of the Treasurer) by notice in the *Gazette*—

- transfer an asset, right or liability of the Minister to SAHT; or
- transfer an asset, right or liability of SAHT to the Minister, to a statutory corporation or SACHA, to a subsidiary of SAHT, to the Crown or an agent or instrumentality of the Crown or, in prescribed circumstances and conditions (and with the agreement of the person or body) to a person or body that is not an agent or instrumentality of the Crown.

A notice may make other necessary provisions in connection with the relevant transfer.

The Minister's powers under this clause may be limited by an express agreement entered into by the Minister.

Clause 24: Securities

SAHT may, with the Minister's approval, issue securities as specified in this clause. The Minister must, however, obtain the concurrence of the Treasurer before giving an approval under this clause and a liability of SAHT incurred with the concurrence of the Treasurer is guaranteed by the Treasurer.

Clause 25: Tax and other liabilities

The Treasurer may require SAHT—

- to pay all liabilities and duties that would apply under the law of the State if SAHT were a public company; and
- to pay to the Treasurer any amounts the Treasurer determines to be equivalent to income tax and other imposts that SAHT does not pay to the Commonwealth but would be liable to pay if it were constituted and organised in a manner determined by the Treasurer for the purposes of this clause as a public company (or if subsidiaries or divisions of SAHT are involved as two or more public companies); and
- to pay council rates that SAHT would be liable to pay to a council if SAHT were a public company.

The Treasurer will determine the time and manner of payments under this clause.

This clause does not affect a liability that SAHT would otherwise have to pay rates to a council.

Clause 26: Dividends

This clause provides that SAHT must, if required, recommend to the Minister that a specified dividend or interim dividend or dividends be paid by SAHT for that financial year, or that no dividend or dividends be paid by SAHT, as SAHT considers appropriate.

The Minister may, in consultation with the Treasurer, approve a recommendation of SAHT or determine that a dividend or dividends specified by the Minister be paid, or that no dividend be paid.

If a dividend or interim dividend or dividends is or are to be paid, the Minister, in consultation with the Treasurer, will determine the time and manner of payment.

The Minister may, in consultation with the Treasurer, allocate an amount (or part of an amount) received under this clause in a manner determined by the Minister or may pay that amount (or part of it) for the credit of the Consolidated Account.

SAHT may not delegate the task of making a recommendation under this provision.

Clause 27: Audit and accounts

SAHT must establish and maintain effective internal auditing of its operations and must keep proper accounting records including annual statements of accounts for each financial year.

The accounting records and statements must comply with any instructions of the Treasurer under section 41 of the *Public Finance and Audit Act 1987*.

The Auditor-General must audit the annual statement of accounts and may audit SAHT's accounts at any other time.

DIVISION 7—PERFORMANCE AND REPORTING OBLIGATIONS

Clause 28: Objectives

The Minister may, after consultation with SAHT, prepare a statement of SAHT's objectives, targets or goals for the period specified in the statement. SAHT must review the statement whenever it is necessary to do so, and in any event at least once per year. The Minister may, after consultation with SAHT, amend a statement at any time. The Minister must consult with the Treasurer in relation to any financial objectives, targets or goals.

Clause 29: Provision of information and reports to the Minister

SAHT must, on request, furnish the Minister with any information or records and the Minister may make and keep copies of a record if the Minister thinks fit.

If SAHT considers that material furnished to the Minister contains confidential matters, SAHT may advise the Minister of that opinion. If the Minister is satisfied that SAHT owes a duty of confidence in respect of a matter, the Minister must ensure the observance of that duty, but may nevertheless disclose a matter as required in the proper performance of ministerial functions or duties.

Clause 30: Annual report

SAHT must, on or before 30 September in each year, prepare and present to the Minister a report on the operations of SAHT during the previous financial year, including the audited accounts and financial statements of SAHT. The Minister must, within 12 sitting days after receiving a report under this clause, have copies of the report laid before both Houses of Parliament.

PART 3

SUBSIDIARIES

Clause 31: Formation of subsidiaries

Regulations may be made establishing a subsidiary of SAHT. A subsidiary is a body corporate and, subject to a limitation imposed by or under an Act or the regulations, has all the powers of a natural person together with the powers specifically conferred on SAHT, or on the subsidiary specifically.

The Governor may, by regulation, make changes to or dissolve a subsidiary and may transfer the assets, rights and liabilities of a dissolved subsidiary to the Minister, SAHT or another subsidiary, a statutory corporation, the Crown, an agent or instrumentality of the Crown (not established under the measure) or, with the agreement with the person or body, to a person or body that is not an agent or instrumentality of the Crown.

If a regulation establishing a subsidiary is disallowed, the assets, rights and liabilities of the subsidiary become assets, rights and liabilities of SAHT.

PART 4

MISCELLANEOUS

Clause 32: Acquisition of land

SAHT may, with the consent of the Minister, acquire land for a purpose associated with the performance of its functions.

Clause 33: Power to enter land

A person authorised in writing may, where necessary or expedient, enter land and conduct a survey, valuation, test or examination. A person must not enter land under this clause unless the person has given reasonable notice to the occupier.

It is an offence to hinder a person in the exercise of a power under this clause, punishable by a maximum fine of $2 500.

This clause does not limit a power conferred under an agreement or mortgage, or another Act or law.

Clause 34: Satisfaction of Treasurer's guarantee

A liability of the Treasurer is to be paid out of the Consolidated Account.

Clause 35: Effect of transfers

The transfer of an asset, right or liability under the measure operates despite the provisions of another law and operates to discharge the liability in respect of the body from which it was transferred.

Clause 36: Registering authorities to note transfer

The Registrar-General or other registering authority must, on application under this clause, register or record the transfer of an asset, right or liability by regulation, proclamation or notice under the measure.

An instrument relating to an asset, right or liability that has been previously been transferred under the measure must, if the instrument is executed and is otherwise in an appropriate form, be registered or recorded by the Registrar-General or another appropriate authority despite the fact that no application was made to register or record the previous transfer under the measure.

A vesting of property under the measure by regulation, proclamation or notice, and an instrument evidencing or giving effect to that vesting, are exempt from stamp duty.

Clause 37: Restriction on letting

SAHT must not let a house to a person who owns (or partly owns) a residential property unless the person owns (or partly owns) the property under an agreement with SAHT, the person is in circumstances of genuine need or the Minister or the regulations otherwise authorise the letting.

Clause 38: Rents

SAHT may determine and vary the rent charged for its properties.

Clause 39: Power to carry out conditions of gifts

SAHT may accept gifts and is empowered to carry out the terms of any trust affecting a gift.

Clause 40: Offences

A prosecution under the measure for a summary offence may be commenced within two years after the date of the alleged offence or, if the Attorney-General authorises, within five years after the date of the alleged offence. Prosecutions for offences that are expiable under the regulations must be commenced within six months.

Clause 41: Approvals by Minister or Treasurer

This clause provides that approvals by the Minister or the Treasurer under the measure may be given in relation to a class of matters and may be given by a person authorised by the Minister or Treasurer (as the case may be).

Clause 42: Regulations

The Governor may make regulations for the purposes of the measure.

SCHEDULE 1

Repeal and Amendments

The first clause of this schedule repeals the *South Australian Housing Trust Act 1936* and the *Country Housing Act 1958*.

The second and third clauses make various consequential amendments to the *Housing Improvement Act 1940* and the *Housing and Urban Development (Administrative Arrangements) Act 1995*, respectively.

SCHEDULE 2

Transitional Provisions

This schedule makes transitional provisions relating to the staff of SAHT, the vesting of property of SAHT and regulations relating to water rates made under the repealed Act, and also makes provision for regulations to be made of a savings or transitional nature.

Ms HURLEY secured the adjournment of the debate.

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

A quorum having been formed:

SUPERANNUATION (CONTRACTING OUT) AMENDMENT BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to amend the Superannuation Act 1988. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The Government is continuing the process of reviewing public sector functions and services with a view to contracting out these functions and services where appropriate.

As a consequence of the contracting out of functions and services, public sector employees are provided with offers of employment with the successful contractor.

The Government supports as many public sector employees moving to the contract employer as possible. To facilitate this, the Government provides incentive payments to persons and requires the contract employer to recognise public sector service and provide a minimum period of two years employment.

The acceptance of any offer of employment with the contract employer is voluntary.

The Government therefore deems it inappropriate that employees who have voluntarily accepted an offer of employment with the contract employer, and as such have received an incentive payment together with a period of employment, be able to access their retirement pension whilst still employed with the contract employer.

The provisions of the superannuation act 1988 as they currently exist do not allow for the preservation of superannuation entitlements for persons who resign having attained age 55. Furthermore, there is no requirement to preserve beyond age 55 for persons who resign prior to having attained age 55, elect to preserve their accrued entitlement at that time and request payment upon attaining age 55.

This bill which the Government now introduces is a positive step to address these issues.

The bill seeks to preserve the superannuation entitlements of a person aged 55 or over at the time of acceptance of an offer of employment with the contract employer until such time as his or her employment with the contractor ceases.

The bill also provides that where a person aged under 55 years at the time of acceptance of an offer of employment elects to preserve his or her accrued entitlement in the scheme, preservation will apply until employment with the contractor ceases and he or she has attained age 55.

The bill does, however, provide for persons accepting an offer of employment with the contractor, as an alternative, to access an immediate lump sum entitlement.

This bill incorporates within the superannuation act 1988 superannuation provisions which are consistent with those passed by this parliament in respect of the SGIC (Sale) Act and the Pipelines Authority (Sale of Pipelines) Amendment Act.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 inserts three new definitions for the purposes of amendments made by the Bill.

Clause 4: Amendment of s. 27—Retirement

Clause 4 amends section 27 of the principal Act to make it clear than an outplaced employee over 55 only receives a retirement benefit under section 27 if he or she elects to do so.

Clause 5: Amendment of s. 28—Resignation and preservation of benefits

Clause 5 makes a similar amendment in relation to section 28 of the principal Act.

Clause 6: Insertion of ss. 28B and 28C

Clause 6 inserts new sections 28B and 28C. Section 28B provides benefits to outplaced employees over 55 and section 28C provides benefits to outplaced employees under 55.

Clause 7: Amendment of s. 34—Retirement

Clause 7 makes it clear that retirement benefits in the old scheme do not apply for the benefit of an outplaced employee who is over 55.

Clause 8: Amendment of s. 39—Resignation and preservation of benefits

Clause 8 inserts a provision into the old scheme that corresponds to section 28(8) inserted by clause 5 in the new scheme.

Clause 9: Insertion of ss. 39B and 39C

Clause 9 inserts new sections 39B and 39C. These sections correspond with sections 28B and 28C in the new scheme. Subsection (4)*(a)* of section 38B provides that a contributor with less than 10 years membership of the old scheme will receive the pension benefit provided for contributors whose membership is over 10 years. Entry to the old scheme was closed in May 1986 and it is unlikely that any one will fall into this category.

Mr CLARKE secured the adjournment of the debate.

OFFICE FOR THE AGEING BILL

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources) obtained leave and introduced a Bill for an Act to establish the Office for the Ageing; to repeal the Commissioner for the Ageing Act 1984; and for other purposes. Read a first time.

The Hon. D.C. WOTTON: I move:

That this Bill be now read a second time.

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

Leave granted.

It is the Government's view that this legislation is necessary to give effect to needed reform of the Government's responsibility for the aged.

This Government has a long-term commitment to the aged in our community, and this Bill will provide a strong public profile on ageing issues.

This Bill complements other Government initiatives of our commitment to the wellbeing of South Australia's senior citizens. The development of the 10 Year Plan for Aged Services is a major step in ensuring the long-term interests of both older people and the State as a whole.

The passage of this Bill will allow the development of this Plan for Aged Services and ensure that the Office for the Ageing will continue to involve other Government Departments in the consideration of the needs of older people.

In July 1995 I decided to take the opportunity to review the role, function and structure of the Office of the Commissioner for the Ageing. I released a discussion paper which was widely distributed and commented upon. There was general agreement to proceed along the lines suggested by the paper.

