

## HOUSE OF ASSEMBLY

Thursday 21 March 1996

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

### PUBLIC WORKS COMMITTEE: MILE END RAILYARDS

**Mr OSWALD (Morphett):** I move:

That the twenty-second report of the committee on the Mile End railyards redevelopment be noted.

The site refers to a recent transfer to the State Government of approximately 15 hectares and is on a site considered to be the gateway to the city of Adelaide. It sits astride the road from the Adelaide Airport as it crosses the Hilton Bridges through the parklands into the city of Adelaide. Whilst I recognise that there is some access to the city of Adelaide from the Port Adelaide area, which is considered one of the gateways to Adelaide—

*Mr Foley interjecting:*

**Mr OSWALD:** It is not a big one, is it? At least this project is sitting astride what has to be agreed, its being from the national and international airports, is a site that needs a certain amount of work as a matter of urgency.

The main issue that we must consider at this stage (and I am sure the report will come back to us on many occasions) is that the site is derelict and in need of significant contamination clearance. The location of the Mile End railyards site makes it attractive for redevelopment, and it is proposed that in future the Government is planning, to the north of the Hilton Bridges, an athletics stadium and 60 residential dwellings as well as a two-lane extension of the western bypass. To the south of the Hilton Bridges the Government is planning a redevelopment with a netball stadium, outdoor courts and some access under the Hilton Bridges into the athletics stadium.

The proposed remediation strategy incorporates the construction of two on-site repositories, which will safely accommodate the contaminated materials removed from across the site and will not impact negatively on the soil or ground water. In addition, environmentally responsible technologies such as bioremediation will be utilised to treat hydrocarbon contaminated soils, and a ground water remediation program will also be undertaken. It should be noted that an independent environmental auditor has been appointed to the project and will review the remediation program as it progresses. It is estimated that the total remediation program will be completed in nine months at a total cost of around \$5.5 million, and the details of that \$5.5 million are tabulated in the report to which I refer members.

The proposal to redevelop the Mile End railyards site will result in improved traffic movements in the Mile End area generally. Currently, traffic moves between Henley Beach Road and Burbridge Road and frequently uses Railway Terrace. There is no doubt that there is a steady build-up of traffic along that road that is in the vicinity of 3 per cent per annum. When it becomes part of the western bypass, substantial traffic will travel through that area. The need for this alternative route link, which has been designed by the Department of Transport as part of the western bypass project, is aimed to establish a much easier access between

the northern and the southern suburbs of Adelaide via a link between Port Road and South Road through the Mile End area.

As a result, the Department of Transport requires a 40 metre wide corridor through the Mile End railyards site to accommodate its two-lane extension to the western bypass, which will alleviate the traffic demands currently being placed on Railway Terrace. It should be borne in mind that Railway Terrace sits adjacent to the housing and separates the housing from the old railway yards, and the Department of Transport plan, which is to shift that transport corridor away from the housing, is to the benefit of local residents.

The Department of Transport has satisfied the committee that the road corridor alignment will, first, provide a safe and effective link between Port Road and South Road; secondly, allow the two-lane road to be compatible with the ultimate strategic corridor requirement for the western bypass; thirdly, ensure maximum use of existing assets and thereby minimise wastage of Government funding; fourthly, be designed to be as environmentally sensitive as possible; and, fifthly, ensure compatibility with the Government's redevelopment strategy of Mile End north and south. It is intended that the two-lane road will be constructed on completion of the remediation works. However, cutting and profiling of the road may be undertaken concurrently with remediation works if it is practical and cost effective to do so.

Some Thebarton residents have concerns regarding the Department of Transport's proposed alignment of the road, and the Thebarton Residents Association presented the committee with possible alternative alignments. The committee gave these alternative proposals and the arguments presented lengthy and serious consideration and has sought further technical advice from both the Department of Transport and the Urban Projects Authority. I emphasise to the House that we had a very long session when taking evidence from two residents, and we took that evidence line by line with the Department of Transport and the UPA. We discussed it issue by issue with the department on technical grounds in order to satisfy ourselves that the department and the UPA were presenting the best overall solution to the problems. Although the committee is empathetic to the residents' concerns, it finally concluded that it was of the belief that the Department of Transport proposal is the most effective and workable option for the redevelopment of the Mile End railyards site.

In summary, there is no question in the mind of committee members that the Mile End railway yard site is right for redevelopment. It is a highly visible scar on the edge of the western parklands. It presents an excellent opportunity for improving the amenity and visual impact of a contaminated yet pivotal site in Adelaide. The main issues brought up by local residents related to the relocation of the roadway. Their proposal was to bring it under the Hilton Bridge, and there was then another reconfiguration for access into the athletics and netball site. All these matters were serious issues which the committee spent much time resolving.

I can now declare that pursuant to section 12C of the Parliamentary Committees Act 1991 the Public Works Committee reports to Parliament that it recommends that the initial remediation stage of the proposed public works proceed. It is obvious that, as this large urban development project proceeds, there will be times when other works will come back to the committee, and I am sure that many of these issues will be revisited on new references made to the committee by Parliament and the Government. The House

should note that subsequent stages of the redevelopment will be referred to and will be the subject of separate reports back to the House.

**Mr CAUDELL (Mitchell):** The Mile End railyard redevelopment is associated with three different concepts: first, the remediation of the contaminated land and underground water; secondly, the construction of a two-lane road in the western bypass road corridor; and, thirdly, the sporting redevelopment. This report basically deals with the first two issues, that is, the remediation of the Mile End railyards and the construction of a two-lane road. This is all in preparation for future sporting developments. I wish to address my comments to on-site remediation. The soil in the area has been contaminated by arsenic, lead, copper, zinc and also diesel hydrocarbons. The underground water contains both free phase and dissolved phase hydrocarbons in the shallow underground aquifer below the surface. The current proposal as per the Public Works Committee report is for the remediation strategy to incorporate the construction of two on-site repositories which will safely accommodate the contaminated materials removed from across the site in a manner that will not impact negatively on the soil or ground water. Environmentally responsible technology such as bioremediation will be utilised to treat the hydrocarbon contaminated soils, enabling greater on-site reuse of fill. A ground water remediation program will also be designed.

The Urban Planning Authority presentation to the committee dealt with the remediation of the soil. It is proposed that repositories will be dug out and then filled with the soil containing the heavy metals. Soil contaminated with hydrocarbons is to be bioremediated and then used as a top layer over the repositories. The presentation from the Urban Planning Authority also dealt with the pumping and treating of ground water. I had a problem with the quantity and quality of information provided to the committee by some agencies, particularly the information in respect of ground water contamination and the handling of contaminated soil. I refer to the following statement on page 13 of the committee's transcript:

We put in three wells along the boundary, the interface between the site and the road, and we found that those three wells did not produce any evidence of hydrocarbons.

I wondered about those comments, so I conducted my own investigation on behalf of the committee, and in doing so I found a report prepared by consultants who said:

The above test results are in contrast with that previously reported by the Department of Mines and Energy. Off-site dissolved phase ground water contamination has clearly occurred and was identified in ground water sampled from a monitoring well installed by the Department of Mines and Energy (GW13) containing TPH levels in the C10-C36 fractions exceeding Dutch B further investigation levels. Some further investigations are required, however, to provide sufficient information to develop an effective remediation program, from both an economic and environmental perspective.

That report, produced in December 1995, goes on to say:

Additional ground water investigations are required to accurately delineate the lateral extent of both the free phase and dissolved phase contaminant plumes and to provide essential hydraulic data for the remediation design process prior to the implementation of the full scale ground water remediation program.

At times there appeared to be inconsistencies between what the agencies put before us and what the consultant's reports had to say. This in itself created concern. The Minister for the Environment and Natural Resources has made certain statements with respect to the digging and dumping of

contaminated soils and the pumping and treating of ground water, and I agree with the Minister's statements.

The Minister for the Environment and Natural Resources said that certain activities associated with digging and dumping and the pumping and treating of ground water were ineffective and inappropriate in today's world. There should be better technologies associated with the treating of contaminated land and ground water. However, in this instance, following investigations—and I agree with the Minister—it would appear that, due to the soil layers and types of soil in that area, the dumping of waste resulting from the heavy metal contamination process in that area is suitable and also cost effective.

With respect to the treatment of ground water, there is a requirement for further surveying, and the report from the Public Works Committee has identified that a further report will be provided by the consultants, PPK, to the Urban Planning Authority, and the committee has asked for that report to be provided to it. The report also states that we look forward to future reports from the Urban Planning Authority in respect of the remediation process to ensure that it is environmentally successful.

I believe that certain standards should be set in this Parliament with respect to the future treatment of contaminated land and ground water. In this situation, I agree with the Minister for the Environment and Natural Resources and the EPA when they said that the Urban Planning Authority should investigate and, where possible, use innovative and sustainable technologies for the treatment of contaminated soil and ground water. I wish to ensure that the EPA and the Urban Planning Authority not only use bio-remediation for soils contaminated by hydrocarbons but that they also investigate and set down a policy in respect of the off-site washing of soil contaminated with hydrocarbons and that it is deposited in licensed landfills; and, further, that the issue of cost in our environment is no longer a consideration when it comes to the handling of contaminated land and ground water.

I would like to see the means provided to the Environment Protection Agency to ensure that the proper and latest technology processes are enforced on agencies for the handling of such contaminated soil and ground water. I would like to see the end of the dig and dump process associated with contaminated land, and also the pump and treat process associated with water. At this stage it is important that I reiterate the comments of the Minister for the Environment and Natural Resources when he addressed the NATO-CCMS fourth international meeting in Adelaide on the evaluation of demonstrated emergency technologies:

Site remediation techniques need to be holistic and address both soil and water contamination in a cost-effective manner. Simplistic technologies such as 'dig and dump' for soils and 'pump and treat' for ground water are seen as either inappropriate or ineffective in achieving the required level of clean up. With increasing commitment of Governments throughout the world to waste minimisation strategies, continued dumping of contaminated soil to landfill or dedicated repositories is an outmoded concept and not the direction to be taken into the twenty-first century.