On 31 August 1995 I released a further document, consolidating my proposals and suggesting the changes that are now contained in the Bill.

There has been lengthy and detailed discussion on the proposed changes with the key aged care organisations and I believe there is general support for the changes as proposed in the Bill. Indeed, the ageing community is very supportive of these changes and I acknowledge their assistance in this process. I am particularly grateful to the organisations for the aged, such as the Council on the Ageing, for their interest as I move to strengthen and broaden the involvement of the Government in this area.

The Bill seeks to broaden the input provided through the Office to the Government and strengthens the policy and planning functions of the Office.

Specifically the draft Bill provides for the establishment of the Office for the Ageing which will be led by a Director, and for the establishment of an Advisory Board on Ageing.

The Director will report directly to the Minister for the Ageing. The Office will be established under the Public Sector Management Act, as part of the Family and Community Services administrative unit.

The primary outcome of the Bill is to ensure that Government policies, strategies and programs provide maximum benefit to older persons; and promote and support safe, healthy, contributive, and satisfying roles for older people in the community.

To achieve this, the Office for the Ageing will be responsible for providing the strategic planning and policy development required to lead Government public policy for older persons. It will also be responsible for consulting with organisations of older people, service providers, community organisations, universities and other relevant groups in order to ensure that their views are heard and incorporated into Government policy.

While these are the primary objectives and functions of the Office for the Ageing, the other current objectives and functions contained in the Commissioner for the Ageing Act, 1984 remain relevant and are included in the drafting of the new Bill.

The Office for the Ageing will provide a strategic report on across Government issues through the Minister for the Ageing to

Cabinet, or the appropriate committee of Cabinet, at six monthly intervals.

The Office for the Ageing will provide a performance statement concerning agreed upon performance targets to the Minister for the Ageing on an annual basis.

The Office for the Ageing should have the ability to plan, administer or co-ordinate programs that may assist the ageing (Functions of the Office 5(c)(m)(new clause)).

This will allow the development of the 10 Year Plan for Aged Services, and ensure that the Office continue to involve Government Departments in the consideration of the needs of older people. It also allows for the administration of particular programs, such as Home and Community Care.

The proposal to establish an Advisory Board on Ageing is new and very important. It will provide an opportunity for broader input to the Minister for the Ageing on ideas for the future, issues and concerns regarding ageing and the needs of older South Australians.

The Advisory Board would comprise up to six people (8(2)(b)), and at least two members of the Board shall be women and two men (8(3)).

Board members shall be selected for their ability to contribute as individuals, based on their knowledge, experience or standing in the ageing field. Members should not be directly representative of organisations, however, it is likely that several members would be selected from organisations in the field of ageing.

Whilst the new Board on Ageing will provide the Minister with additional independent advice, the present consultative structures will be maintained under the new arrangements, and the Older Persons' Advisory Committee is to be retained with its broad organisational and consumer base.

The Director of the Office will be ex-officio on the Advisory Board (8(2)(a)).

The Minister will designate one of the members other than the Director, to be the presiding member (8(6)).

The Board is to advise the Minister, either on its own initiative, or at the request of the Minister (9).

The Government has taken this initiative to strengthen its focus on ageing at a time when the issue of ageing in the community is one of ever increasing importance. This will ensure that the Government's 10 Year Plan for Aged Services can be implemented in an effective way across the whole of Government, and provide demonstrated leadership in the community.

Population predictions clearly show that there will be significant growth in the proportion of people over the age of sixty-five in Australia in the next decade and particularly in the numbers of the very old.

At the same time there are changing community expectations about the role and contribution of older people within the community. Older people themselves have expectations about their lifestyle and about the ways that services provided will protect and that promote independence and dignity.

The Minister for the Ageing will continue to be responsible for co-ordinating Government policy affecting older people, and for the development of policies, strategies and priorities to promote and protect the interests of older South Australians.

This Bill provides a legislative framework which will give a strong public profile for ageing, strengthens the role and function of the Office for the Ageing, and gives the community a greater input into the needs, services, and policy development on ageing issues in South Australia.

I commend the Bill to the House.

Explanation of Clauses

PART 1 PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

PART 2 OFFICE FOR THE AGEING

Clause 3: Office for the Ageing

The Office is established by this clause as part of the public sector. It consists of the Director and public service employees assigned to assist the Director.

The Director is a public servant whose appointment (or termination of appointment) must be approved by the Minister.

Clause 4: Objectives of Office

The objectives set out in this clause are the same as the current objectives of the Commissioner for the Ageing set out in section 6 of the current Act (the *Commissioner for the Ageing Act 1984*).

Clause 5: Functions of Office

The functions set out in this clause are similar to the current functions of the Commissioner for the Ageing set out in section 7 of the current Act.

However, paragraph *(a)* is an additional function:

- to assist in the development and co-ordination of State government policies and strategies affecting the ageing and for that purpose to consult with the ageing, providers of services to the ageing, organisations for the benefit of or representing the interests of the ageing and other relevant persons.

Paragraph *(m)* expands on the functions set out in section 7(1)(l) of the current Act. Current paragraph *(l)* reads: to assist in the co-ordination of programs and services that may assist the ageing. New paragraph *(m)* expands this to include planning, coordinating or administering or assisting in planning, coordinating or administering, programs and services that may assist the ageing.

The clause provides in addition that the Minister may assign further functions to the Office (see paragraph *(p)*).

Other minor alterations have been made to take account of the fact that the Director will perform functions performed under the current Act by the Commissioner for the Ageing.

Clause 6: Annual report

The Director is required to provide the Minister with an annual report to be tabled in Parliament.

Clause 7: Delegation by Director

This clause provides for delegations by the Director.

PART 3 ADVISORY BOARD ON AGEING

Clause 8: Advisory Board

This clause requires the Minister to establish an Advisory Board on Ageing.

The Board is to consist of the Director and between 3 and 6 other persons. The members are to be appointed as individuals and not as representatives of any particular public or private sector organisation. The presiding member will be selected by the Minister from the appointed members.

The maximum term of office is 4 years.

The Director will provide administrative services to the Board.

Clause 9: Functions of Advisory Board

The function of the Board is to advise the Minister on issues relating to ageing either on its own initiative or at the specific request of the Minister.

SCHEDULE Repeal

The schedule repeals the *Commissioner for the Ageing Act 1984*.

Ms STEVENS secured the adjournment of the debate.

7.30 REPORT

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

That—

1. The Legislative Council expresses its concern about the impact of the cessation of local production of the *7.30 Report* and other local current affairs programs on the depth and diversity of current affairs coverage in South Australia;
2. The Legislative Council calls on the board of the Australian Broadcasting Corporation to ensure that the ABC does not centralise the presentation and production of daily ABC current affairs programs in Melbourne and Sydney;
3. The Legislative Council calls on the board of the ABC to reverse its decision to cease local production of the *7.30 Report*; and
4. A message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto, and that the foregoing resolution be referred to the ABC board and the Federal Communications Minister, Michael Lee, for their consideration.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill provides for the adoption by South Australia of a uniform national scheme for classification of publications, films, videos and computer games. The Bill was introduced on July 26, 1995 and has been circulated widely for comment since that time. The Bill was circulated to a number of interested groups and individuals including children and youth interest groups, industry representatives and individuals with an interest (and experience) in the classification area.

Currently, the distribution of films, videos and publications in all Australian jurisdictions is regulated by many federal, State and Territory laws. The Commonwealth Film Censorship Board (the Board) operates under more than eight pieces of legislation and the resulting lack of uniformity has led to administrative difficulties for the Board and the film and print industries.

THE AUSTRALIAN LAW REFORM COMMISSION REPORT 'CENSORSHIP PROCEDURE'

The Australian Law Reform Commission (ALRC) was requested by the Federal Attorney-General to report as to how the Commonwealth, State and Territory laws relating to the censorship and classification of imported and locally produced film and printed matter for public exhibition, sale or hire could be simplified and made more uniform and efficient, while still giving effect to policy agreed between the Commonwealth, the States and the Northern Territory.

The report of the ALRC was tabled in the Federal Parliament in September, 1991. In summary, the major recommendations of the report 'Censorship Procedure' were as follows;

- the rationalisation of existing Commonwealth, State and Territory legislation into a national scheme;
- the upgrading of the Commonwealth's existing 'voluntary' scheme for the classification of literature to a 'partially compulsory' scheme which focuses primarily on adult material;
- implementation of a compulsory classification scheme for computer games;
- the revision of the censorship fee sharing arrangements;
- widening the right to appeal against classification decisions to include members of the public, but not 'mere meddlers'. (This recommendation does not have majority support).

THE COMMONWEALTH CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT, 1995 ('the Commonwealth Act')

The Standing Committee of Attorneys-General agreed on a draft Commonwealth Bill and on the 24 January, 1994, Federal Cabinet approved the adoption in principle of a uniform national scheme of classification as recommended by the ALRC and approved the release of draft legislation (the Classification (Publications, Films and Computer Games) Act, 1995 ('the Commonwealth Act') for the purposes of public consultation.

The Senate Select Committee on the Community Standards Relevant to the Supply of Services Utilising Electronic Technologies held a hearing on the Commonwealth Act and tabled its report on 29 November, 1994. The Committee's first recommendation indicates that it supports the Commonwealth Act.

Reflecting the co-operative nature of Australia's censorship laws, the Commonwealth Act is for a Federal Act for the Australian Capital Territory under section 122 of the Constitution. The ACT self-government legislation reserved to the Commonwealth the power to classify material for censorship purposes. This was to ensure that a national censorship scheme was preserved.

The Commonwealth Act passed through Federal Parliament on 7 March, 1995 and was given the Royal Assent on 16 March, 1995. The Commonwealth Act will not be able to be brought into force until complementary State and Territory legislation is enacted. Ministers responsible for Censorship are currently aiming for the 1 January, 1996 as the implementation date for operation of complementary State and Territory legislation.

Under the new scheme, it is proposed the State and Territory legislation will adopt, in enforcement laws, the classification decisions made under the Commonwealth Act. It is the State and Territory legislation that will, in effect, govern the submission of films, publications and computer games to the Classification Board (the Board) for classification. It will also deal with the consequences, in the respective jurisdictions, of the different classifications given by the Board to films, publications and computer games.

1. The Classification Code and the Guidelines

The Commonwealth Act establishes the Classification Board and the Classification Review Board and provides that classification decisions for publications, films and computer games are to be made in accordance with the National Classification Code and the Guidelines. Both the Code and the Guidelines have been agreed between the Commonwealth, States and Territories and any amendments to either must be similarly agreed. It is intended that tabling of any amendments to the Code and Guidelines will occur in each of the Commonwealth, State and Territory Parliaments. I now seek leave to table both the Code and the Guidelines for the information of Honourable Members.

2. Films and Videos

Pursuant to the Commonwealth Act, the current compulsory classification of all films and videos will continue except for films for business, accounting, professional, scientific or educational purposes. This exemption will not apply if the film contains a visual image that would be likely to cause it to be classified MA, R, X or RC.

3. Publications

The current voluntary scheme in relation to publications is to be replaced by a partially compulsory scheme. Publications that straddle the Category 1 restricted classification, which is the lowest classification for restricted publications, and the upper end of the Unrestricted category will be required to be submitted for classification. The Commonwealth Act enables the Director (the Chief Censor) to 'call-in' such publications, called 'submittable publications' for classification.

4. Computer Games

The new scheme will also provide for compulsory classification of computer games except for business, accounting, professional, scientific or educational computer software. This exemption will not apply if the software contains images that would be classified MA(15+) or RC.

5. Bulletin Boards and other On-Line Services

An amendment to delete the exclusion of computer bulletin boards from the definition of 'film' and 'computer game' was made in the House of Representatives. Although there has been no decision to date on the regulation of bulletin boards, the removal of this exclusion will allow the Classification Board to classify material on bulletin boards should there be a future requirement. At present, a consultation paper on the regulation of on-line services has been posted on the Internet and circulated in hard copy form for comment. The paper discusses a proposed system of self-regulation for the computer industry and includes an outline of possible offences relating to the use of an on-line information service for consideration and comment. This issue may be addressed when the Bill is discussed in the next Session.

6. Classification Fees

At present, fees for classification are levied under State and Territory legislation, collected by the Commonwealth and shared equally between the Commonwealth, States and Northern Territory.

The Commonwealth Act provides for the Commonwealth to levy classification fees in the future. In return for the States and Territories foregoing their fee powers and in recognition of their enforcement costs, it is proposed that they each receive the average of their share over the last five years, a total of $ 600 000 in 1994/95. This amount will be adjusted in future years by the change in the Consumer Price Index.

The Commonwealth Act will also enable the Commonwealth to increase, over several years, charges for classification services so that there is substantial cost recovery. This will be done by introducing charges for new initiatives and increasing costs to reflect the cost of the service provided. If there is an excess in fees levied, it is agreed that that excess will be paid to all participating parties in equal parts.

THE CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) BILL, 1995 ('the State Bill')

A model State/Territory Classification Enforcement Bill was prepared for consideration by the States and Territories. Ministers responsible agreed that uniformity of offences and penalties were desirable in this area, but not compulsory. A table of indicative penalties was prepared for Minister's consideration.

At present, there are three separate pieces of State legislation dealing with censorship. These are the Classification of Films for Public Exhibition Act, 1971, the Classification of Publications Act, 1974 and the Classification of Theatrical Performances Act, 1978.

The Classification (Publications, Films and Computer Games) Bill, 1995 ('the State Bill') has been prepared, based on the national uniform model Enforcement Bill but tailored to take into account the existing classification system in South Australia.

The State Bill contains the following provisions;

- existing legislation dealing with classification matters (as outlined above) has been repealed and these matters (plus

computer games) are now all contained in the State Bill. (Classification of theatrical performances will continue to be dealt with in a separate piece of legislation, the Classification of Theatrical Performances Act, 1978 because that is not part of the co-operative scheme);

Having these classification matters dealt with in the one piece of legislation i.e. publications, films, videos and computer games will ensure that the processes are easily accessed and understood by the industry and members of the community.

- establishment of a State body (renamed the South Australian Classification Council to avoid confusion with the Classification Board established under the Commonwealth Act) which may examine, for classification purposes, a publication, film or computer game.

  The Minister may request the Council to examine a publication, film or computer game for classification purposes or may require the Council to provide advice to assist the Minister to decide on a classification. If the Minister classifies, the Council may not proceed to classify a publication, film or computer game.

  The classification decisions made by the Board will be adopted by South Australia but may be reviewed under the State Bill.

  The Council or the Minister may classify a publication, film or computer game despite the fact that it is classified under the Commonwealth Act. A classification decided by the Council or the Minister has effect to the exclusion of any classification under the Commonwealth Act.
- The classification criteria in the State Bill are identical to the criteria applied by the Commonwealth Board to ensure that classification decisions are made on the same basis at both a State and Commonwealth level. Despite this, there may be a difference between the two bodies as to the standards generally accepted by reasonable adults which leads to a different classification decision.
- reclassification of a publication, film or computer game after two years in line with the same powers in the Commonwealth Act. The State Bill also makes provision for approval and 'calling-in' of advertisements. A decision to approve or refuse an advertisement by the Council has effect to the exclusion of any decision to approve or refuse to approve the same advertisement under the Commonwealth Act.
- the offence provisions are in line with the model Enforcement Bill as agreed by Ministers responsible for censorship. The existing penalties were examined alongside the indicative penalty levels and the higher penalty adopted in the State Bill.
- the State contains exemption provisions in Part 9 to exempt a film, publication, computer game or advertisement from the classification process. This will be used only in certain instances i.e. a film festival. The State Bill also allows for the imposition of conditions as to the admission of persons to the screening of films.

As noted earlier, this Bill is was introduced on July 26, 1995 to enable a period of consultation with interested parties. Copies of the draft Bill were sent to a number of interested groups and individuals, both in the industry and community, for comment. The Government has received a number of messages of support for the Bill, the general feeling being that the co-operative approach taken by the Commonwealth, States and Territories is welcome and will result in less confusion in the area of classification.

As a result of the consultation process, a few minor amendments have been made to the Bill to reflect concerns raised. Several groups, including the Australian Council for Children's Film and Television and the Australian Federation of University Women, have expressed concern about provisions in the Bill (in particular clause 34(2)) which allows a parent or guardian to exhibit restricted material to a child. Concern has also been expressed about the defence under clause 34(4) that the defendant believed on reasonable grounds that the parent or guardian of the minor had consented to the exhibition of the film. The Government has considered these provisions and agrees that clause 34(4) is problematic insofar as it may be difficult to establish whether the parent or guardian of the minor had provided consent and as a result this provision has been left out.

With regard to the broader notion of parental permission, the Government is of the view that this should remain, as under the current legislation, i.e. the Classification of Publications Act, 1974 (section 14a), this defence is provided in relation to exhibiting restricted material to a minor. The rationale for this defence is that parents should not be deprived of the right to determine what their children can and cannot see.

Given that the parental defence is in the existing legislation relating to classification matters, the Government is of the view that it should be preserved in the new Bill.

The provisions of clause 31, which make it an offence to exhibit, so that it can be seen from a public place, an 'R' or 'MA' film, have also been reconsidered.

Currently, the Minister is granted a discretion in section 116 of the Classification of Films for Public Exhibition Act, 1971 to prohibit the exhibition of restricted films in drive-in theatres or any specified theatre where it is possible to view the film from outside the theatre.

Given that there are very few complaints about material exhibited in a drive-in theatre, and the responsible attitude of managers in this area, the view has been taken that the position under the existing legislation should be maintained in the new Bill. This will allow the Minister a discretion to prohibit viewing only if necessary. There are similar provisions in clause 58 relating to computer games. The Government's view is that these provisions should remain and that 'MA' computer games should not be exhibited so that they can be seen from outside due to concerns about the effect on children of viewing material considered unsuitable.

Lastly, the Bill has been amended to require that, of the six members of the Council, one shall be a legal practitioner, one shall be a person with expertise in the psychological development of young children and adolescents and one shall be a person with wide experience in education. This is consistent with the existing provisions of the Classification of Publications Act, 1974.

I commend this Bill to Honourable Members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

Under this clause the measure is to be brought into operation by proclamation.

Clause 3: Objects

The objects of this measure are—

(a) to establish a scheme complementary to the scheme for the classification of publications, films and computer games set out in the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth; and

(b) to make provision for South Australian classification authorities that may, when satisfied that it is appropriate to do so in particular cases, make classification decisions with respect to publications, films or computer games (that will prevail in South Australia over any inconsistent decisions made under the Commonwealth Act); and

(c) to make provision for the enforcement of classification decisions applying in South Australia; and

(d) to prohibit the publication of certain publications, films and computer games; and

(e) to provide protection against prosecution under laws relating to obscenity, indecency, offensive materials or blasphemy when classified publications, films or computer games are published in accordance with this measure.

Clause 4: Interpretation

This clause sets out the definitions of terms used in the measure. A number of terms are defined by reference to their meanings under the Commonwealth Act. As a result—

'computer game' will mean a computer program and associated data capable of generating a display on a computer monitor, television screen, liquid crystal display or similar medium that allows the playing of an interactive game, but will not include—

(a) an advertisement;

(b) business, accounting, professional, scientific or educational computer software unless the software contains a computer game that would be likely to be classified MA (15+) or RC;

'film' will include a cinematograph film, a slide, video tape and video disc and any other form of recording from which a visual image, including a computer generated image, can be produced, but will not include—

(a) a computer game; or

(b) an advertisement for a publication, a film or a computer game; or

(c) a recording for business, accounting, professional, scientific or educational purposes unless it contains a visual image that would be likely to cause the recording to be classified MA, R, X or RC;

'interactive game' will mean a game in which the way the game proceeds and the result achieved at various stages of the game is determined in response to the decisions, inputs and direct involvement of the player;

'publication' will mean any written or pictorial matter, but not include—

(a) a film; or

(b) a computer game; or

(c) an advertisement for a publication, a film or a computer game;

'publish' will include sell, offer for sale, let on hire, exhibit, display, distribute and demonstrate;

'submittable publication' will mean an unclassified publication that, having regard to the Code and the classification guidelines to the extent that they relate to publications, contains depictions or descriptions of sexual matters, drugs, nudity or violence that are likely to cause offence to a reasonable adult to the extent that the publication should not be sold as an unrestricted publication;

'work' will mean a cinematic composition that—

(a) appears to be self-contained; and

(b) is produced for viewings as a discrete entity,

but not include an advertisement.

Clause 5: Exhibition of film

The measure contains various offences and provisions relating to the exhibition of a film. This clause provides that a person exhibits a film if the person—

(a) arranges or conducts the exhibition of the film in the public place; or

(b) has the superintendence or management of the public place in which the film is exhibited.

Clause 6: Application

This clause makes it clear that the measure does not apply to broadcasting services to which Commonwealth broadcasting legislation applies.

PART 2

SOUTH AUSTRALIAN CLASSIFICATION COUNCIL

Clause 7: South Australian Classification Council

This clause establishes the South Australian Classification Council.

Clause 8: Membership

This clause provides that the Council will have a membership of six appointed by the Governor and deals with their appointment and removal from office.

Clause 9: Remuneration

This clause allows for payment to Council members of allowances and expenses determined by the Governor.

Clause 10: Vacancies or defects in appointment of members

Under this clause an act or proceeding of the Council will not be invalid because of a vacancy in its membership or a defect in the appointment of a member.

Clause 11: Immunity from personal liability

A member of the Council is protected from personal liability for an honest act or omission of the Council or the member in the performance or exercise, or purported performance or exercise, of functions or powers under this Act. Any such liability will instead lie against the Crown.

Clause 12: Proceedings

This clause regulates proceedings of the Council.

Clause 13: Registrar of Council

This clause provides for a Registrar of the Council who is to be an employee in the public service.

Clause 14: Powers

This clause sets out necessary powers that the Council will require in order to inform itself in relation to classification matters such as power to summon witnesses, require the production of publications, films, computer games and other material and so on.

PART 3

CLASSIFICATION BY SOUTH AUSTRALIAN AUTHORITIES

DIVISION 1—TYPES OF CLASSIFICATIONS

Clause 15: Types of classifications

This clause sets out the various types of classification as currently provided under the Commonwealth Act. They are as follows:

For publications in ascending order—

Unrestricted
Category 1 restricted
Category 2 restricted
RC (Refused Classification).

For films in ascending order—

G (General)
PG (Parental Guidance)
M (Mature)
MA (Mature Accompanied)
R (Restricted)
X (Restricted)
RC (Refused Classification).

For computer games in ascending order—

G (General)
G (8+) (Mature)
M (15+) (Mature)
MA (15+) (Mature Restricted)
RC (Refused Classification).

DIVISION 2—CLASSIFICATION PROCESS

Clause 16: Classification by Council or Minister

This clause provides that the Council may, of its own initiative, and must, if so required by the Minister, examine a publication, film or computer game for classification purposes and authorises the Council to classify a publication, film or computer game.

However, under the clause, the Minister may require the Council to provide advice as to the classification of a publication, film or computer game. In that case, the Council is to provide such advice and may not, unless the Minister otherwise determines, proceed itself to classify the publication, film or game. Instead the Minister may himself or herself classify the publication, film or game after considering the Council's advice.

Notice of a classification determined by the Council or the Minister must be published in the *South Australian Government Gazette* and the classification will take effect on a date specified in the notice or, if no date is so specified, the date of publication of the notice.

Clause 17: Relationship with classification under Commonwealth Act

This clause makes it clear that the Council or the Minister may classify a publication, film or computer game despite the fact that it is classified under the Commonwealth Act.

A classification decided by the Council or the Minister is to have effect to the exclusion of any classification of the same publication, film or computer game under the Commonwealth Act.

Clause 18: Classification of publications, films and games in accordance with national code and guidelines

This clause provides that publications, films and computer games are to be classified by the Council or the Minister according to the same criteria as apply under the Commonwealth Act, that is, in accordance with the National Classification Code and the national classification guidelines.