I agree with the Minister's remarks. With respect to the issue of licensed sites, I would like to see a follow-up process to ensure that these sites are being monitored. I also would like to see the EPA introduce standards with regard to hydrocarbon contamination, in particular underground tanks, following the work done by the California Air Resources Board on the thickness and double lining of underground tanks, and alarm sensors associated with them to cover the risk of

leakage. I conclude with a quote from the Minister for the Environment and Natural Resources, who said:

With increasing commitment of Governments throughout the world to waste minimisation strategies—

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

**Mr BASS** secured the adjournment of the debate.

#### **PUBLIC WORKS COMMITTEE: KANGAROO ISLAND HOSPITAL**

Adjourned debate on motion of Hon. J.K.G. Oswald:

That the twentieth report of the committee on the Kangaroo Island Hospital redevelopment proposal be noted.

(Continued from 15 February. Page 1070.)

**Mrs PENFOLD (Flinders):** I wholeheartedly support this motion. Eight hospitals are within my electorate of Flinders, and Kingscote Hospital was, in my view, in the worst condition. I commend the staff for their patience and tolerance while putting up with conditions that must have been and still are very trying at times. They must be delighted that, at last, the end is in sight. The redevelopment of Kangaroo Island Hospital is another of the major works neglected by the former Government and picked up by the Liberal Government. The estimated redevelopment cost of \$5.1 million will provide a facility catering to the needs of residents as well as the many tourists and visitors to the island.

The proposed 30-bed public hospital will be a vital component of health care for the relatively isolated community of Kangaroo Island. Not only does the hospital provide in-patient care but it is the centre for outreach services, using facilities at American River, Parndana and Penneshaw, and it is also the centre for the organisation of domiciliary care services that enable older people to stay longer in their own homes. Redevelopment is necessary as the present buildings, in addition to being inadequate, no longer meet current health and safety standards. The first stage of the work (at a cost of \$2.5 million) includes a new kitchen, staff dining room, patient day room, palliative care room, two double share wards (each with shared en suite), a birthing suite, a relatives' lounge, upgraded bathrooms on the lower ground floor, new stores, gas and generator rooms and a lift to the upper floor.

The kitchen, in particular, needed upgrading. It is a credit to staff that they have been able to provide the number of high quality meals for both the hospital and the Meals-on-Wheels service from the present cramped and ill-equipped facility. The Cook Community Health Centre adjacent to the hospital serves a variety of functions, being used by visiting consultants, the Children and Family Services nurse, and as a day care centre for elderly residents of the hospital and the Carnavon annexe. The redesigned centre will have a new consulting office, podiatrist suite, a covered walkway to the hospital at the lower ground level and air conditioning, plus a courtyard and landscaping. This work is scheduled to be completed by November 1996 and will certainly address many of the occupational health and safety issues that currently exist in the present building. It will ensure proper staff facilities.

I believe it is vital that stages 2 and 3 should proceed as soon as possible. Those stages have been included in the building design, although detailed floor plans are not yet

available. Stage 2 covers the administration block and a new entrance from Wheelton Street, while stage 3 caters for aged care facilities—a very important component of the hospital which serves an ageing community. The upgrading of this section is a progression of stage 1 and naturally is reliant on the completion of the first stage. A verbal commitment for stages 2 and 3 has been made. However, it is most desirable that floor plans for the next stages be made before the builders go off site to ensure that the next stages proceed without delay.

Kangaroo Island is described as a 'jewel in the crown' of South Australian tourism. Certainly, the natural features and clean environment justify the title. To promote tourism further, careful planning has expanded the racing carnival to a week-long celebration with a two-day racing program and related functions—a bowls tournament, a street food fair and a display of island goods—culminating in a sports day at Emu Bay featuring gymkhana, sailing and golf on the beach.

Plans are also under way to promote settlement day on 27 July to increase the number of tourists visiting the island in the winter months. Recent accidents involving serious injury to jockeys have been reported in the media. Wherever people gather, whether for sport or recreation, there is always a possibility of an accident. A constant complaint by tourists, as well as the local population, is the state of the dirt roads. Many travellers are unaccustomed to driving on dirt, and the situation is exacerbated on Kangaroo Island by the ironstone rubble occurring there. The number of accidents involving tourists bears testimony to this.

This Government, through the Department of Transport, has promised to fund the sealing of the South Coast Road, to which \$500 000 has already been committed for stage 1. This is from the end of the present bitumen to the Seal Bay turn-off. Through a tourism grant of \$350 000, the road into Seal Bay has been sealed, thus providing much improved access to this world-renowned attraction. An interpretive centre, funded jointly by a Federal ecotourism grant and DENR's general reserve fund has been built at Seal Bay, adding to the interest of the area and bringing yet more visitors.

Upgrading work through capital works funding is being carried out at both Cape de Coudie for \$70 000 and at the Remarkable Rocks area for \$85 000, thus ensuring that the environment is protected despite the increase in visitor numbers.

Another road of concern to local residents is the Emu Bay road, given the increase in the number of day visitors. A visit to Emu Bay, just 18 kilometres from Kingscote, is increasingly popular. The present winding road is a single width of bitumen, and roadside vegetation restricts vision. This is a serious problem, because many bus drivers and visiting drivers will not move off the sealed section, thus forcing passing motorists onto the gravel verge. If this occurs on a corner, it is exceedingly dangerous.

An amount of \$40 000 has been allocated for road maintenance on the sealed road from Kingscote to Parndana and the Kingscote to Dudley sections of the Hog Bay Road due to increased heavy traffic caused by freight arriving at Penneshaw via the *Sealink* ferries. Extra funding will be provided to cover the cost of roadside vegetation treatment. These works are being carried out in a joint venture with the District Council of Kingscote. The maintenance of sections of the Hog Bay Road has been let out under private contract because of the workload undertaken by the local council on the South Coast Road. In the Dudley council area, the Government has contributed \$200 000 for a tourist

information centre and \$40 000 for a penguin interpretive centre, providing additional reasons for tourist visits to the area.

The road works demonstrates the past neglect of Kangaroo Island by the previous Government, and it is now being rectified. However, accidents happen no matter how good the road. A hospital that can cope with all except the most serious accident cases is a basic requirement, which the redeveloped hospital will provide.

Funding for schools on Kangaroo Island has meant that badly needed maintenance work can be carried out and occupational health and safety issues addressed. Kingscote Area School plans to spend its back-to-school grant on recarpeting the secondary block and two senior primary classrooms and laying new vinyl floor covering in the art room and the theory room of the tech studies centre.

At Parndana Area School, grant money will be spent on the continuation of the recladding program. The administration, junior primary, art and primary block and the resource centre were recladded last year. This school, opened in 1959, was in a very poor state of repair. However, with recladding to be undertaken this year, the whole of the eastern side of the school will have been recladded. A new equipment shed has been built and the pool shed will be replaced during the winter. Under a \$50 000 health and safety grant, the science area is to be upgraded, and a further \$110 000 allocated to catch up with a backlog of neglected upgrading and maintenance.

Recladding is also on the agenda for Penneshaw Area School's grant money, along with general classroom upgrading to meet health and safety standards. Further areas needing attention are the technical studies, home economics and art areas. Through the country areas program the three area schools on the island pool about two-thirds of their capped grants to support shared programs, such as music, the observatory, arts and education, an aquatics program, the Rock and Roll Eisteddfod and a social justice program. Excellent well-maintained schools all help to make the island a more attractive place for people to bring their families to live permanently. Hospitals and medical facilities, such as the redeveloped hospital, will provide part of the essential safety requirements for these school children.

With so much development on the island, the drawing up of a draft amalgamation proposal document by the two local government councils, Dudley and Kingscote, is a step in the right direction. The assistance of an appointed facilitator should enable the process of amalgamation to proceed rapidly. One council area will be not only cost effective but will also enable unified planning for the island. All these developments point to an increased population that, again, will be looking for adequate health facilities. The redeveloped Kingscote Hospital will give islanders health protection similar to that enjoyed by mainland residents. The redevelopment is an urgent issue being addressed by a Government that cares for rural and urban dwellers. I strongly support the redevelopment of this hospital.

Motion carried.

**WORKERS REHABILITATION AND  
COMPENSATION (MENTAL INCAPACITY)  
AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 8 February. Page 942.)

**Mr BASS (Florey):** The Government opposes this Bill, which was introduced in the other place by the Labor Party and moved in this House by the member for Ross Smith on 8 February last. This Bill is an identical measure to the failed Bill which was introduced by the Hon. Ron Roberts in the Legislative Council on 7 September 1994. That Bill was opposed by the Government and was defeated in the House of Assembly in April 1995. The Bill as reintroduced would have the effect of amending the lump sum compensation schedule of the Act (schedule 3) by providing lump sum non-economic loss payments for total and permanent loss of mental capacity rather than for total and incurable loss of intellectual capacity resulting from damage to the brain as provided for in the present legislation. The Bill continues to be opposed by the Government on three primary grounds:

(1) It is an unjustified extension of the lump sum provisions of the Act into the area of mental capacity which will generally be associated with stress claims.

(2) It is likely to compromise or prejudice early and effective rehabilitation of workers who make stress claims.

(3) It would add to the cost of a scheme—which in many respects already provides the most generous benefits level in Australia—and compound the nationally uncompetitive levy rates for South Australian industry.

The Hon. Ron Roberts, in moving this Bill last year, argued that the Supreme Court's decision in the case of Hann ignored the alleged intention of Parliament. This is a misunderstanding of the court's role. The court was required to interpret the words of the legislation that Parliament endorsed and to glean the intention of the Parliament from these words. However, even if the court attempted to determine what Parliament intended, it would have concluded that it was an intentional decision of the previous Parliament and Government to remove stress claims from non-economic loss lump sum entitlements, a decision that the present Government fully supports. All the decisions of the judges of the Supreme Court in the case of Hann demonstrate quite clearly that Parliament had made a decision to reduce entitlements to people suffering stress claims, as opposed to people suffering damage to the brain.

There is nothing to be gained in my repeating here the articulate and comprehensive statements by the honourable judges in their opinions. They quite clearly and correctly interpreted Parliament's intention in making changes to the eligibility and entitlements of stress claims. In the parliamentary debates of late 1992 it was the clear intention of Parliament that compensation for stress claims was to be restricted, in terms of both eligibility and compensation. These claims, with little physical demonstration of injury, and the ability to allow individuals to abuse the system by manipulating employers as a result of some dispute at work or grievance at how they perceived their situation, had to be restricted to cases where employees had clearly suffered an injury as a result of an unreasonable action or incident.