Clause 19: Matters to be considered in classification

This clause sets out the matters to be taken into account by the Council or the Minister in making a decision on the classification of a publication, film or computer game. Again these matters are the same as under the Commonwealth Act. As under the Commonwealth Act they include—

(a) the standards of morality, decency and propriety generally accepted by reasonable adults; and

(b) the literary, artistic or educational merit (if any) of the publication, film or game; and

(c) the general character of the publication, film or game, including whether it is of a medical, legal or scientific character; and

(d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

Clause 20: Considered form of film or computer game to be final

Also, as under the Commonwealth Act, the Council or the Minister must assume, in classifying a film or computer game, that the film or game will be published only in the form in which it is considered for classification.

A classification decided by the Council or the Minister for a film is taken to be the classification for each work comprised in the film.

Clause 21: Consumer advice for films and computer games

Under this clause, the Council or the Minister may, when classifying a film or computer game, determine consumer advice giving information about the content of the film or game.

A determination of consumer advice under this clause will have effect to the exclusion of any determination of consumer advice for the same film or computer game under the Commonwealth Act.

Notice of such a determination must be published in the *South Australian Government Gazette*.

Clause 22: Classification of films or computer games containing advertisements

This clause prevents the classification of a film or computer game if it contains an advertisement for an unclassified film or computer game or a film or computer game that has a higher classification.

Clause 23: Declassification of classified films or computer games

This clause makes it clear that if a classified film or computer game is modified, it becomes unclassified. This does not prevent inclusion of an advertisement.

Clause 24: Reclassification

As under the Commonwealth Act, a publication, film or computer game that is classified under this Part may not be reclassified unless two years have elapsed since the date on which its current classification took effect.

DIVISION 3—APPROVAL OF ADVERTISEMENTS

Clause 25: Application of Division

This Division applies only to a publication, film or computer game classified by the Council or the Minister.

Clause 26: Approval of advertisements

The Council may approve or refuse to approve an advertisement for a publication, film or computer game either on an application for approval or on its own initiative.

An approval of an advertisement may be subject to conditions.

The matters to be taken into account in deciding whether to approve an advertisement for a publication, film or computer game are the same as those to be taken into account when deciding the classification of publications, films or computer games respectively.

As under the Commonwealth Act, the Council must refuse to approve an advertisement if, in the opinion of the Council, the advertisement—

(a) describes, depicts or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be approved; or

(b) describes or depicts, in a way that is likely to cause offence to a reasonable adult, a minor (whether engaged in sexual activity or not) who is, or who appears to be, under 16; or

(c) promotes crime or violence, or incites or instructs in matters of crime or violence; or

(d) is used, or is likely to be used, in a way that is offensive to a reasonable adult.

The Council must refuse to approve an advertisement for a publication, film or computer game classified RC.

A decision of the Council to approve or refuse to approve an advertisement for a publication, film or computer game will have effect to the exclusion of any corresponding decision relating to the same advertisement under the Commonwealth Act.

Clause 27: Calling in advertisements

Under this clause, the Council may require a publisher to submit to the Council a copy of every advertisement used or intended to be used in connection with the publishing of the publication, film or game.

An advertisement called in by the Council will, if not submitted to or approved by the Council, be taken to have been refused approval.

PART 4

FILMS—EXHIBITION, SALE, ETC.

DIVISION 1—EXHIBITION OF FILMS

Clause 28: Exhibition of film in public place

This clause makes it an offence for a person to exhibit a film in a public place unless the film—

(a) is classified; and

(b) is exhibited with the same title as that under which it is classified; and

(c) is exhibited in the form, without alteration or addition, in which it is classified.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

Clause 29: Display of notice about classifications

This clause makes it an offence for a person to exhibit a film in a public place unless the person keeps a notice in the approved form about classifications for films on display in a prominent place in that public place so that the notice is clearly visible to the public.

The clause fixes a maximum penalty of a division 8 fine ($1 000) for this offence.

Clause 30: Exhibition of RC and X films

This clause makes it an offence for a person to exhibit in a public place or so that it can be seen from a public place—

(a) an unclassified film that would, if classified, be classified RC or X; or

(b) a film classified RC or X.

The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

Clause 31: Prohibition of exhibition of R and MA films in certain places

This clause empowers the Minister to prohibit the exhibition of R or MA films in drive-ins or any other public place where a film that is being exhibited may be seen from an ordinary vantage point outside the place.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for contravention of a Ministerial notice imposing such a prohibition.

Clause 32: Attendance of minor at certain films—offence by parents, etc.

This clause makes it an offence for a person who—

(a) is a parent or guardian of a minor; and

(b) knows that a film classified RC, X or R or an unclassified film that would, if classified, be classified RC, X or R is to be exhibited in a public place,

to permit the minor to attend the exhibition of the film.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

Clause 33: Attendance of minor at certain films—offence by minor

This clause makes it an offence for a person who is 15 or older to attend the exhibition in a public place of a film classified RC, X or R, knowing that the film is so classified.

The clause fixes a maximum penalty of a division 9 fine ($500) for this offence.

Clause 34: Private exhibition of certain films in presence of a minor

Under this clause it will be an offence for a person to exhibit in a place, other than a public place, in the presence of a minor—

(a) an unclassified film that would, if classified, be classified RC or X; or

(b) a film classified RC or X.

The clause fixes a maximum penalty of a division 4 fine ($15 000) for this offence.

The clause also makes it an offence for a person to exhibit in a place, other than a public place, in the presence of a minor, a film classified R unless the person is a parent or guardian of the minor.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

It will be a defence to a prosecution for either of these offences to prove that the defendant believed on reasonable grounds that the minor was an adult.

Clause 35: Attendance of minor at R film—offence by exhibitor

This clause makes it an offence for a person to exhibit in a public place a film classified R if a minor is present during any part of the exhibition.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

It will be a defence to a prosecution for such an offence to prove that—

(a) the minor produced to the defendant or the defendant's employee or agent acceptable proof of age before the minor was admitted to the public place; or

(b) the defendant or the defendant's employee or agent believed on reasonable grounds that the minor was an adult.

Clause 36: Attendance of minor at MA film—offence by exhibitor

Under this clause it will be an offence for a person to exhibit in a public place a film classified MA if—

(a) a minor under 15 is present during any part of the exhibition; and

(b) the minor is not accompanied by his or her parent or guardian.

The clause fixes a maximum penalty of a division 8 fine ($1 000) for this offence.

It will be a defence to a prosecution for such an offence to prove that—

(a) the defendant or the defendant's employee or agent took all reasonable steps to ensure that a minor was not present during the exhibition of the film; or

(b) the defendant or the defendant's employee or agent believed on reasonable grounds that the minor was 15 or older; or
(c) the defendant or the defendant's employee or agent believed on reasonable grounds that the person accompanying the minor was the minor's parent or guardian.

DIVISION 2—SALE OF FILMS

Clause 37: Sale of films
Under this clause it will be an offence for a person to sell a film unless the film—
(a) is classified; and
(b) is sold under the same title as that under which it is classified; and
(c) is sold in the form, without alteration or addition, in which it is classified.
The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.
Clause 38: Sale of RC and X films
This clause makes it an offence for a person to sell an unclassified film that would, if classified, be classified RC or X or a film classified RC or X.
The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.
Clause 39: Display of notice about classifications
Under this clause it will be an offence for a person to sell films on any premises unless the person keeps a notice in the approved form about classifications for films on display in a prominent place on the premises so that the notice is clearly visible to the public.
The clause fixes a maximum penalty of a division 8 fine ($1 000) for this offence.
Clause 40: Films to bear determined markings and consumer advice
This clause makes it an offence for a person to sell a film unless the determined markings relevant to the classification of the film and relevant consumer advice, if any, are displayed on the container, wrapping or casing of the film.
The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.
Similarly, a person must not sell an unclassified film with markings indicating or suggesting that the film has been classified or sell a classified film with markings that indicates or suggests that the film is unclassified or has a different classification.
Clause 41: Keeping unclassified or RC films with other films
Under this clause it will be an offence for a person to keep or possess an unclassified film or a film classified RC or X on any premises where classified films are sold.
The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.
Clause 42: Sale or delivery of certain films to minors
This clause makes it an offence for a person to sell or deliver to a minor an unclassified film that would, if classified, be classified RC or X or a film classified RC or X.
The clause fixes a maximum penalty of a division 4 fine ($15 000) for this offence.
The clause also makes it an offence for a person to sell or deliver to a minor a film classified R unless the person is a parent or guardian of the minor.
The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.
It will be a defence to a prosecution for this second offence to prove that—
(a) the minor produced to the defendant or the defendant's employee or agent acceptable proof of age before the defendant sold or delivered the film to the minor and the defendant or the defendant's employee or agent believed on reasonable grounds that the minor was an adult; or
(b) the minor was employed by the defendant or the defendant's employer and the delivery took place in the course of that employment.
The clause creates further offences where a minor who is 15 or older buys a film classified RC, X or R, knowing that it is so classified or a person sells or delivers to a minor under 15 a film classified MA unless the person is a parent or guardian of the minor.
It will be a defence to a prosecution for an offence of selling or delivering an MA film to a minor under 15 to prove that the defendant or the defendant's employee or agent believed on reasonable grounds that the minor was 15 or older or that the parent or guardian of the minor had consented to the sale or delivery.

DIVISION 3—MISCELLANEOUS

Clause 43: Power to demand particulars and expel minors
This clause authorises persons exhibiting, selling or delivering films and members of the police force to demand the names, ages and addresses of persons attending the exhibition of films or seeking to purchase or take delivery of films.
Further, the exhibitor or an employee or agent of the exhibitor or a member of the police force may expel a person if there are reasonable grounds to suspect that the person's presence during the exhibition of a film is, or would be, in contravention of this Part.
Clause 44: Leaving films in certain places
This clause makes it an offence for a person to leave in a public place or, without the occupier's permission, on private premises an unclassified film that would, if classified, be classified RC or X or a film classified RC or X.
The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.
The clause creates a similar offence for an R or MA film or an unclassified film that would, if classified, be classified R or MA with a maximum penalty of a division 8 fine ($1 000).
Clause 45: Possession or copying of film for purpose of sale or exhibition
Under this clause it will be an offence for a person to possess or copy an unclassified film that would, if classified, be classified RC or X or a film classified RC or X with the intention of exhibiting or selling the film or copy.
The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

PART 5
PUBLICATIONS—SALE, DELIVERY, ETC.

Clause 46: Sale of unclassified or RC publications
This clause makes it an offence for a person to sell or deliver (other than for the purpose of classification or law enforcement) a publication classified RC, knowing that it is such a publication.
The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.
The clause creates a similar offence for a submittable publication with a maximum penalty of a division 6 fine ($4 000). It will be a defence to a prosecution for such an offence to prove that since the offence was alleged to have been committed the publication has been classified Unrestricted.
Clause 47: Category 1 restricted publications
Under this clause it will be an offence for a person to sell or deliver a publication classified Category 1 restricted unless—
(a) it is contained in a sealed package made of opaque material; and
(b) both the publication and the package bear the determined markings.
The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.
Clause 48: Category 2 restricted publications
Under this clause a publication that is classified Category 2 restricted must not be—
(a) sold, displayed or delivered except in a restricted publications area; or
(b) delivered to a person who has not made a direct request for the publication; or
(c) delivered to a person unless it is contained in a package made of opaque material; or
(d) published unless it bears the determined markings.
Breach of this provision will be an offence with a maximum penalty of a division 5 fine ($8 000).
Clause 49: Publications classified unrestricted
This clause makes it an offence for a person to sell, deliver or publish a publication classified Unrestricted unless it bears the determined markings.
The maximum penalty for this offence is a division 9 fine ($500).
Clause 50: Misleading or deceptive markings
Under this clause a person must not publish an unclassified publication with a marking, or in packaging with a marking, that indicates or suggests that the publication has been classified.
The maximum penalty for this offence is a division 7 fine ($2 000).
Further, a person must not publish a classified publication with a marking, or in packaging with a marking, that indicates or suggests that the publication is unclassified or has a different classification.
The maximum penalty for this offence is a division 7 fine ($2 000).
Clause 51: Sale of certain publications to minors
This clause makes it an offence for a person to sell or deliver to a minor a publication classified RC or Category 2 restricted.

The clause fixes a maximum penalty of a division 4 fine ($15 000) for this offence.

The clause also makes it an offence for a person to sell or deliver to a minor a publication classified Category 1 restricted unless the person is a parent or guardian of the minor.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

It will be a defence to a prosecution for either of these offences to prove that the minor produced to the defendant acceptable proof of age before the defendant sold or delivered the publication to the minor and the defendant believed on reasonable grounds that the minor was an adult.

Clause 52: Leaving or displaying publications in certain places
Under this clause it will be an offence for a person to leave in a public place or, without the occupier's permission, on private premises, or display in such a manner as to be visible to persons in a public place, a publication classified RC or Category 2 restricted, knowing that it is such a publication.

The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

It is a defence to a prosecution for such an offence to prove, in a case where a publication classified Category 2 restricted was left or displayed in a public place, that the defendant believed on reasonable grounds that the public place was a restricted publications area.

The clause creates a similar offence for a submittable publication or a Category 1 restricted publication with a maximum penalty of a division 6 fine ($4 000).

It will be a defence to a prosecution for such an offence to prove—

(a) that since the offence was alleged to have been committed the publication has been classified Unrestricted;

(b) in a case where a publication classified Category 1 restricted was left or displayed in a public place, that the public place was a shop or stall and the requirements under this Part for packaging and markings were complied with in relation to the publication.

Clause 53: Possession or copying of publication for the purpose of publishing
Under this clause it will be an offence for a person to possess or copy a publication classified RC, with the intention of selling the publication or the copy.

The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

The clause creates a similar offence for a submittable publication or a Category 1 restricted publication with a maximum penalty of a division 6 fine ($4 000).

It will be a defence to a prosecution for the second of these offences to prove that since the offence was alleged to have been committed the publication has been classified Unrestricted, Category 1 restricted or Category 2 restricted.

PART 6
COMPUTER GAMES—SALE, DEMONSTRATION, ETC.

Clause 54: Sale or demonstration of computer game in public place
This clause makes it an offence for a person to sell a computer game, or demonstrate a computer game in a public place, unless the game—

(a) is classified; and

(b) is sold or distributed with the same title as that under which it is classified; and

(c) is sold or distributed in the form, without alteration or addition, in which it is classified.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

Clause 55: Display of notice about classification
This clause requires a person who sells or demonstrates a computer game in a public place to keep a notice in the approved form about classifications for computer games on display in a prominent place in that public place so that the notice is clearly visible to the public.

Clause 56: Unclassified and RC computer games
Under this clause it will be an offence for a person to sell or demonstrate in a public place a computer game classified RC or an unclassified computer game that would, if classified, be classified RC.

The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

The clause also makes it an offence for a minor who is 15 or older to buy a computer game classified RC, knowing that it is so classified.

Clause 57: MA (15+) computer games
This clause makes it an offence for a person to demonstrate a computer game classified MA(15+) in a public place unless—

(a) the determined markings are exhibited before the game can be played; and

(b) entry to the place is restricted to adults or minors who are in the care of a parent or guardian while in the public place.

The clause fixes a maximum penalty of a division 8 fine ($1 000) for this offence.

Clause 58: Demonstration of unclassified, RC and MA (15+) computer games
Under this clause it will be an offence for a person to demonstrate so that it can be seen from a public place an unclassified computer game that would, if classified, be classified RC or a computer game classified RC.

The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

The clause creates a similar offence for an MA (15+) computer game with a maximum penalty of a division 8 fine ($1 000).

Clause 59: Private demonstration of RC computer games in presence of a minor
This clause makes it an offence for a person to demonstrate in a place, other than a public place, in the presence of a minor an unclassified computer game that would, if classified, be classified RC or a computer game classified RC.

The clause fixes a maximum penalty of a division 4 fine ($15 000) for this offence.

It will be a defence to a prosecution for such an offence to prove that the defendant believed on reasonable grounds that the minor was an adult.

Clause 60: Computer games to bear determined markings and consumer advice
This clause makes it an offence for a person to sell a computer game unless the determined markings relevant to the classification of the computer game and relevant consumer advice, if any, are displayed on the container, wrapping or casing of the computer game.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

Similarly, a person must not sell an unclassified computer game with markings indicating or suggesting that the game has been classified or sell a classified game with markings that indicates or suggests that the game is unclassified or has a different classification.

Clause 61: Keeping unclassified or RC computer games with other computer games
Under this clause it will be an offence for a person to keep or possess an unclassified computer game or a computer game classified RC on any premises where classified computer games are sold or demonstrated.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

Clause 62: Sale or delivery of certain computer games to minors
This clause makes it an offence for a person to sell or deliver to a minor an unclassified computer game that would, if classified, be classified RC or a computer game classified RC.

The clause fixes a maximum penalty of a division 4 fine ($15 000) for this offence.

Further, a person must not sell or deliver to a minor who is under 15 a computer game classified MA (15+) unless the person is a parent or guardian of the minor. The penalty for such an offence is a maximum of a division 8 fine ($1 000).

It will be a defence to a prosecution for the second of these offences to prove that the defendant or the defendant's employee or agent believed on reasonable grounds that the minor was 15 or older or that the parent or guardian of the minor had consented to the sale or delivery.

Clause 63: Power to demand particulars and expel unaccompanied minors under 15
This clause authorises persons demonstrating, selling or delivering computer games and members of the police force to demand the names, ages and addresses of persons present during the demonstration of games or seeking to purchase or take delivery of games.

Further, the demonstrator or an employee or agent of the demonstrator or a member of the police force may expel a person if there are reasonable grounds to suspect that the person's presence during the demonstration of a game is, or would be, in contravention of this Part.

Clause 64: Leaving computer games in certain places
Under this clause it will be an offence for a person to leave in a public place or, without the occupier's permission, on private premises an unclassified computer game that would, if classified, be classified RC or a computer game classified RC, knowing that the game would be, or is, so classified.

The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

The clause creates a similar offence for an MA (15+) computer game with a maximum penalty of a division 8 fine ($1 000).

Clause 65: Possession or copying of computer game for the purpose of sale or demonstration
Under this clause it will be an offence for a person to possess or copy an unclassified computer game that would, if classified, be classified RC or computer game classified RC, with the intention of demonstrating the game or copy in contravention of this Part or selling the game or copy.

The clause fixes a maximum penalty of a division 5 fine ($8 000) for this offence.

PART 7
CONTROL OF ADVERTISING

Clause 66: Certain advertisements not to be published
This clause prohibits the publication of an advertisement for a film, publication or computer game—
- *(a)* if the advertisement has not been submitted for approval under this measure or the Commonwealth Act and, if submitted, would be refused approval; or
- *(b)* if the advertisement has been refused approval under this measure or the Commonwealth Act; or
- *(c)* if the advertisement is approved under this measure or the Commonwealth Act, in an altered form to the form in which it is approved; or
- *(d)* if the advertisement is approved under this measure or the Commonwealth Act subject to conditions, except in accordance with those conditions.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

Clause 67: Certain films, publications and computer games not to be advertised
This clause prohibits the publication of an advertisement for—
- *(a)* an unclassified film, other than a film in relation to which a certificate of exemption has been granted under Part 3 of the Commonwealth Act; or
- *(b)* a film classified RC or X; or
- *(c)* a submittable publication; or
- *(d)* a publication classified RC; or
- *(e)* an unclassified computer game; or
- *(f)* a computer game classified RC.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

For the purposes of this provision, if a person publishes an advertisement for an unclassified film or an unclassified computer game at the request of another person, that other person alone must be taken to have published it.

Clause 68: Screening of advertisements with feature films
This clause makes it an offence for a person to screen in a public place an advertisement for a film during a program for the exhibition of another film unless the advertised film's classification is the same as or less than the other film's classification.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

Clause 69: Liability of occupier for certain advertisements
Under this clause it will be an offence for an occupier of a public place to screen in the public place an advertisement for a film classified R or MA.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

It will be a defence to a prosecution for such an offence to prove that—
- *(a)* if the advertised film is classified MA, the advertisement was screened during a program for the exhibition of a film classified R or MA; or
- *(b)* if the advertised film is classified R, the advertisement was screened during a program for the exhibition of a film classified R; or
- *(c)* the place in which the advertisement was screened was a restricted publications area.

Clause 70: Sale of feature films with advertisements
This clause makes it an offence for a person to sell a film ('the feature film') that is accompanied by an advertisement for another film unless the feature film has a classification that is the same as or higher than the classification of the advertised film.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

Clause 71: Advertisements with computer games
This clause creates an offence relating to computer games that corresponds the offence relating to films under the preceding clause and fixes the same penalty for such an offence.

Clause 72: Advertisement to contain determined markings and consumer advice
Under this clause it will be an offence for a person to publish an advertisement for a classified film, classified publication or classified computer game unless—
- *(a)* the advertisement contains the determined markings relevant to the classification of the film, publication or game and relevant consumer advice, if any; and
- *(b)* the determined markings and consumer advice are displayed—
  - (i) in the manner determined by the Director under section 8 of the Commonwealth Act; and
  - (ii) so as to be clearly visible, having regard to the size and nature of the advertisement.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

Clause 73: Misleading or deceptive advertisements
This clause makes it an offence for a person to publish an advertisement for an unclassified film, unclassified publication or unclassified computer game with a marking that indicates or suggests that the film, publication or game is classified.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

Similarly, a person must not publish an advertisement for a classified film, publication or computer game with markings indicating or suggesting that the film, publication or game is unclassified or has a different classification.

Clause 74: Advertisements for Category 2 restricted publications
This clause makes it an offence for a person to publish an advertisement for a publication classified Category 2 restricted otherwise than—
- *(a)* in a publication classified Category 2 restricted; or
- *(b)* in a restricted publications area; or
- *(c)* by way of printed by written material delivered to a person at the written request of the person.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

If an advertisement for a publication classified Category 2 restricted is published in a place other than a restricted publications area, the occupier of the place will be guilty of an offence.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

Clause 75: Classification symbols, etc., to be published with advertisements
This clause requires that a publication containing an advertisement for—
- *(a)* a film; or
- *(b)* a publication classified Category 1 restricted or Category 2 restricted; or
- *(c)* a computer game,

must contain a list of the classification symbols and determined markings for films or publications or computer games respectively.

The clause fixes a maximum penalty of a division 7 fine ($2 000) for this offence.

PART 8
EXEMPTIONS

Clause 76: Exemption of film, publication, computer game or advertisement
This clause authorises the Minister or the National Director to direct that this measure does not apply, to the extent and subject to any condition specified in the direction, to or in relation to a film, publication, computer game or advertisement.

Clause 77: Exemption of approved organisation
Similarly, the Minister or the National Director may direct that this measure does not apply, or any of the provisions of this measure do not apply, to an organisation approved under this Part in relation to the exhibition of a specified film at a specified event.

Clause 78: Ministerial directions or guidelines

This clause authorises the Minister to issue binding directions and guidelines as to the exercise of exemption powers under the two preceding clauses.

Clause 79: Organisation may be approved

Under this clause the Minister or the National Director may approve an organisation for the purposes of this Part having regard to—

(a) the purpose for which the organisation was formed; and

(b) the extent to which the organisation carries on activities of a medical, scientific, educational, cultural or artistic nature; and

(c) the reputation of the organisation in relation to the screening of films; and

(d) the conditions as to admission of persons to the screening of films by the organisation.

An approval may be revoked by the person who gave the approval if, because of a change in any matter referred to above, he or she considers that it is no longer appropriate that the organisation be approved.

PART 9
MISCELLANEOUS

Clause 80: Powers of entry, seizure and forfeiture

This clause empowers a member of the police force, or a person authorised in writing by the Minister, to enter, without charge, a public place at which the member or person believes on reasonable grounds that a film is being, or is about to be, exhibited.