The WorkCover scheme could not be required to support people who had an industrial dispute with their employer. However, it was also a clear view of Parliament that those people who received an entitlement to weekly income maintenance and medical/rehabilitation support as a result of an unreasonable act or incident at work should be treated differently from those who incurred a physical injury such as the loss of an arm, a leg or an eye, or who suffered an injury to their back or brain. Parliament quite deliberately removed the word 'mental' from section 43 and the third schedule, and so it should have.

Section 43 concerns non-economic loss. This is a difficult concept to understand and most people confuse it with economic loss or loss of income. It has nothing to do with this: it is all to do with pain and suffering, loss of amenity, and impact on family and social life. It is apparent that someone losing an eye, a leg or an arm has a demonstrable non-economic loss that should be fairly consistent between individuals. Their economic loss may be different. A pianist losing a finger may be unemployed; such an injury will have little impact on the earnings of a clerk or builder's labourer, but the non-economic loss of these injuries should realistically be the same for any human being.

A stress claim can, clearly, result in non-economic loss to an individual, but this varies dramatically with the personality of the individual. The compulsive obsessive personality that is so often the basis of a stress claim displays responses to stressful situations far in excess of what a normal person demonstrates. Why should that personality be entitled to a non-economic loss lump sum when a normal personality will attempt to minimise the symptoms and seek to return to normal activity?

The non-economic loss impacts of a particular stressful incident can vary from nil to extreme, depending on the person's personality. They can also disappear as the person is removed from the situation. The non-economic loss impacts of a particular physical injury are generally consistent and permanent: they do not disappear as the person is removed from the work situation. This Bill simply opens the door to more compensation for stress claims. It does nothing to recognise the already significant problems that stress claims have caused to the income maintenance and rehabilitation provisions of this Act.

It is important to remember that Parliament decided to provide full income maintenance and medical support for stress claims where the situation that caused them was unreasonable. It resolved that these workers would be protected and afforded support by the scheme. They would not be neglected and would be provided the normal supports to achieve a full and lasting return to work. The income and medical support was to continue until such time as they achieved a return to work. Mr Curtis, to whom the member for Ross Smith referred, has received weekly payments and medical costs, but section 43 (the old table of maim) benefits are not in this category. There is no maiming or loss of body parts involved in these claims but a temporary mental reaction where the person experiences anger or grieving or frustration at their circumstance. These are normal human reactions, and they abate over time. Compensation which rewards these reactions also encourages them.

Granting lump sums for such reactions runs the risk of producing permanent responses to what should be temporary reactions. It is in no-one's interest, particularly not the employees' interest, to encourage the implication that these injuries are permanent; they do not need to be. The people concerned should be focused on achieving a normal return to work, not on demonstrating that the mental injury is permanent. It is not brain damage: it is a human reaction which can be controlled, overcome and replaced with positive attitudes to move forward. This Bill would therefore compromise early and effective rehabilitation on stress claims. It would create a facility for workers with stress claims and already in receipt of income-based pensions to delay their rehabilitation until non-economic lump sums for stress are assessed. Such an approach also misunderstands the philosophy which underpins the 1986 Act—the philosophy of compensation by

income maintenance pensions in the context of early rehabilitation, with limited access to lump sum payments or pots of gold.

It is for these reasons that the Government opposes the Bill. It is for these reasons that, when it was in Government, the Opposition moved these changes and put in place the provisions that the Labor Party's Bill now seeks to replace. It is so easy to change one's position in Opposition. The then State Labor Government put these provisions in place in 1992 because it knew that it had to. Any other position would have been untenable and unaffordable. It is worth noting that no action was taken by the Labor Government to deal with what it called a 'mistake' when it was in Opposition in 1994. The changes were made in 1992, and Labor was still in Government during all 1993, but no changes were introduced in 1993.

Employers cannot be held accountable for the vagaries or personalities of their workers or their extreme reaction to situations. After five years of the operation of WorkCover, the former Government finally realised this fact and was forced belatedly to take action. Now in Opposition, with no responsibility other than to react to short-sighted cries from the trade union movement for more and more benefits, it seeks to dissociate itself from its own amendments.

The impact of the Labor Party Bill, apart from the significant increase in cost to employers, will be to encourage every worker with a stress claim to adopt behaviour to demonstrate that their stress is permanent. While the member for Ross Smith may think he is doing these people a favour by arguing for a lump sum, he is in fact committing them to a life of misery. He is encouraging them to adopt the victim mentality to demonstrate to all that they have suffered a permanent loss of mental capacity as a result of an incident at work. Rather than saying to these people that he is prepared to provide income and medical support while they try to achieve a successful return to work, he is saying to them that they should focus on exaggerating their mental incapacity so as to achieve the highest possible lump sum. Unfortunately, by the time they achieve this objective they will have destroyed their lives and the lives of those around them.

This is the very reason why in 1980 the South Australian Byrne committee report (a Tripartite Report on the Rehabilitation and Compensation of Persons Injured at Work) rejected the approach which the member for Ross Smith now advocates. In this report the committee concluded:

Another aspect of benefits payable under the current compensation Act is the payment of lump sums for certain 'table' injuries and in settlement of claims involving death and permanent disability. Lump sum settlement for visible physical loss appears to be generally accepted. However, lump sum settlements to compensate for 'invisible' injuries were subject in many submissions to considerable criticism and thought to be counter productive, particularly because they were seen to have the effects of delaying rehabilitation.

Accordingly, the committee made recommendations which applied the lump sum schedule to causes of death and 'anatomical losses' only. The report continues:

The committee recommends the lump sum compensation for death and anatomical losses by workers should be retained in the proposed scheme and the board be required to pay the amounts listed in the schedule of the Act adjusted periodically to allow for variations in wages.

The member for Ross Smith in moving the Bill has referred to the Hann case as follows:

... modified by the Supreme Court to provide that if a worker is physically injured and as a result suffers a psychological injury, section 43 of the Worker's Compensation Act comes into play.

The member for Ross Smith concludes from this case that if his constituent had been 'bashed' he would have been eligible for a section 43 payment. I understand that the case to which he refers is the Full Supreme Court decision in *Workers Rehabilitation and Compensation Corporation v Lu*. In that judgment the Chief Justice says:

... the difficulty which I have had in applying the relevant provisions of the Act makes it important not to attempt to embark upon a sweeping exercise of interpretation. What follows is to be read in the context in which it arises and confined to the particular issue with which it deals.

The member for Ross Smith has done what the Chief Justice said should not be attempted. He has embarked upon a sweeping exercise of interpretation in his second reading contribution in suggesting that had his constituent, Mr Curtis, been clouted across the head with his rifle butt Mr Curtis would have been eligible for a section 43 payment. If the member for Ross Smith checks his interpretation of the Lu case, he will find that it has very limited application.

The amendments of the previous Government in 1992 restricting stress claims in this area were long overdue. It took the then Government almost six years to realise the error of its ways and to fix them. Even then, it only did so after a parliamentary select committee and under pressure from the then Independent Labor Speaker of the House of Assembly. Now it wants to return to its previous untenable position. The Government will not allow such a double standard. The Bill is a backward step and again will be opposed. In South Australia such cases receive extremely supportive income and medical assistance: they are not neglected. But, to extend to them the additional benefit of large lump sums to reflect 'non-economic' loss for permanent losses is to swing the benefit pendulum too far.

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

**Mr CLARKE (Deputy Leader of the Opposition: I move:**

That the debate be adjourned.

**Mr BASS:** Mr Acting Speaker, I rise on a point of order. I understand that the member has already spoken.

**Mr CLARKE:** Mr Speaker, I rise on a point of order. I was simply moving that the debate be adjourned. Am I precluded from doing that?

**The ACTING SPEAKER:** There is no point of order. Because the honourable member has already participated in the debate, he is not to stand on his feet again.

*Mr Clarke interjecting:*

**The ACTING SPEAKER:** Order! The member for Ross Smith is out of order.

**Mrs KOTZ** secured the adjournment of the debate.

## ADELAIDE FESTIVAL

**Mr CUMMINS (Norwood):** I move:

That this House recognises the brilliant success of the 1996 Telstra Adelaide Festival, Fringe festival and Writers' Week and congratulates all associated with these events for their outstanding efforts in reaffirming Adelaide as the premier Festival State and world Festival leader and in particular this House acknowledges the role of Barrie Kosky as Artistic Director and the acclaim received for the programs offered by him.

It would be true to say that, in my memory, the Festival we have just had has been the most exciting and best Festival and Fringe that I have ever attended. One of the most rewarding aspects of the Festival was the involvement of young people who attended it. Samela Harris summed it up rather well when she said in a Festival article in one of our papers, 'Kosky has drawn from the black abyss of youth a whole new arts audience.' That was clearly evident from the Festival. I went to *Solstice*, which was part of the Festival program, and I would say that 99 per cent of the audience comprised young people. In addition, at the Fringe area below the East End—the tent area—the number of children and adults was fantastic, and I want to congratulate Barrie Kosky on the role he played in that.

It is true to say that, from the moment the Festival was launched, when Barrie Kosky was on the back of a Harley Davidson dressed in black with a black hat and carrying a lighted Hills hoist, we were on notice that the Festival was to be different, and it certainly was. Part of that initial ethos of the Festival attracted the young people to it. I particularly congratulate the Director of the Fringe (Barbara Allen) on her role in the Festival. Prior to the Festival she said that she had a commitment to popular culture, and there is absolutely no doubt that the Festival catered for popular culture, and it was great for that. I also congratulate the Chair of the Fringe (Glen Cooper), who is involved with Cooper beers. The Fringe staged 4 400 performances at 182 indoor and outdoor venues. That required massive organisation and I congratulate Glen Cooper and his Fringe committee on doing that.

The beneficiaries were not only the audiences at both the Festival and the Fringe but the traders and hotels in the East End of Rundle Street and in Adelaide. Other beneficiaries were the cabbies, and I congratulate them, too, because they were great ambassadors for South Australia. They were briefed by the Arts Department and they carried weekly calendars of venues, performance dates and times, and I know from people to whom I spoke from interstate and overseas that the cabbies were a great help to them.