A member of the police force is also authorised to enter a place that the member believes on reasonable grounds is being used for or in connection with the sale or publication of publications, films or computer games and may seize any publication, film, computer game or other thing that the member believes on reasonable grounds affords evidence of, or has been, is being or is about to be, used in the commission of an offence against this measure or an offence relating to obscenity, indecency or offensive material.

A court convicting a person of such an offence may order that anything so seized is forfeited to the Crown.

The clause makes it clear that these powers are in addition to police powers under the *Summary Offences Act 1953.*

Clause 81: Restricted publications area—construction and management

This clause requires that—

(a) a restricted publications area must be so constructed that no part of its interior is visible to persons outside;

(b) each entrance is fitted with a gate or door capable of excluding persons from the area and must be closed by means of that gate or door when the area is not open to the public;

(c) the area must be managed by an adult who is present at all times when the area is open to the public;

(d) a warning sign is displayed in a prominent place on or near each entrance so that it is clearly visible from outside the area.

Clause 82: Restricted publications area—offences

This clause requires that the manager of a restricted publications area must not permit a minor to enter that area.

The clause fixes a maximum penalty of a division 6 fine ($4 000) for this offence.

It will be a defence to a prosecution for such an offence to prove that the defendant believed on reasonable grounds that the minor was an adult.

Clause 83: Evidence

This clause provides for the issuing of certificates relating to classification matters for evidentiary purposes.

Clause 84: Protection for classified publications, etc., against prosecutions under indecency, etc., laws

This clause protects a person from being guilty of an offence relating to obscenity, indecency, offensive materials or blasphemy by reason of having produced or taken part in the production of, published, distributed, sold, exhibited, displayed, delivered or otherwise dealt with or been associated with a publication, film or computer game that is classified (whether at the time of the alleged offence or subsequently).

This protection does not apply to—

(a) a film classified RC or X at the time of the alleged offence or subsequently;

(b) a publication classified RC at the time of the alleged offence or subsequently;

(c) a computer game classified RC at the time of the alleged offence.

Clause 85: Commencement of prosecution for offence

Under this clause a prosecution for an offence against this measure in relation to an unclassified film, publication or computer game must not be commenced until the film, publication or game has been classified and may be commenced not later than 12 months after the date on which the film, publication or computer game was classified.

Apart from the above situation, a prosecution for an offence against this measure may be commenced within two years after the date on which the offence is alleged to have been committed.

Clause 86: Proceeding against body corporate

Under this clause the state of mind of a body corporate in relation to particular conduct may be established by proof that the conduct was engaged in by a director, employee or agent of the body corporate acting within the scope of his or her actual or apparent authority and that the director, employee or agent had that state of mind.

A body corporate will be criminally liable for the conduct of a director, employee or agent of the body acting within the scope of his or her actual or apparent authority unless the body establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

Finally, the clause raises the maximum penalty for bodies corporate to a level twice the maximum amount otherwise fixed for each offence under the measure.

Clause 87: Employees and agents

This clause provides that state of mind of a person other than a body corporate in relation to particular conduct may be established by proof that the conduct was engaged in by an employee or agent of the person acting within the scope of his or her actual or apparent authority and that the employee or agent had that state of mind.

A natural person will be criminally liable for the conduct of an employee or agent of the person acting within the scope of his or her actual or apparent authority unless the person establishes that he or she took reasonable precautions and exercised due diligence to avoid the conduct.

Clause 88: Publication to prescribed person or body

This clause allows any of the following:

(a) a film or computer game classified RC, X, R or MA; or

(b) a publication classified Category 1 restricted, Category 2 restricted or RC;

(c) a submittable publication,

to be published to a person or body prescribed by regulation, or to a person or body of a class or description prescribed by regulation.

Clause 89: Service

This clause provides for service of notices or documents.

Clause 90: Annual report

This clause requires that the Council submit an annual report to the Minister on its operations and that the report be tabled in Parliament.

Clause 91: Regulations

This clause allows for the making of regulations.

SCHEDULE 1

This schedule empowers the National Director to call in submittable publications, computer games and advertisements for classification or approval.

SCHEDULE 2

This schedule provides for the repeal of—

(a) the *Classification of Films for Public Exhibition Act 1971*;

(b) the *Classification of Publications Act 1974*.

The schedule contains transitional and saving provisions to continue current classifications and approvals in effect.

The schedule makes an amendment to the *Classification of Theatrical Performances Act 1978* consequential on the replacement of the Classification of Publications Board with the new South Australian Classification Council established under this measure. The members of the new Council (rather than the former Board) will constitute the Classification of Theatrical Performances Board for the purposes of the classification of theatrical performances.

Mr CLARKE secured the adjournment of the debate.

STATUTES REPEAL AND AMENDMENT (COMMERCIAL TRIBUNAL) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill makes miscellaneous amendments to the *Goods Securities Act, 1986*, the *Trade Measurement Act, 1993*, the *Trade Measurement Administration Act, 1993* the *Survey Act, 1992* and the *Fair Trading Act, 1987*.

These amendments transfer the jurisdiction conferred on the Commercial Tribunal, by the *Trade Measurement Act*, the *Trade Measurement Administrative Act*, the *Survey Act,* the *Goods Securities Act* and the *Fair Trading Act* to either the Administrative and Disciplinary Division of the District Court or, where appropriate, to the Consumer and Business Division of the Magistrates Court.

These amendments, in effect, discharge the remaining miscellaneous jurisdictions of the Commercial Tribunal. The Bill therefore, also repeals the *Commercial Tribunal Act, 1982* under which the Tribunal is established.

This Bill is consistent with the Government's policy to rationalise the various jurisdictions, multiplicity of courts and procedures for dispute resolution and enforcement and, where appropriate, to bring proceedings within the jurisdiction of existing courts.

To address the transfer of jurisdiction in relation to each Act in turn:

The jurisdiction conferred by the *Goods Securities Act* is in relation to the *'Discharge of security interests'* and the *'Order of priority'*. This jurisdiction is appropriately transferred to the Consumer and Business Division of the Magistrates Court.

The jurisdiction conferred by the *Survey Act* is administrative and disciplinary in nature, and therefore is appropriately transferred to the Administrative and Disciplinary Division of the District Court.

The jurisdiction conferred by the *Trade Measurement Administration Act* and the principal Act, the *Trade Measurement Act* is appellate in nature, requiring the determination of appeals against both administrative and disciplinary decisions made by the licensing authority. Appeals are stated to be by way of rehearing and not limited to material upon which the authority's decision was made. It is therefore appropriate to transfer this jurisdiction to the Administrative and Disciplinary Division of the District Court.

The jurisdiction conferred by the *Fair Trading Act* is two-fold. First, it provides a right of appeal by any person who disputes the accuracy of information compiled by a reporting agency or trader, and it is appropriate that this jurisdiction be transferred to the Consumer and Business Division of the Magistrates Court. Second, it endows the Commercial Tribunal with certain disciplinary powers where a reporting agency or trader has committed an offence or is found to be unfit to provide prescribed reports. This jurisdiction is appropriately transferred to the Administrative and Disciplinary Division of the District Court.

The remaining major jurisdictions of the Commercial Tribunal are pursuant to the *Travel Agents Act, 1986, Builders Licensing Act, 1986, Commercial and Private Agents Act, 1986* and the *Consumer Transactions Act. 1972.* Proposals to amend each of these Acts will be brought before the Parliament in this Parliamentary session, and the jurisdiction conferred by these Acts on the Commercial Tribunal will be removed.

The provisions of this Bill repealing the *Commercial Tribunal Act, 1982* will not, of course, be proclaimed until all jurisdictions have been removed to other areas of the Court system.

I commend this Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause provides that a reference in the Bill to the 'principal Act' means the Act referred to in the heading to the Part in which the reference occurs.

PART 2

REPEAL OF COMMERCIAL TRIBUNAL ACT 1982

Clause 4: Repeal of Commercial Tribunal Act 1982

This clause repeals the *Commercial Tribunal Act 1982*.

PART 3

AMENDMENT OF FAIR TRADING ACT 1987

Clause 5: Amendment of s. 3—Interpretation

This clause inserts a definition of 'District Court' (ie. the Administrative and Disciplinary Division of that Court) and removes the definition of the 'Tribunal'.

Clause 6: Amendment of s. 34—Correction of errors

This clause removes references to the Tribunal in section 34 and replaces them with references to the Magistrates Court (which is defined to mean the Civil (Consumer and Business) Division of that Court).

Clause 7: Amendment of s. 37—Powers of District Court

This clause replaces references to the Tribunal in section 37 with references to the District Court.

Clause 8: Amendment of s. 80—Registration of deeds of assurance

This clause replaces the reference in section 80 to the Commercial Registrar of the Tribunal with a reference to the Commissioner for Consumer Affairs.

Clause 9: Amendment of s. 82—Prohibition orders

This clause replaces references in section 82 to the Tribunal with references to the District Court.

Clause 10: Amendment of s. 91—Evidentiary provisions

This clause replaces section 91(7) with a new subsection referring to certification by the Commissioner (rather than the Commercial Registrar).

Clause 11: Transitional provisions

This clause contains transitional provisions to preserve orders of the Commercial Tribunal and the arrangements for registration of assurances (currently done by the Commercial Registrar) and proof of the giving and acceptance of an assurance.

PART 4

AMENDMENT OF GOODS SECURITIES ACT 1986

Clause 12: Amendment of s. 3—Interpretation

This clause inserts a definition of 'Court' (ie. the Civil (Consumer and Business) Division of the Magistrates Court) and removes the definition of the 'Tribunal'.

Clause 13: Amendment of s. 8—Correction, amendment and cancellation of entries

This clause removes references to the Tribunal in section 8 and replaces them with references to the Court.

Clause 14: Amendment of s. 13—Jurisdiction of Court

This clause replaces references to the Tribunal in section 13 with references to the Court and removes subsection (2), which is unnecessary once jurisdiction is transferred to the Court.

Clause 15: Amendment of s. 14—Compensation

This clause replaces references to the Tribunal in section 14 with references to the Court.

Clause 16: Amendment of s. 15—Application of fees and payment of compensation and administrative costs

This clause replaces references to the Tribunal in section 15 with references to the Court.

PART 5

AMENDMENT OF SURVEY ACT 1992

Clause 17: Amendment of s. 4—Interpretation

This clause inserts a definition of 'Court' (ie. the Administrative and Disciplinary Division of the District Court) and removes the definition of the 'Tribunal'.

Clause 18: Amendment of s. 36—Investigations by Institution of Surveyors

This clause removes references to the Commercial Registrar of the Tribunal.

Clause 19: Amendment of s. 37—Disciplinary powers of Institution of Surveyors, etc.

This clause removes a reference to the Tribunal in section 37 and replaces it with a reference to the Court.

Clause 20: Amendment of s. 38—Disciplinary powers of Court

This clause removes all references to the Tribunal in section 38 and replaces them with references to the Court. It also rewords some parts of the section to use language that it more appropriate to the exercise of jurisdiction by a court.

Clause 21: Insertion of s. 38A

This clause inserts a new provision into the principal Act allowing for the participation of assessors in proceedings under the Act.

Clause 22: Amendment of s. 39—Return of licence or certificate of registration

This clause removes a reference to the Tribunal in section 39 and replaces it with a reference to the Court.

Clause 23: Amendment of s. 40—Restrictions on disqualified persons

This clause removes all references to the Tribunal in section 40 and replaces them with references to the Court.

Clause 24: Amendment of s. 41—Consequences of action against surveyor in other jurisdictions

This clause removes the references to the Tribunal in section 41 and replaces them with references to the Court.

Clause 25: Amendment of heading

This clause removes the reference to the Tribunal in the heading to Division V of Part III and replaces it with a reference to the Court.

Clause 26: Amendment of s. 42—Appeal to Court

This clause removes all references to the Tribunal in section 42 and replaces them with references to the Court.

Clause 27: Amendment of s. 44—Investigations by Surveyor-General

This clause removes a reference to the Commercial Registrar of the Tribunal.

Clause 28: Insertion of s. 59A

This clause inserts a new provision in the principal Act allowing the Surveyor-General and the Institution of Surveyors to be joined as parties to proceedings.

Clause 29: Insertion of schedule 1

This clause inserts the schedule set out in schedule 1 of the Bill in the principal Act.

Clause 30: Transitional provision

This clause contains transitional provisions to convert certain orders of the Tribunal into orders of the Court and thereby preserve their operation.

PART 6

AMENDMENT OF TRADE MEASUREMENT ACT 1993

Clause 31: Amendment of s. 58—Taking of disciplinary action

This clause removes a reference to the Tribunal and replaces it with a reference to the Court.

Clause 32: Amendment of s. 59—Rights of appeal

This clause removes a reference to the Tribunal and replaces it with a reference to the Court.

PART 7

AMENDMENT OF TRADE MEASUREMENT ADMINISTRATION ACT 1993

Clause 33: Amendment of s. 3—Definitions, etc.

This clause removes the definition of the Commercial Tribunal.

Clause 34: Substitution of s. 13

This clause substitutes a new section 13 providing that the appeals court is the Administrative and Disciplinary Division of the District Court.

Clause 35: Amendment of s. 14—Determination of appeal

This clause removes references to the Tribunal in section 14 and replaces them with references to the Court.

Clause 36: Insertion of s. 14A

This clause inserts a new provision into the principal Act allowing for the participation of assessors in appeals.

Clause 37: Insertion of schedule

This clause inserts the schedule set out in schedule 2 of the Bill in the principal Act.

SCHEDULE 1

Schedule substituted in Survey Act 1992

This schedule deals with the appointment and selection of assessors to sit with the District Court in proceedings under the Act.

SCHEDULE 2

Schedule inserted in Trade Measurement Administration Act 1993

This schedule deals with the appointment and selection of assessors to sit with the District Court in proceedings under the Act.

Mr CLARKE secured the adjournment of the debate.

ADMINISTRATIVE DECISIONS (EFFECT OF INTERNATIONAL INSTRUMENTS) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

On the 7 April 1995 the High Court brought down its decision in *Minister of State for Immigration and Ethnic Affairs v Ah Hin Teoh* (the *Teoh* case).

In the *Teoh* case the High Court held that the ratification of a treaty by Australia creates a legitimate expectation that the Executive Government and its agencies will act in accordance with the treaty provisions, even if they have not been legislated into domestic law. If it is proposed to make a decision inconsistent with that legitimate expectation, it was held that procedural fairness requires that the person affected be given notice and an adequate opportunity to reply.

Teoh's case concerned a Commonwealth decision maker, however, there is scope for the principle to be extended to State decision-makers and this has serious ramifications for the State. Administrators would need to be aware of the provisions of international treaties ratified by the Commonwealth Executive Government but not incorporated into domestic law. Any decision which departed from the provisions of the international treaty would be void unless the individual whose interest would be affected by the decision had not first been given a hearing on the issue of departure from the treaty.

Australia has ratified over 900 treaties. To comply with the principle enunciated in *Teoh's* case State agencies and tribunals would need to expend enormous resources in training and procedural reforms in the decision-making process to ensure that decision-makers were aware of the international instruments to which they must have regard.

In *Teoh* the High Court made it clear that the expectation that the Executive Government and its agencies will act in accordance with treaty provisions, even if they have not been incorporated into domestic law, could be displaced by statutory or executive indications to the contrary.

A Ministerial Statement made by the Attorney-General on behalf of the Government on 8 June, 1995 was an executive act to oust any legitimate expectation based on the ratification of a treaty that might otherwise exist. It represented the contrary intention of the Government in the sense referred to in the *Teoh* case. The Ministerial Statement foreshadowed the possibility of legislation to reinforce its effect and that is what this Bill does.

Prior to the *Teoh* decision, the terms of treaties had not been considered to create rights or obligations in Australian law in the absence of legislation. The High Court confirmed this principle in *Teoh*. However, the Court distinguished between a substantive rule of law and a legitimate expectation that a decision maker will comply with the terms of a treaty. A legitimate expectation amounts only to a procedural right to have the treaty considered, as opposed to a legal right to enforce the terms of the treaty. Despite this distinction, the *Teoh* decision is likely to give ratified but unimplemented treaties a force in domestic law which was previously assumed to be dependent upon parliamentary action. The Bill will restore the situation which existed before *Teoh*, in which if there were to be changes in procedural or substantive rights in domestic law resulting from adherence to a treaty, they would be made by parliamentary and not executive action.

Treaties previously have been considered by courts in statutory interpretation, the development of the common law and as relevant but not obligatory consideration in administrative decision-making. The use of treaties in this way does not give rise to enforceable rights, even of a procedural kind. The Bill will not affect the use of treaties in this way.

The purpose of the Bill is to eliminate any expectation which might exist that administrative decision will be made in conformity with provisions of ratified but unimplemented treaties, or, that if a decision is made contrary to such provisions, an opportunity will be given for the affected person to make submissions on the issue.

The *Administrative Decisions (Effect of International Instruments) Bill, 1995*, has been introduced in the Commonwealth Parliament to overturn the decision in *Teoh*. The Bill purports to apply to State administrative decisions. The Government has requested that the Commonwealth Bill be amended so that it does not purport to apply to South Australian administrative decisions. State administrative acts should be the subject of State legislation.

The Commonwealth legislation does not prevent the State Parliament from enacting its own legislation and it is important for State legislation to be in place in the event that the Commonwealth legislation, in so far as it purports to apply to State decisions, should be held to be invalid.

Explanation of Clauses

Clause 1: Short title

Clause 2: Interpretation

International instrument is defined broadly to cover treaties, conventions, protocols or other instruments binding in international law.

Clause 3: Effect of international instruments

This clause provides that administrative decision-makers are only obliged to comply with an international instrument to the extent that the instrument has become law under a State or Commonwealth Act.

It is made clear that decision-makers may have regard to international instruments that have not become part of the law if they are relevant to the decision.

Mr CLARKE secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (DISPUTE RESOLUTION) AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Clause 13, page 14—After line 7, insert new section as follows:
Power to set aside judgments or orders

88GA. (1) The Tribunal may amend or set aside a judgment or order of the Tribunal—

(a) by consent of the parties; or
(b) in order to correct an error; or
(c) if the interests of justice require that the judgment or order be amended or set aside.

(2) The power under subsection (1) may only be exercised by the President or a presidential member or conciliation and arbitration officer to whom the President has delegated the power.

Consideration in Committee.

The Hon. G.A. INGERSON: I move:

That the Legislative Council's amendment be agreed to.

Mr CLARKE: The Opposition agrees with the amendment. It is part and parcel of the package of agreements that the Government, the Labor Party and Australian Democrats reached with respect to the dispute resolution procedures. For the Minister's edification, if he would like to read the *Hansard* record of last night of another place, in particular the comments of the Attorney-General about all our good effort with respect to trying to restrict access to the Supreme Court, the conclusion seems to be that, notwithstanding our best efforts, the lawyers will get around us in any event.

Motion carried.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 271.)

The Hon. M.D. RANN (Leader of the Opposition): I do not want to speak at great length today, despite my obvious expertise in this area. However, I would like to pay tribute to the operations of the Country Arts Trust, which is a shining symbol of the achievements of the former Minister for the Arts, Anne Levy, who introduced the legislation into the South Australian Parliament, and it is still regarded as one of the best pieces of legislation of its type in this nation. It has certainly greatly benefited the arts throughout this State outside the metropolitan area.

The arts activity in this State has gone from strength to strength. The Country Arts Trust, with the assistance of Playing Australia, the Keating Government's initiative, is now touring more shows throughout the regional areas of South Australia than occurred previously. Many have been total sell out successes. The total number of performances in country areas has been increasing, performances not being limited to the four major regional theatres but in fact visiting many smaller towns. This year there will be 352 performances in country regions, shows which previously did not have the opportunity to visit these areas.

I have great pleasure in supporting this Bill. A number of matters were addressed by my colleague Anne Levy in another place, particularly relating to requirements for gender equity in terms of the boards, and I understand they have been dealt with. Knowing the Minister for Infrastructure, with his background in country areas, formerly being Mayor of Kadina, and knowing his support for the arts in Kadina, I have great pleasure in supporting this Bill and I look forward to hearing the Minister's exposition on the effect of the Bill on people in Kadina and in the Adelaide Hills.

Mr ANDREW (Chaffey): I am pleased to support this Bill, particularly because I am proud of the operation of the Country Arts Board as I have known it since I have been the member for Chaffey and also prior to that in terms of my indirect involvement with it through the Riverland and Mallee Country Arts Board, as part of the Country Arts Trust operation. I place on record my recognition for its performance, activity over recent years and contribution, which, I am pleased to say, is well recognised and respected by the Riverland and Mallee residents. In this case, I am pleased to support the Bill, because autonomy is being maintained through the reductions planned under the provisions of this Bill.

I place on the public record the background of the operation of the Country Arts Trust in the Riverland and the Mallee. It is an active and diversified organisation, being the centre of cultural activity in the District of Chaffey and based at the Chaffey Theatre in Renmark. There is, unquestionably, broad support for the arts in the Riverland and the Mallee from eight local branches of the Arts Trust and the Arts Council, the activities involving visiting performances; displays and artists workshops; encouragement and exhibitions for local artists; and the development of funding programs that come under the umbrella of the Riverland-Mallee Country Arts Trust, which serves a region of about 38 000 people.

Performing arts which receive support from the trust range from touring groups, such as the State Theatre Company, ballet, dance, puppetry and commercial performances to community groups presenting local theatre and musical productions. As an example of the visual arts program, assistance is given to the local and South Australian artists to present high quality exhibitions at prominent venues in the region, whether in the Chaffey Theatre foyer, the Rainmoth Gallery in Waikerie, the Terrace Gallery in Loxton or other appropriate local venues.

Under its responsibility to manage arts and community development funding programs, the Riverland-Mallee Board has assisted a number of projects that are now seen as potential models for other community groups. The Riverland and Mallee Cottage Industry Project provides opportunities to generate a primary or secondary source of income from home based industry through producing quality craft and fine food, which is marketed locally, but with the potential to market to visitors from outside the Riverland. This group has progressed to the stage where it has set up its own business outlet in the Berri Community Arts Trust building and it is looking to progress its marketing opportunities by looking for the chance to move to a more tourist oriented site within the Berri precinct. This project received funding from Kickstart

and DEET's Labour Adjustment Program. The emphasis in this example is to create crafts of a high quality and to make value added products reflective of the local character of the region.

Another initiative is the appointment of a multicultural arts officer in response to the concern that the non-English speaking community in the Riverland has not traditionally been active in assessing arts through specific funding programs. In Waikerie, the district council and community are being assisted in developing a plan for the main precinct of the town through employment of an artist under the Artists Environment Program. These examples demonstrate that arts in the Riverland-Mallee area has developed with a sense of community spirit from people from one end of the area to the other, whether it be involvement in the writers guild, the youth theatre or the major theatre in Renmark. The fact that people in the community read the same regional newspapers, listen to the same regional radio stations and watch the same regional television station further enhances this community involvement and participation in the arts arena. This has furthered the sense of one arts board serving the broad Riverland region.

In addition, the work of the board has been complemented by the support of local councils, which provide office support and space for arts development for minimal or, in some cases, no charge. It is also exampled by the Barmera council making the Bonney Theatre available as a base for the Riverland Youth Theatre at a very cheap rate. It is important to recognise that local media in the region give local arts activities enormous support, either with cheap or subsidised advertising or, in many cases, specific free advertising. As a result, arts in the Riverland-Mallee region has been able to establish a number of unique projects that meet the region's specific needs and, in doing so, has been able to attract specific outside funding for a number of projects. The Riverland Youth Theatre has had success with encouragement, support and involvement of unemployed youth in the region.

Given the financial constraints placed on this Government and in the interests of good financial management, changes have been necessary to the structure and management of the Country Arts Trust. It is more than appropriate that it be conducted to produce a fair assessment of options or increasing further efficiencies. Some changes have been achieved through administrative reforms and I acknowledge that the Adelaide office of the South Australian Country Arts Trust has overseen improvements in the area of general payroll and accounting procedures and there has been some reduction in staff numbers at the Adelaide office.