I would be remiss in not mentioning Writers' Week. I had the privilege of attending Writers' Week and several book launchings. Unfortunately, it was pretty hot on the days I was there, but it was a great success and there was a great turn-up of interstate and international writers at Writers' Week. I should also mention Compost, which was part of Artists Week in the Festival. It was important for my area because 15 artists exhibited their works in houses throughout the Norwood area. I went to several of those viewings and I must say that they were exciting and different.

There is no doubt that this Festival has put an end to the idea that Adelaide is a staid and conservative city and has a conservative audience. It was Barrie Kosky's view that performers thought South Australia and the audiences were delightful. I also want to mention Doppio Teatro, who performed at Cann's in Norwood. They put on an interesting play, which was combined with dance from Leigh Warren, which I attended, and I know that the member for Hartley (Mr Joe Scalzi) also attended. It was a delightful performance. I mention that Doppio Teatro is nationally renowned and, in my view, will be internationally renowned in due course.

I had the honour of launching *Rock Pages*. *Rock Pages* was produced until 1990 when it was discontinued. *Rock Pages* is basically a book which tells contemporary musicians how to get into the industry—how to set up a band, how to approach an agent, how to deal with issues of copyright, and how to get venues for performances. It is a very important

book for people who are interested in contemporary music, particularly young people. That book is free. It was launched as part of the Festival, and I want to congratulate Judy Potter of Carclew on getting that book reprinted. Of course, the Government funds Carclew, but I am happy that the book has been reprinted. I had the honour of presenting that book to Martin Williams, who is the lead guitarist with Big Things Flying, at the Festival Fringe. In the presence of about 4 000 or 5 000 teenagers, it was a bit of a hoot.

One of the greatest hits of the Festival was Red Square. It was 16 nights of free late entertainment. Once again I congratulate Barrie Kosky on the concept and the producer (John Pinder) and the director (Nigel Jameison). If anything was unique about the Festival, it was Red Square. That venue constantly attracted young people—up to 3 000 each night—lining up late at night to get in. It was a fantastic success. I attended a couple of performances there, it was very enjoyable and the venue was great fun. The other thing about Red Square was that not only was it a place for the performances but a lot of the artists and performers went there after the Festival. I attended the performance of the song company from New South Wales at St Francis Xavier's Cathedral, and all the singers and their general manager (Eugene Ragghianti) went down to Red Square after the performance. That was the habit of most people who came to Adelaide, so it was a great meeting place for people involved in the arts and an opportunity for the public to mix with them.

The other interesting, unique thing about this Festival was that the Fringe went to the world through the Internet. Cyberfringe in the Park was very exciting. The Internet will ensure that the Festival is not only known throughout the Australia but also known through the world. Members may remember that, in the 1960s, the Fringe was established as a protest against the elitist conservatism of the Adelaide Festival. It has since grown and, in my view, the baby will overtake the parent, because the Fringe will develop into a bigger event than the Festival itself by the next Festival.

I am certainly keen for the Fringe to go into Norwood. It has reached the stage where the East End cannot cater for it. I have spoken to Glen Cooper, the Chairman of the Fringe board, and he thinks that there might be an opportunity for extending the Fringe into Norwood in a big way. It would be pretty simple to do that, because we would only need to bus people from the East End into Norwood. I intend following up that matter. I can say that the Minister is amenable to the idea. It would be great for my electorate if the Fringe went into Norwood because we have many theatre groups, dance groups and galleries in my electorate. For example, the Odeon theatre complex caters for youth theatre and dance; the Leigh Warren dancers are renowned nationally and internationally; and the Adelaide Central School of Art is a unique venue in Australia, not just South Australia, where working artists exhibit and teach students. The puppet theatre has just come into my electorate, and Doppio Teatro performs there quite often, as does Teatro Uneiron.

In addition, there are numerous other galleries in my electorate. I think Norwood is becoming in a sense the suburban centre for the arts. While I am the member for Norwood, I hope that role will not only be maintained but increased, and I will be doing everything I can to ensure that that happens.

I would be remiss if I did not mention Robyn Archer, who is now taking over from Barrie Kosky as the Artistic Director of the Festival. She is a home grown product. I remember that, when I was a teenager, I used to go to the Catacombs,

where she used to sing. Since then she has attained an international reputation as a performing artist. I have no doubts that, despite the fact that she has a great challenge ahead to match Barrie Kosky, she is up to it. After all, she is South Australian; she knows the way we are; and she knows the way we think. Now that the Festival has a momentum, it cannot be stopped. To that extent, it will be easier for her.

I am happy that the Festival is promoting popular culture and contemporary music. It is finally attracting youth, who probably outnumbered older people at many performances. I hope that the Festival will continue in that direction; I also hope it will continue to encourage contemporary music. To some extent in this State, we have lacked encouragement for contemporary music. I was very pleased to see the Fringe encouraging contemporary music. The relaunch of *Rock Pages* will help musicians. All in all, I believe that the Festival and the Fringe was a fantastic success, and I hope it will continue.

*Mr Clarke interjecting:*

**Mr CUMMINS:** I must say that the honourable member who has just spoken could do with a bit of culture, so I recommend that he attend a few performances at the next Festival, learn how to speak correctly and learn how to be literate; he can then talk about the Festival that undoubtedly he will see next time around.

**The Hon. M.D. RANN (Leader of the Opposition):** I am delighted to support this motion. I am also delighted that Barrie Kosky was appointed to be the Festival Director a couple years ago. I think he was an outstanding choice, although a controversial choice at the time. I remember that many people, including some in the political arena, attacked his appointment. He was seen as being too young, male and various other things, but I think he has been an outstanding choice. We have seen a Festival that has gained South Australia massive national and international publicity in a very positive way.

There is no doubt in my mind that this Festival compares with the 1982 Jim Sharman Festival and also with the first Christopher Hunt Festival back in 1980 as one which has been pre-eminent both in terms of what has been on show locally and of critical acclaim internationally. There have certainly been a number of innovations in this Festival. We have seen, for instance, the Festival become much more daring and in a sense moving into a bit of the Fringe's area, with Red Square, which was an outstanding success and which essentially gave people a chance to sample late at night what they could and could not see during the Festival.

I went to a number of Festival events. I attended two of the performances by the Israeli Dance Theatre Batsheva. As someone who has a keen interest in dance, I believe that the Batsheva dance program was of the best I have seen anywhere in the world, including New York and London, and certainly previous Festivals. For me, that was the highlight of this Festival, but there were many highlights for many people. There was the Russian Maly Theatre Group, which attracted international acclaim. I thought the State Theatre Company's production of *Solstice* was very good. The State Opera's performance at the weekend of Bernstein and Gershwin—a performance I attended with Bob Carr, the Premier of New South Wales who was here for several days—was outstanding and of great credit to both the orchestra and the cast. There was a whole range of other events.

The relocation of the Fringe, a controversial move, to the East End, paid off. In essence, late at night, there were two foci for the Festival. There was Red Square at this end of the city and the very innovative and controversial acts at the Fringe. It was good to see so many international and interstate visitors around town.

I thought that Writers' Week was particularly successful. I think people would be aware that I have suggested to both the Minister for the Arts and also to the director of the next Festival, Robyn Archer, that Writers' Week be followed by a Film Week, when we would invite film directors, screenplay writers and actors to discuss the making and production of film, with sponsorship from film companies and distributors. I understand that Robyn Archer is looking at this for the next Festival and that I have the support of the Minister for the Arts, Diana Laidlaw, in pursuing my idea. It could be back to back with Writers' Week, which means we could save money, because the same infrastructure would be in place.

There are other areas where I was disappointed, not with the Festival but with some of the reactions. I was disappointed to hear there was a major argument in Cabinet about who should or should not open a wing of the South Australian Art Gallery. It kind of smacked of Clochemerle. I understand that the Premier has been going out and doing a bit of lobbying of Liberal MPs, offering them parliamentary secretary positions and so on.

*Members interjecting:*

**The Hon. M.D. RANN:** I am talking about the arts. It is interesting that the member for Norwood is prepared to attack the South Australian Art Gallery. That is an outrage. The arts and the Art Gallery are one in kind, and he should know it. I think it is bizarre that the Premier of this State should take his Cabinet out to lunch to collect the Rodins. He is supposed to be the Patron of the Art Gallery Foundation. It is interesting that they did not invite the Vice Patron of the Art Gallery Foundation to be present. Perhaps I could have explained to the Premier, whose artistic heights basically stop at being a great fan of Kamahl—

*Mr Clarke interjecting:*

**The Hon. M.D. RANN:** Yes, he would know that for sure. We know how loyal the member for Norwood is to the Premier. That is why he was made not made a parliamentary secretary. He is in the Rossi group, the third division, South Australia C, but I guess the point—

*Mr Clarke interjecting:*

**The Hon. M.D. RANN:** He has been offered one now? They have made another one? So, what happened? There was the Premier, down at the lunch, hosting his Cabinet colleagues, pretending he was a doyen of the arts, that he really knew all about it, saying, 'Come with me and see the wonderful display I will be opening later this week.' But the Minister for Correctional Services saw some nudey rudes or rudey nudes and said, 'You cannot open this. This will be a disaster for you. We should have spent the \$24 million on a prison.' There was a big discussion in the Premier's office about how they could actually have the Premier open the building on the Thursday night and the Minister for the Arts opening the exhibition on the Friday night, but they had to make sure that the Premier was nowhere pictured or photographed in front of the naughty bits. This is going all the way, from high tech to high tack.

Seriously, this is what the Premier was up to during the Festival. He could not go to see Kamahl, but basically he was terrified of being photographed by the *Sunday Mail* or

someone in front of naughty pictures at the Art Gallery. That is how puerile this Liberal Government is. That is how sincere this Liberal Government is about the arts. So, it is important that we had a Festival that was outstanding, a Fringe that was outstanding, with great credit to the board, great credit also to the staff—the Ian Scobies, the Kate Jordan-Moores and others—who slaved for months and months to make this an outstanding Festival.

It is a shame that the only blot on the landscape of the last few weeks was a very provincial Premier and a very provincial parliamentary team who made their statements about various artistic things without even going along to see them. Here they are—the Annie Sprinkle Government. We know what they are all about: they are concentrating too much on their own navels. So, get out there, attend the next Festival. Get behind the Festival instead of trying to make sure it is discredited.

*An honourable member interjecting:*

**The Hon. M.D. RANN:** The member for Goyder apparently says that he is in favour of Annie. If he wants to go along there—

**Mr MEIER:** I rise on a point of order, Mr Acting Speaker. I was misrepresented. I asked the question, 'Are you in favour of Annie?'

*Members interjecting:*

**The ACTING SPEAKER (Mr Bass):** Order! The member for Goyder is out of order. When members have finished—

*Mr Meier interjecting:*

**The ACTING SPEAKER:** Order! The member for Goyder is out of order. Now that there is silence, I will listen to the point of order. The Leader of the Opposition will resume his seat. I will now listen to the point of order.

**Mr MEIER:** Thank you, Mr Acting Speaker. I was out of order by interjecting, but my interjection to the Leader was, 'Are you in favour of Annie?' He said—

**The ACTING SPEAKER:** Order! That is not a point of order. The Leader of the Opposition.

**The Hon. M.D. RANN:** Some years ago at the Festival Centre I saw the show *Annie*, which was about a small orphan. I did not see Annie Sprinkle: it was not my cup of tea, to use the Premier's words. However, I was interested to note the extraordinary interest of members of the Liberal Party in what occurred on stage. That says a lot more about them than it does about me. Let them support Robyn Archer in putting on another outstanding Festival next time. If the member for Goyder did not go to see Annie Sprinkle but just chose to read about her, again, that is his business.

We had an outstanding Festival. We have a great Art Gallery extension. We need better than the provincialism of this Premier. We need a Premier who is committed to the arts and who is committed basically to making sure that he is seen to be knowing what he is talking about.

**Ms STEVENS (Elizabeth):** I will speak briefly to this motion because I think most of the points have been made. I fully support the motion. This is the first time in a number of years that I have had the opportunity to attend a range of performances in both the Festival and the Fringe. I found the Festival enjoyable, exhilarating and a real treat. As others have mentioned, it was good to see the very wide range of people who attended those events; it was especially good to see the huge numbers of young people who attended. I smiled about this when I was at the performance of MTM at the



Wayville Showgrounds last Friday at 10 p.m., because I did notice—

*Mr Becker interjecting:*

**Ms STEVENS:** No, I certainly did not get free tickets: I was very happy to pay the full price of those tickets. It was an amazing performance. When my husband and I looked around we saw that we were among the aged people in the audience. There was an overwhelming majority of young people. I did not see the Premier there, and he may have been a little astounded then also because there were naked people on the stage at times during that performance. It was a most amazing, unusual, stimulating and interesting production.

Like the Leader of the Opposition, I had the good fortune to attend a performance (unfortunately only one performance) of *Anaphase* by the Batsheva Dance Company, and I found that a most stunning and amazing evening's entertainment. I went to a range of other events. I would like to mention *Rasa*, put on by Meryl Tankard, our own producer and director of the Australian Dance Theatre. That, too, was a most enjoyable and high standard production. People have mentioned Red Square, and I concur: I saw the huge queues of people lining up each evening, and I was able to go on a couple of occasions to the late night shows.

I was lucky enough to attend a couple of afternoon sessions of Writers' Week. For me this was especially important because I have never been able to attend a Writers' Week function before. In my previous life as a school principal we were always on deck at that time, and not being involved with English faculties I have never had the opportunity in the past to attend Writers' Week. However, on a couple of occasions I did attend some afternoon sessions and found them most stimulating and enjoyable. It was good to see the hundreds of people there, despite the heat—and it was indeed hot—who were interested and participating, with a mecca of ideas, discussion and debate. It was great to see.

I would like to pass on my congratulations to Barrie Kosky. I think he did achieve something out of the box. I think he brought a particular flair that was needed, to which Adelaide and all the people who came responded with great enthusiasm. I would like to congratulate him and also those people who made that choice, despite the criticisms that were around at the time of his appointment, and who were willing to take the risk and put someone like him in charge of our very important Festival.

I would like to congratulate the organisers of the Fringe, and I would also like to congratulate Barbara Allen. As the member for Norwood mentioned, the Fringe again was a fantastically successful event. It easily moved to its new location in the East End. I was there on a number of occasions. There was a massive throng of people of all ages enjoying themselves. It was good to see the restaurants and bars overflowing with people out onto the footpaths. It was good to see the good cheer and enjoyment evident through the streets and around the suburbs. Although I was not able to attend any of the suburban venues, I certainly heard from people who did. So, I congratulate the Fringe as well.

I would like to add a further congratulation to all those companies, businesses and organisations which sponsored the Fringe, the Festival and Writers' Week. We owe them a great debt. It is good to see that they are prepared to put their name and money, along with Government funding, towards something as important to the community at this Festival.

I would like to conclude by remembering Barrie Kosky's comments, that we need to keep the Festival a biennial Festival. I think that that is something that we need to take on

board and think really carefully about. He made the point, at the end of the Festival, that to put together something as comprehensive and of as high a quality as our Festival, a director did need a full two years. I think that that is something we need to think about carefully. There is always a temptation to do like everybody else, to join the bandwagon and do it every year because everybody else is doing that.

I think we need to treasure the fact that we have had this Festival in Adelaide for over 30 years and that it is an event of world class standard. It is important that we keep it as such so that Adelaide, Australia, is on the world calendar for festivals. In order to do that we need to keep it of the highest quality and the most comprehensive that it can be. If it takes two years, let it take two years, and do not let us succumb to the pressure of holding it perhaps every year, thereby allowing it to lose some of its excellence. We can think of many things to fill the alternate year: the WOMAD Festival, the Come Out Festival and other ideas that people have been mentioning which are well worth considering.

I support the suggestion made by my colleague the Leader of the Opposition that Writers' Week be followed by a Film Week. I think that it is a good idea which should be considered and adopted. It fits in with the total arts package that we are actually promoting and celebrating at this time.

Finally, I congratulate Robyn Archer on her appointment as Director for the next two Festivals. She has a large task before her, but she is a very talented and very competent individual, and I am sure that she will do us proud. I wish her well and look forward to participating and sampling—I hope extensively—the program she will establish for us.

**The Hon. FRANK BLEVINS (Giles):** I support the motion. I have been a very casual observer of the Adelaide Festival for, I suppose, 30 years. I say 'casual', because in that time I would not have attended more than two, possibly three, Festival performances, with the exception of Writers' Week, my appreciation of the arts being limited almost entirely to quality and interesting writing. The fact that I do not go to the opera, ballet, dance—modern or otherwise—is not to say that I do not recognise that these branches of the arts are superb. They never seem to pay for themselves, but they are well worth supporting by the taxpayer. I have no difficulty in agreeing to those subsidies, nor did I have when I was a Minister, particularly as Minister for Finance and Treasurer. I congratulate Greg Mackie and the organising committee of Writers' Week on the stunning arrangements that were made. The contributions from a variety of authors gave an enormous amount of pleasure to many people.

I did attend one other performance, a performance by a British dance group called DV8. This was recommended to me by many people, and also by various critics. Having read and heard numerous critiques, I came to the view that if I was to see one performance during the Festival it ought to be this. When I purchased two tickets for this performance at the box office, I was told that they would cost \$86—it may have been \$84, but nevertheless more than \$80—which, of course, for someone on my salary was absolutely of no consequence. The entire cost of the Adelaide Festival to me—directly from my pocket—was approximately \$80, which is not a large amount.

The show was absolutely superb. It was one of the most wonderful performances that I have ever seen in the arts. It was absolutely brilliant and the concept, and the way it was executed, was literally breathtaking—it did take my breath away. Later, when I was relaying to a young couple, who have three children, that I had seen this performance and I

told them the cost, it took their breath away. The husband has an average job, they have three young children, and they told me that the \$80-odd that I paid for two tickets to this show, which lasted about an hour and a quarter, was their entire week's grocery bill. It put matters into perspective. I did not go to 99 per cent of the Festival performances by choice, but this family did not go, with one exception, to any of the Festival performances because they could not afford it. I realised that the arts in Australia, unfortunately, and I am sure elsewhere, although I have not taken any great notice, are for the elite. There is no question about that and I think that is unfortunate.

I am aware that the organiser of the Festival arranged very many performances and events that were free of charge. I suppose that this young couple to whom I was speaking, and others like them, have to be grateful that there were events they could attend that were free. However, the vast majority of Festival of Arts events were not free and they were for the ordinary average person enormously expensive—absolutely beyond the reach of most people in South Australia. I do not have an answer to it, other than high subsidies from the taxpayer. I would certainly be sympathetic to that because I believe that people are enriched by seeing performances such as I saw. As I said, I am not being critical at all of the organisers; I am not quite sure what else they can do with the budgets that are available to them: I am not sure how much further they can go.

I would also point out that for the people in my electorate, and the electorates of about a third of this Parliament, there is an additional cost in attending performances, that is, the cost of travelling to Adelaide and finding accommodation here. The Adelaide Festival of Arts is certainly not a South Australian Festival of Arts: it is virtually restricted to Adelaide and an Adelaide elite. Yet, all my constituents assist in subsidising it. Again, I have no quarrel with that, but some attempt should be made to take the Festival out of Adelaide into some of the regional areas. I know the difficulty and the expense of that, but in all fairness to my constituents and constituents elsewhere, who are paying for the Adelaide Festival of Arts, some attempt ought to be made to make it a South Australian Festival of Arts.

It is interesting that during this week we have been debating the question of poker machines, and I have heard much criticism from many MPs about people playing poker machines. I would suggest that many members of this House have been to the Festival, have enjoyed some tremendous experiences and also enjoyed the subsidies that are available to them—not as MPs specifically, because these subsidies are available to members of the public generally—and they ought to remember and thank the people who are making it available to them at the price that they pay.