This Bill proposes to reduce the number of country arts boards from five to four and the number of trustees from 10 to nine, thereby reducing administrative costs and maximising the opportunity for funds to go into development funding. The membership of each board will now range from five to eight members, rather than the present eight members, with the size of the board being dependent on the diversity of the area being represented or serviced. I am confident that this will maintain the required flexibility to reflect diversity and at the same time provide the balance for minimising the cost to the administration of these respective boards.

The Riverland-Mallee board has been particularly active in determining how best to allocate the staffing and funding that best serves a region with its own interests. An initial proposal to merge the Riverland-Mallee board with the South-East board generated considerable interest and some concern in the Riverland and because of this there was significant public involvement in determining the practical and economic implications of the possible or potential merger. Representations were made to the Minister and this led to a decision that the Riverland-Mallee board should determine its own fate. The board's recommendation that a distinct Riverland-Mallee board be retained was accepted. The board was commended by the Minister for its prompt action to alleviate existing and budgeted shortfalls and, importantly, it has been confirmed that the position of arts manager—which is currently based at the Chaffey Theatre in Renmark—will remain as an integral position for the provision of arts in the region. This move has been applauded by the local community.

The membership of the Riverland-Mallee board will be reduced from eight to five members, thereby reducing administrative costs and fees paid to board members. This undertaking has been given by the local board to the Minister, I understand. I particularly commend the support and initiative of the Riverland-Mallee community not only for adequately justifying that it would be counterproductive to attempt to provide the current art services via the impractical option of combining with a larger board, including the South-East board, but, more particularly, for being positive in suggesting how local ideas can be implemented to achieve increased efficiencies in the delivery of arts services to the region. It was suggested that board numbers be reduced from eight to five members: they are leading the way with this option. Effectively, the outcome has been that local members of the Riverland-Mallee Country Arts Board and the officers involved are finding additional means to achieve administrative savings, realising that otherwise there could be a reduction in the funds available for other trust activities in the region. They appreciate that it is their responsibility to ensure that the region will not be disadvantaged in terms of access to arts development grants in the future.

I am sure that there will be a thorough and continuing review of current practices of the expenses in terms of operating the local board to enable arts activities to continue at the standard that has been of such benefit to the Riverland and Mallee regions for a number of years. I commend the Country Arts Trust for its continuing success, performance and recognition and look forward to that continuing, not just in my electorate of Chaffey but throughout the whole of country South Australia for the provision of improved and enhanced arts facilities and services. I commend the Bill to the House.

Mr LEWIS (Ridley): It is fair to say that this Bill does a number of things that are relevant and appropriate in the context of the current climate. Ken Lloyd is to be commended for the good judgment he showed when presented with reasonable and rational arguments about the inadvisability of amalgamating the South-East with the Riverland and Mallee boards, because the area covered in that part of the settled areas of the State was just too vast. To expect volunteer members of that board to be able to get together anywhere within that region sufficiently often to make rational decisions and reasonable numbers of those decisions about the arts as presented to those communities was just too much. The costs would not have been bearable: they would have been too great for the people participating. I refer not just to the monetary costs but also to the time they would have had to set aside and the diverse interests that are pursued, with the different focus and emphasis that there has been historically

between the communities of the South-East and those of the Mallee and the Riverland.

So, with the help of the Minister, Mr Lloyd was able to come to that better understanding of our needs, and I commend to members the remarks that have just been made by the member for Chaffey in the explanation he has given us of what happened. The Minister made it all possible and enabled the member for Chaffey and me to put the case on behalf of our communities.

Mr Andrew interjecting:

Mr LEWIS: As the member for Chaffey points out, the final decision was commendable. Accordingly, I give credit for it. So much for the bouquets. Let me simply address the substance of the matter as I see it. The reforms that the legislation proposes come on the heels of a review of the Country Arts Trusts and ensure that no longer will there be such a short-term view of things, and the longer-term financial viability of that trust is secured through maximising arts development funding and cutting back administrative costs. At least, that is what Ken Lloyd has assured us, and I accept his word for that. I look forward to the way in which those additional benefits can be delivered.

We all know that in recent years a number of economic issues have impacted on people living in rural South Australia, particularly in the Riverland and the Mallee. As with the parts of the State in your electorate, Mr Speaker, they have suffered from dramatically reduced incomes. It has been a depression and, accordingly, there has been reduced patronage through the box office and, therefore, a necessity to be more discriminating in the number and type of touring programs that are taken to the country seeking box office receipts from that depressed income level, and reducing the number further, as it were, to ensure that there are adequate sponsorships to go around for that reduced number.

We are seeking to ensure that the arts continue to be available, and indeed to prosper, in rural communities. The interest in arts does not stop at the gum tree at Glen Osmond or at Gepps Cross; it extends well beyond that. Indeed, in my judgment, on a *per capita* basis the interest is probably more intense in country areas. People participate and perform there to a greater degree, and there is a great deal of talent in those areas of the State outside the greater metropolitan area which might otherwise have been trained and developed to the point where it was professional, although people with that talent chose alternative lifestyles and an alternative focus for themselves and were not, therefore, able to do the two things.

That does not mean that they do not have the desire to see good shows, be they art or craft, the performing arts or fine arts; nor does it mean that they do not have a desire to participate as performers. They do, and to a far greater extent, I believe, than in the metropolitan area. They are all to be commended. We know that the Bill reduces from five to four the number of country arts boards. The proposed areas that are now to be covered by each of the boards are, first, Western Eyre Peninsula, Port Augusta and the Far North; and the second one could be described coming from the west as being the Central Mid North, with Port Pirie and the Lower North along with the Barossa Valley, the Murraylands west of the river, the Adelaide Hills and southern Fleurieu with Kangaroo Island.

The Riverland and Mallee remain, and the South-East, which includes Bordertown and as far north as Coonalpyn Downs. Therefore, what we have is the means by which there is greater flexibility and, given the varying distances and population in each region, each board will consist of up to eight members but with a minimum of five. The number of members on the trust will also be reduced, from 10 to nine.

The Country Arts Trust was established in 1993 with a broad mandate to develop, promote and present the arts in country South Australia. This measure takes us further along that path, and I therefore commend it to the House, again commending the Minister and the Minister's advisers from the department for the good work that they have done. I reassure them of my continuing support for them, as long as they maintain the open door policy and the good sense that they have demonstrated in the consultations that we have had in the development of this legislation and the future administrative policy that will result once the measure passes the House. I wish it swift passage.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): On behalf of the Minister and the Government, I thank those who have made a contribution, namely, the Leader of the Opposition and the members for Ridley and Chaffey, and who have supported this measure before the House. Having myself represented a country seat (and still doing so) that included a number of these arts trusts and boards and the services that they supply to country people to give them similar services to those in the metropolitan area of Adelaide, I commend the Country Arts Trust for what it has achieved and what those respective organisations have done within country areas of South Australia. I commend the Bill to the House.

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

MEMBERS' TRAVEL ENTITLEMENTS

The SPEAKER: I lay on the table the report on members' travel entitlements for the year ended 30 June 1995.

ADJOURNMENT

At 4.35 p.m. the House adjourned until Tuesday 14 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 24 October 1995

QUESTIONS ON NOTICE

BROMPTON SITE

1. **Mr ATKINSON:** When does the Government propose to move rubble and fill (taken from the Ridleyton Estate housing development in 1992) from its land on the south-eastern corner of Hawker and West Streets, Brompton?

The Hon. J.K.G. OSWALD: The site is part of surplus Government land that had been acquired under the MATS Plan. Much of the land, being a former industrial area, consisted of pug holes, some of which had been disused and filled over time. In many cases, the imported fill has contained varying levels of contamination. As a consequence, most of the sites require remediation before they can be redeveloped for residential or community purposes in a manner which is in keeping with the Development Plan and the redevelopment that has occurred to date.

The land in question is quite difficult to remediate and is seen as the last site within the area known as the Moyles Precinct to be redeveloped. Accordingly, when material that could be used in the remediation of sites within this precinct became available during the development of the nearby Burley Griffin Estate, it was stockpiled on this site.

The assessment of the sites by the SA Health Commission and the determination of remediation requirements has almost been completed. That will allow a development program for the sites in this precinct to be finalised. Due to the remediation required and the need to market the land in an orderly manner, it is planned to stage the redevelopment of the sites.

In addition to the issue of contamination, other constraints exist such as the EPA requirements limiting new development within a buffer zone around a nearby foundry.

In the mean time, appropriate property management will be implemented.

Earlier this year, the Hindmarsh and Woodville Council under an agreed program, used this site to consolidate loose rubbish collected from a number of sites in the vicinity. All of this rubbish has been recently removed.

The Greening Hindmarsh group, in conjunction with City Farm, has planted shrubs around the perimeter of the site to provide screening. Further planting to increase the visual amenity and to control dust has also been discussed with representatives from the Greening Hindmarsh group. In the mean time, prior to remediation and development, the site will be managed to minimise any negative impacts on neighbouring landowners.

ENFIELD COUNCIL

10. **Mr ATKINSON:** Why has the Minister refused the Enfield Council's proposal to rezone to residential status land at Croydon Park bounded by Days Road, Regency Road and the back fences of dwellings on Rickaby Street and Boomerang Road?

The Hon. J.K.G. OSWALD: I have not refused Enfield Council's proposal to rezone land at Croydon Park as the Council has not forwarded this Plan Amendment Report to me for my approval. I understand that the Council is considering its position in light of the large number of submissions it received on this matter during public consultation.

HUNTLEY, MR J.

11. **Mr ATKINSON:**
1.Why has the Government refused to fund asbestosis stricken John Huntley as respondent to a Supreme Court appeal on a WorkCover point of law launched by his employer and funded by WorkCover Corporation?
2.Why has the Government departed from the previous Government's practice in these instances?

The Hon. G.A. INGERSON:
1.The WorkCover Corporation reached the decision to fund the employer's appeal to the Supreme Court due to the potential significant impact on scheme funding if the decision of the Workers Compensation Appeals Tribunal was left to stand. This would result in the necessity to increase employer levies to balance the increased drain on the Compensation Fund. Section 2(1) of the Workers Rehabilitation and Compensation Act requires the Corporation to:
(i)'ensure that employers' costs are contained within reasonable limits so that the impact of employment-related disabilities on South Australian businesses is minimised',
and;
(ii)'ensure that the scheme is fully funded on a fair basis'.
Therefore the costs incurred should be viewed in the perspective of the potential future costs to the scheme.
At the same time, there is provision in the Supreme Court Rules for costs to be awarded to the successful party to the Appeal. If Mr Huntley is successful, then his costs will be met in full as a matter of course, however, following discussions with Mr Huntley's legal representative, the Corporation has offered to fund Mr Huntley's legal costs at 85% of the Supreme Court scale, to a maximum of $10 000, regardless of the outcome of the Appeal. This offer has been accepted.
There is no change in policy from that previously adopted.

PASSENGER TRANSPORT ACT

12. **Mr ATKINSON:**
1.Why, 16 months after the Passenger Transport Act was assented to, has the 'scheme to facilitate the observance of standards by the operators of centralised booking services' foreshadowed by section 29 of the Act not been formulated or put into effect?
2.Without such a scheme, on what basis have centralised booking services been accredited under section 29?

The Hon. J.W. OLSEN: Section 29 of the Passenger Transport Act requires that services, where bookings are taken from the public and assigned to drivers, must be accredited by the Passenger Transport Board. Each separate service will enter into an agreement with the Board guaranteeing certain customer service standards. The Passenger Transport Act enables the Board to take disciplinary action should any of these standards be breached. The Board's powers include the suspension or cancellation of an accreditation.

Consultation with the individual centralised booking services is continuing and a draft agreement has been prepared and has been forwarded to all of the companies and the Passenger Transport Board's Taxi Industry Advisory Panel for comment. While the centralised booking services have not yet been accredited, they are continuing to operate in full co-operation with the Passenger Transport Board and are already assuming some of the responsibilities foreshadowed in the draft agreement.