I refer to people similar to those in my constituency who play poker machines and who ask for nothing from the Government at all. They ask nothing from the Government: what they do is supply the Government with tens—and we are getting close now to hundreds—of millions of dollars to enable it to subsidise the arts in this State for the benefit of a very small, elite group of people. Again, I have no quarrel with it: I am not critical of it. All I am saying is that, every time you go to the theatre, every time you attend a Festival event, every time you go to the opera or the ballet, you should thank the people who make it available to you.

It is the people who pay the taxes and who, by and large, have absolutely no access to these things themselves, who provide it for you. So, rather than putting them down, as I

know many people do, you should thank them for it and make some attempt to make these events available to people throughout the State; and not just throughout the State but throughout all income levels in the community.

**Mr MEIER (Goyder):** I support the member for Norwood's motion. It is very pleasing that this year's Telstra Adelaide Festival and the Fringe Festival have been an outstanding success, and I offer my congratulations to all those who were involved in their organisation. I would just take on board a comment that the member for Giles made when he alluded to the fact that perhaps the Festival could be shared around the country areas. I agree with that, because we in the country areas miss out on many of the artistic productions that come to the metropolitan area, and I hope that the Festival Director can give consideration to having aspects of the Festival at centres such as Kadina, possibly even Maitland, Balaklava and other centres such as Port Pirie, Port Augusta, Whyalla, Port Lincoln, and in the Riverland and the South-East.

I believe that the member for Norwood stated the facts on the Festival very clearly, and I would like to congratulate him on being parliamentary secretary to the Minister for the Arts. I know that he will be an excellent parliamentary secretary—he is an excellent choice.

I want to take issue with those comments of the Leader of the Opposition on the Telstra Adelaide Festival when he started to run out of information and he had gone on to compliment the organisers. I refer to my interjection in respect of the Annie Sprinkle pornography (as far as I am concerned) show. I said, 'Do you agree with Annie?' The honourable member responded by saying, 'So, the member went to see Annie'. I had and have no desire to see the Annie Sprinkle show, and I would not have gone to see it even if someone had paid me to go. In fact, if I had my say in the Festival, I would never have allowed that show into South Australia, and I make no secret about my feelings about that, particularly at a time when, a few days earlier, the *Sunday Mail* highlighted the fact that young girls were being pushed into prostitution on the streets of Adelaide. At the same time, the Police Commissioner was saying that this sort of thing has to stop; we have to try to set higher standards in this State; we have to correct these anomalies; and we must not let the emphasis on prostitution and low moral standards permeate our society and our culture.

However, the very next week the Annie Sprinkle pornography show was staged as part of the Festival. I would not endorse it for one moment and I would hope that those sorts of shows are not part of the next Adelaide Festival. Most importantly, I get very upset with the Leader of the Opposition, who used to have the nickname 'Fabricator' before he became the Leader. I would advise him not to start twisting his facts around the way he did this morning, because it will simply reflect back on him in the long run. He may have sought to smile about the whole incident but I do not regard those sorts of matters as a laughing issue, and I would ask the Leader in future not to seek to distort the facts as he did on that occasion and has done on many other occasions during the past few months. If he continues to do that, I am sure that he will not last long as the Leader of the Opposition and he will not have the respect of his own Party, let alone anyone else outside the Party.

**Mr BASS** secured the adjournment of the debate.

## PARKS HIGH SCHOOL

**Mr De LAINE (Price):** I move:

That this House—

(a) condemns the decision by the Minister for Education and Children's Services to close The Parks High School at the end of 1996 without any prior consultation with the school community on the findings of the 1995 review into the school;

(b) condemns the Minister for the way in which the school was advised of the decision and the inadequacy of the six sentence notice given to parents and caregivers, the timing of the notification on a Friday afternoon to minimise debate, and the total lack of adequate counselling and support for students, staff and caregivers; and

(c) calls on the Minister to reverse his decision and consult with the school community on how the future of the school can be secured.

The announcement last Friday by the Minister for Education and Children's Services to close The Parks High School at the end of this year was received by the entire school community, staff and users of The Parks Community Centre with surprise, shock and anger. The school community feels devastated and betrayed. I condemn the Minister and the Brown Liberal Government for this decision and also for the total lack of consultation with the school community. I am disappointed that the Minister for Employment, Training and Further Education has left the Chamber and been replaced by the Minister for the Environment and Natural Resources, because the Minister, in response to a question I asked on Tuesday this week, accused me of making certain assertions and allegations that were without foundation in this regard.

I can assure the Minister that those so-called assertions were factual information that I supplied by way of explanation to my question. There was a total lack of consultation with the school community, and I know that because I am the member for the area; I am a member of the school council and I was a member of the reference group that took part in the review that was undertaken at the Minister's direction last year on the secondary education needs of The Parks area. The announced closure comes hard on the heels of the closure last year of the Port Adelaide Girls High School, which was another outrage which hit very hard another area of disadvantage in the north-western region of Adelaide.

My electorate of Price will now have only one high school, Woodville High School, and I now also hold grave fears for its survival. Perhaps the Government's plan is to close this school at the end of 1997: that would be consistent with its performance over the past two years. Last year the Minister for Education and Children's Services commissioned a review of the provision of secondary education in The Parks area. The review's findings and recommendations were very positive in relation to The Parks High School and were seen by the entire school community as an assurance that this excellent and unique school would continue. But the Minister had different ideas.

I think that the Minister had decided to close the school irrespective of the findings of the review but still wasted valuable resources in allowing the review to run its course. The review recognised the high levels of disadvantage in the area. It recognised the extremely diverse nature of the community and the needs of its young people; the excellence of the school's response to those needs of the people in the western suburbs of Adelaide; the way in which the school has catered for the needs of special groups from within the wider education sphere; and it strongly recommended that The Parks High School should continue to provide secondary

education for continuing and adult students on the site of The Parks Community Centre where the school is located.

It is important to put into context the reason why The Parks High School was established in the first place. The school was opened on 1 November 1979 as an important component of The Parks Community Centre. The Parks Community Centre was planned and built by the Whitlam Federal Labor Government as a multifaceted resource and focus for the very disadvantaged areas of Angle Park, Mansfield Park, Athol Park, Woodville Gardens, Woodville North, Ferryden Park and Wingfield in particular, with equity and social justice as the driving principles.

The school setting was planned to support a particular group in the community whose educational needs were not being met by traditional schooling systems. Since the opening of this school in 1979, it has very successfully led the way with innovations in curriculum, methodology and personnel practices that have been unique within the public education system. Education groups interstate and even overseas have shown a lot of interest in this school, the way it operates and the way it has evolved since 1979. So much so that at times they have sent groups of people out to visit and look at how the school operates. It has been held up as a unique and model school.

I pay tribute to the staff's dedication and commitment. It is a difficult school in a difficult area with many problems, and the staff's commitment and dedication has been absolutely enormous. I have been associated with the school as a member of the council for the past 10 years and I have to pay tribute to the staff and the way it does things. Many staff people are attracted to the school and request to come to it from other areas because of the challenges the school provides for them. They are prepared to work hard, for long hours and do a lot of work they are not paid to do for the sake of the local community. I applaud them for that commitment.

The Parks High School is recognised as the best equipped school in South Australia, so why close it? Many other schools in other areas, even in fairly close proximity, are older and need a lot spent on capital works and refurbishment. This school was established in 1979. It is a relatively new school and is the best equipped school in South Australia. I will outline a few of its facilities. It has two child-care facilities, the children's house and creche, with no cost to The Parks High School students or users of the centre's services, and it has a multi-faceted sports complex, including an indoor and outdoor swimming pool and many other facilities. It has a community library, an after hours learning support centre, two performing arts theatres for the use of the school, a health centre, Parks Skill, legal services, and lifts and door access for disabled students (which I will touch on a bit later); and a branch of the Department for Family and Community Services is based at The Parks Community Centre. So, it has many resources that are very important to the school.

The school offers a very wide curriculum choice. This year students studying for the South Australian Certificate of Education (Stage 1 or Year 11) can select from 60 semester units, and for Stage 2 (Year 12) they have the choice of 31 full year subjects. So, there is a very wide curriculum choice at this excellent school.

One of the concerns of the school community is that many kids who attend The Parks High School will not go to other, larger schools. They say that they would not fit in. They fit into The Parks, because it is such a unique environment for local kids. They will not fit into other areas; they are afraid

to go into these other schools. We fear that they will be lost to the education system and add to the dole queues, which would be a terrible shame.

The Parks High School is situated in one of the most socially disadvantaged areas in South Australia. The most recent census gives a graphic description of the sorts of problems which the residents of The Parks area have to live with. That census gives the following figures: there is 33 per cent unemployment; 57 per cent of people live in South Australian Housing Trust homes; 60 per cent of people are low income earners; 30 per cent of households in The Parks area do not own a motor vehicle; 26 per cent of residents are from a non English speaking background; and 19 per cent are single parent households.

The composition of the student population is extremely complex and diverse. Some 87 per cent of the students are school card recipients; only 59 per cent are from an English speaking background; 33 per cent are from a non English speaking background, comprising a multitude of nationalities; 2 per cent are Aboriginal students; and 6 per cent come from other miscellaneous groups. There are 15 students from the Regency Park Centre school. These are all wheelchair students, and a lot of money has been spent in recent years on making the school accessible in the way of lifts and other facilities to cater for them. Twelve students are from the Brompton Bowden Community School and are returning to mainstream secondary education through The Parks senior campus.

The Regency Park Centre school has an annexe at The Parks High School, where the students have an opportunity to undertake full-time studies in a mainstream setting. These students have severe physical disabilities as well as varying degrees of intellectual disability. The school has the facilities to cater for these students, who are all in wheelchairs. If the school closes, the students will be forced to return to Regency Centre and will be denied the opportunity of being integrated into the mainstream of education, which works very well at this unique school. It has been estimated that to set up similar infrastructure to accommodate these disabled students at another school will cost approximately \$1 million.

The Bowden Brompton community school students access SACE subjects at The Parks High School on a part-time basis. This has enabled these students to integrate successfully and achieve success in their studies, and this would not happen if this excellent and unique Parks High School was closed down. I will give a few figures on the percentage change of the enrolments in the area since the Western Suburbs Secondary Education Review in 1989. Woodville High School has had an 18.2 per cent decline in enrolments since 1989 and Croydon High School has had a decline of 29.7 per cent, yet The Parks High School has had an increase of 2.6 per cent. So, that gives the lie to the argument that it has declining enrolments. In fact, they are increasing, in contrast to those of neighbouring schools, which are on the decline.

The Minister has obviously not considered two major projects in the area which will dramatically increase the need for educational facilities in future years. One is the multi-function polis which is very handily placed and which will have an impact fairly well down the track. The other is the Government's announced parks urban renewal project which is slow in starting and about which we are finding it very difficult to get details. Nevertheless, it has been promised to come on stream in the middle of this year, and this is estimated to increase the population in The Parks area by

50 per cent. This on its own is argument enough to retain the school in this area.

Another area about which I am very concerned is the cross charging set-up, which is one of the main arguments which the Minister has used to justify the closure of the school. He has quoted the cost of \$7 965 to educate each student, but this includes an \$800 000 cross charging payment which is paid by the Education Department and which is absolutely outrageous. I think that this is absolutely wrong. The land where the school and The Parks Community Centre were built originally belonged to the Education Department, where the old Angle Park School was located. Not only was the land donated to the Federal Government but also the Education Department in South Australia contributed 63 per cent to the initial construction costs for the school. So there was free land and 63 per cent of the initial construction costs, and now they have to pay an outrageous \$800 000 a year to rent the school back.

As far as I am concerned, it should be rent free: they own the place. I certainly hope that the Minister will look at the situation. It is only paper money, anyway. It is outrageous that this cross charging should be used as an excuse to close the school down. Of course, they would have to pay rent for the use of The Parks Community Centre facilities, such as the swimming pool, the library and other facilities at this centre.

Once again, I condemn the Minister and the Government for the insensitive way in which they have announced the closure and, in fact, for the closure at all. There has been no consultation whatsoever. It is an insult to the local community. I call on the Minister to reverse his decision and enter into a genuine consultation process with the school community to look at ways to secure the future of this great school for the benefit of families in The Parks area and also for the overall benefit of education in South Australia.

**Ms HURLEY (Napier):** I support what the member for Price had to say about this school and I support his call for the Minister at least to hold the decision and consult with the community and the school. Apparently, he was happy enough to consult with schools in the Adelaide and Parkside areas and to join in consultation with the council and other concerned people about those very small schools. Therefore, I believe that the Minister should extend the same courtesy to The Parks High School. The Minister needs to look at the situation with schools all over the State. It is a fact of life that the school population is declining and that a number of schools are suffering—and will in future suffer—from declining populations.

We really need to have a reasonable strategy that we can all examine to see what will happen with our schools in this State, and not simply adopt the bean counter mentality that seems to have been occupying this Government so far. We need to look at some of the developments in education in other parts of Australia and around the world. Some exciting things are being done, for example, with focus schools, where schools focus in one area of development and can attract pupils not only from their local area but from a much wider area.

It must be said—and it was mentioned extensively by the member for Price—that that school forms part of The Parks development, which has a number of facilities. It also has a wide sphere of influence not only in The Parks area but the outer northern suburbs of my electorate. I know that a number of people from that area access a number of the services and facilities of The Parks Community Centre. A wide range of

pupils would not only use The Parks Community Centre but also might access The Parks High School. The closure of the school and the loss of assets and the type of culture that has been built up at that school would be very sad, unless there was extensive consultation and a broad review that justified such a loss and could explain to the community why this had to be so.

I believe that it is incumbent on the Minister not just to satisfy the local community and give it further time for consultation but to hold the decision and look at the assets of the Education Department, the way in which we want our schools to develop and the way in which we can improve education in this State to ensure a long-term strategy that can be accessed by the students and their parents.

Another matter that this Government must consider in terms of the closure of schools in some of these areas of higher disadvantage is that it is all very well to say, 'We will close this school and you should go off to another school' but, as the member for Price noted, the census carried out in the area indicated that there was a high proportion of people without transport. It is important to look at these issues—the social issues.

I know that social justice for this Government is almost a prohibited term, but we really need to take into account social justice considerations in any of our decisions and the effect on families. We were promised much during the campaign about how the Liberal Government would concentrate on families and have family impact statements attached to any Cabinet decisions yet, suddenly, we have decisions such as this. The member for Price said that families were informed by a six sentence notice on a Friday afternoon. Surely, any Government that took notice and recognised the importance of families would not be taking these types of actions. I join very strongly with the member for Price in calling on the Minister to at least halt this decision and have another look at it.

**Mr BASS** secured the adjournment of the debate.

### FEDERAL ELECTION

**Mr SCALZI (Hartley):** I move:

That this House congratulates Prime Minister Howard for his recent election victory and for his impeccable judgment in choosing four South Australians to serve in his Cabinet.

I believe it is important to reflect on the election of 2 March not only in a Party-political way but also in the sense of a celebration for democracy and the representation of South Australia. Whilst I can understand the disappointment of members opposite in the defeat of the Labor Party, I hope that they will support this motion and join with me in rejoicing at the tremendous representation that South Australia has achieved in the present Cabinet.

On 3 March I was honoured to represent the Premier at an inaugural multi-faith day at the hall of St Francis Xavier's Cathedral. An Australian of Indian background commented to me how easy and efficient the transfer of government had been the previous night. The press does not relate that aspect of our democracy—the transition—which is so efficient. We do not have riots in the streets and so on. I can understand the disappointment but, as true democrats in the liberal sense of the word, we should rejoice at how easy power transfers from one Party to another. It is in that context that I put forward this motion.

South Australia has become the big winner following the Federal election of 2 March. Our State now has four Ministers in the Federal Cabinet of the Howard Government, the highest number in the history of this State. The South Australian Cabinet Ministers are: the Hon. Alexander Downer, Minister for Foreign Affairs; the Hon. Ian McLachlan, Minister for Defence; Senator Robert Hill, Minister for the Environment and Leader of the Government in the Senate; and Senator Amanda Vanstone, Minister for Employment, Education, Training and Youth Affairs.

These appointments to the Federal ministry are recognition of the standard of the people who represent South Australia in the national Parliament. Only New South Wales has more representatives in the Cabinet. More than a quarter of the Federal Cabinet is now made up of South Australians, even though the total population of the State accounts for only 8.3 per cent of the total population of Australia. Our State can look forward to better representation than before. In addition, Senator Nick Minchin is Parliamentary Secretary to the Prime Minister, and Trish Worth, the member for Adelaide, has been appointed Deputy Whip.

According to the Commonwealth parliamentary handbook, South Australia was quite well represented in Cabinet in the early years of Federation. However, in recent years, the numbers have been quite small. It must be noted that, in 1956, Sir Robert Menzies established an inner Cabinet, which was separate from the total ministry. We must take that into account when we look at the figures. In 1972, the Whitlam Government brought back the idea of all the ministry being in Cabinet, and it was not until Malcolm Fraser was elected in 1975 that we went back to Sir Robert Menzies' idea of an inner Cabinet. When one considers that four out of the 15 members of Cabinet are South Australians, that makes our representation even stronger. As I said earlier, I believe that all members of this House, regardless of Party, should rejoice in that fact.

History shows us that, sadly, from 1966 to 1972 there were no representatives from South Australia in the ministry. I have no hesitation in admitting that they were Coalition Governments, so the representation has not always been there. In 1909, it was a Labor Government that gave us three representatives. I am the first to acknowledge that. That was the case in 1913. Since then, we have not had those numbers. Indeed, in the recent Hawke and Keating Governments, we had only two Ministers: Minister Neal Blewett, who was a Minister in the whole ministry, and Senator Nick Bolkus. In recent times we had only two in the ministry. For Australia to have four in the ministry and four out of the 15 in the inner Cabinet is historic and should be celebrated by all of us here as South Australians.

What does that mean for South Australia? There is no doubt that the representation of 12, even if they all combined, is not significant in terms of 148 members, or previously 147 members. Of course, that is the reason why we have a Federation and why we have representation in the Senate, in which senators should represent their State first and foremost. However, we all know of the development of the two Party system, but in recent years there has been the effect of the minor Parties, such as the Australian Democrats. Indeed, I believe there is a problem when you think about it, because the Australian Democrats are elected on proportional representation: however, their power is disproportionate to their representation. In many ways, that is not good for democracy. We have a system that is not perfect but, as Sir Winston Churchill said, we cannot think of one that is better.

It is in that context that we should acknowledge and celebrate the ease of transition of power, but at the same time we must recognise this historic occasion whereby South Australia is in a position in which it has never been before in influencing decisions at a macro level—at a Federal level—for all Australians, and in particular from our perspective for South Australians. We should think about the importance of the River Murray and what has to be done in that regard. In education, we consider things such as quotas and resources for the States. Members would be aware of recent developments in the past couple of years when there was a shift towards New South Wales and Queensland based on population. South Australia has an excellent tertiary sector. We have excellent universities and a TAFE system. That is the basis of our development, and I am certain that the members of the Cabinet will put that to the Federal Government.

There will be development at the airport, and it is a State dream that eventually the Darwin railway will be built. The greater the representation from South Australia, the greater the possibility for us to represent our State. It will be much easier to put on the national agenda things that are important to us as South Australians.

I congratulate the members of the Cabinet who have been elected to those important positions. I know that they realise that they are South Australians first and I look forward to the contribution that they will make for the benefit not only of all Australians but also of us as South Australians.

**Mr CLARKE (Deputy Leader of the Opposition):** I move:

Delete all words after 'victory' and insert in lieu thereof 'and his mandate to continue the former Federal Labor Government's policies'.

My reason for moving this amendment is quite simple. I am not churlish, nor is the Labor Party, in acknowledging the election victory of a political opponent. The former Prime Minister, Mr Keating, telephoned the new Prime Minister and offered his congratulations on the night. It is a matter of courtesy and we do those things.

I do not know about the Prime Minister's impeccable judgment in choosing four South Australian Cabinet Ministers—I certainly support as many South Australians as possible getting into any national Government's ministry or Cabinet—but I would not be as courageous as the member for Hartley in dumping on the member for Hindmarsh, the Hon. Chris Gallus, who was a shadow Minister under John Howard's Opposition leadership and who found herself unceremoniously dumped from any position. She did not even score a gong as a parliamentary secretary in the Federal Liberal Government. Had she been a member of this House, no doubt she would have found herself being a parliamentary secretary for something, because there are a number of doors that parliamentary secretaries in this State need to be able to open for visitors to various Ministers.

I particularly want to draw attention to my amendment. Basically, the Prime Minister, John Howard, during his 12 months as Leader of the Opposition—for the second time—deliberately set out to adopt Labor Party policies. He looked at the polling, as did the National Liberal Party Secretariat, and asked himself, 'What are the key issues which cost us government last time?' Despite the fact that John Howard was a devotee of the goods and services tax in the 1993 election, that had to be ditched, and that was done.

Another valuable election lesson to learn related to Medicare. Mr Howard, for the whole of his public life, until this election, hated Medibank and voted against it when it was introduced in 1975. As we all remember, there was an historic joint sitting of both Houses of the Federal Parliament to get Medibank, as it then was, into place in 1974 and brought into operation on 1 July 1975, but it was then dismantled whilst Mr Howard was Treasurer in the Fraser Government. Australians' love for Medicare when it was introduced in 1984 under a Labor Government and the fact that they supported bulk billing cost John Hewson dearly in the Federal election in 1993. So what did Mr Howard do? He said, 'We realise that Medicare is now sacred. I hate it and would really like to dismantle it because the Liberal Party has so many doctors in its branches who want to double their income by getting rid of Medicare and bringing back private health insurance as a tax deduction for all and sundry. However, we know that is not electorally saleable, so we will keep Medicare and bulk billing.'

As regards industrial relations, he saw what happened in 1993 in Victoria with the backlash against the Kennett Government resumed for abolishing awards. He also saw in Western Australia the actions of Richard Court and how the union movement got together with large sections of the business community to denounce the second wave of the Liberal Party's proposed amendments to the Industrial Relations Act in that State. Indeed, it will be recalled that the proposed legislation in Western Australia was so draconian that the South African Congress of Trade Unions planned a boycott of all Western Australian goods coming into South Africa. That was a magnificent act of solidarity by the unions in that country which for so long, when they were under the apartheid regime in South Africa, had been supported by the Australian trade union movement. When they saw such anti-democratic and anti-worker legislation in Western Australia, they felt moved, despite the tremendous cost to them, to support Western Australian workers by boycotting Western Australian goods in South Africa, and the Liberal Government in Western Australia had to back down.

John Howard learnt a lesson from that. It is not that he actually changed his mind, but he learnt that that would be electorally unpopular. Therefore, he gave an ironclad commitment to the workers of Australia that they would not lose so much as one shilling in terms of wages as a result of any changes or amendments that might be made to the Industrial Relations Act. There was to be a retention of the award safety net and no worker would be worse off by transferring to a workplace agreement.

When we look at the critical policies put forward by the Liberal Party in Opposition, basically it said that it would adopt all the major policies that had been put in place by the Federal Labor Government over the past 13 years. In terms of the Greens and the conservation movement, we had the present Prime Minister trying to outgreen the Greens on the issue of adopting his policies with respect to the environment. Yet, we read that the potential for the mining of uranium in Kakadu National Park—a world heritage listed area—is a possibility under this new Liberal Government.

We can say with absolute confidence that the Prime Minister has only one mandate for his election, and that is to continue the policies of the Federal Labor Government. He sought to make himself indistinguishable from our policies and such a small target to be picked on by journalists and political commentators and by the then Government. Whatever changes the Prime Minister mooted as Leader of

the Opposition were always strongly characterised, underlined and re-emphasised a thousandfold. He said, 'Nobody in this country will be worse off because of our election to government. You can only be better off with our election because of all the key areas of safety nets in wages, social security, health care and the like. Whatever you now enjoy as a minimum you will continue to enjoy, and we promise you that we will do better.'

It is no wonder that the public of Australia voted overwhelmingly for such a Government. Everything they presently have as a safety net and social security they keep, and the Liberal Government would only build upon it and improve their lifestyle. That is what the majority of the public voted for, and quite rightly. The community voted for the Government on those promises and people will expect it to live up to them.

Labor members know only too well that a Liberal Party pre-election promise is worth as much as the \$22 notes that have been circulated around Australia in the past by the maritime union. That is how hollow the promises of the Liberal Party will prove to be. Of course, the public gets tired of elections. The Labor Party survived for 13 years in a tumultuous time, and I can categorically say that Australia today is a far better country than it was when Labor came into Government in 1983. It does not matter which area of public life touched upon the community, one can honestly say that Australia today is a far better country.

**The ACTING SPEAKER (Mrs Kotz):** Order! The honourable member's time has expired.

**Mr BROKENSHERE** secured the adjournment of the debate.

### AUSTUDY

Adjourned debate on motion of Mrs Penfold:

That this House condemns the Federal Government for the lack of equity in the Austudy allowance provisions for country students.

(Continued from 15 February. Page 1077.)

**Mr QUIRKE (Playford):** This motion is rather cheeky. It is now historic because our people are no longer in control of the cookie jar (as I put it in the press the other week), so we can now start supporting such motions. I note that a number of motions on the Notice Paper condemn the Federal Government for all sorts of things. This morning, a motion was moved congratulating Mr Howard on a good week. I extend those congratulations, too, because I can tell this Government that it will have a harder time now because the cuts will come from their mates rather than from our mates. In large part, there are enormous problems for country students, and those problems are made all the worse in South Australia—

**Mr Brokenshere:** Ask Bob Katter.

**Mr QUIRKE:** The member for Mawson mentioned his friend Bob Katter from north Queensland. I don't know what he has to do with the matter. I hope he is not insinuating that he agrees with, or wants to be associated with, some of the anti-Aboriginal statements that were made in the recent Federal election campaign. I know the member for Mawson better than that and realise that he really would not want to say those things. He ought to sit there and listen.

Country students, particularly those in South Australia, are experiencing a number of problems, and one reason for that is that we are largely a city State. About 80 per cent of South

Australians live in the broader metropolitan area of Adelaide. In other States there are more major regional centres, for example, in Victoria and New South Wales, and some of those regional centres have their own universities. They have a number of educational opportunities that are not present in South Australia because our country population is not only smaller but also much more dispersed. I am sensitive to this issue with regard to how it needs to be redressed in country South Australia and in other parts of Australia.

There is no doubt that the allowance for country students will be a central issue for the next however many years in education not only at the tertiary level but also at the secondary level, particularly in South Australia. I know the honourable member who moved this motion comes from a regional centre that has a high school of considerable standing in the education community. I have visited that school on at least two occasions, and the Port Lincoln community has been well serviced by it. That is Port Lincoln, which is a reasonably sized regional centre. A number of other country areas are not serviced by secondary schools in the same way as Port Lincoln is. Many of the schools are area schools, and many problems are associated with those. I know that because I taught for almost 10 years in a private high school that used to specialise in picking up children at year 11—sometimes at year 12—because they had come from one area or another where the year 11 and 12 programs were either not very good or not present at all.

Quite a large number of students would come in, and we could tell the difference between those students who had been in a reasonably-sized regional high school vis-a-vis an area school. We could see the development in some of the basic skills that had taken place. In general, the children coming from the area schools were at a much lower level than those students who had come from a high school. We had some children from Port Lincoln High School over the years, and they fitted in very nicely. Some of the other children were at a much lower level of skill development.

The Opposition is quite happy to support the basic tenet of this motion. It is a great pity that this motion is so political and is aimed at embarrassing the former Federal Government. It is probably for that reason that we will not be in greater support of this sort of motion.

There is a legitimate issue in the community. I have just spent five minutes saying that I thought there was a legitimate issue. It is a pity that was used in the way it was. Having said that, I want to make sure *Hansard* has a few other remarks on it that will need to be air-brushed out before my speech is sent around to anyone else's electorate. I find it amazing that a member of the Liberal Party would want to run with this sort of line, given who brought in Austudy.

I paid university fees, and that is why I opposed my own Federal Party when it brought in HECS. That is why I still do not like it, because I remember what it is like. I remember working night shift because my parents had no money. In fact, I had to support them through the exercise. In my last year, 1972 (the last year of a Liberal Government) I paid in university fees the equivalent of one quarter of my father's income. My father was a foreman fitter, and he had a reasonable job. I paid a quarter of his income in fees. In 1972, I paid \$653 in university fees. At that time, I was enraged by the Liberal Party, which had done nothing for this (but then again I recognise that it would never do anything about it until Mr Whitlam brought in some fresh policies).

To show my fairness on this matter, the other person about whom I was enraged was the Hon. Don Dunstan. In 1972, he

increased these fees by 25 per cent, because about 70 per cent of students were on Commonwealth scholarships, and it was his way of getting more money out of the Federal Government. I told him that at a student rally of about 2 000 of us, most of whom had to pay these fees, and we had to work night shift for much longer to achieve it. So, I have a great deal of sympathy for families and students who really have a problem regarding education. If it were not for the Liberal Governments of Whitlam and then Hawke and Keating, life would be an awful lot harder for students. For a start, half the university places were created in the past 13 years by the previous Government. Austudy was brought in by the previous Government. Under the Liberal Government, unless you won a miserable Commonwealth scholarship, you got nothing, or you sold your soul to the Education Department and you were bonded for a number of years.

Debate adjourned.

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

#### **MOTOR VEHICLES (MISCELLANEOUS NO. 2) AMENDMENT BILL**

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

#### **SOUTH AUSTRALIAN MEAT CORPORATION (SALE OF ASSETS) AMENDMENT BILL**

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

#### **NORTHERN SUBURBS**

A petition signed by 211 residents of South Australia, requesting that the House urge the Government to allocate more resources to the northern suburbs, in particular financial counselling, emergency relief, quality housing, special education teacher, paediatric speech therapists and family support services was presented by Ms Stevens.

Petition received.

#### **QUESTION TIME**

##### **ASSET MANAGEMENT TASK FORCE**

**The Hon. M.D. RANN (Leader of the Opposition):** Will the Treasurer assure the House that no member of the Asset Management Task Force, or any company in which a member of the Asset Management Task Force has a beneficial interest or a management role, has received any success fee, commission, bonus or other payment in respect of an asset sale either from the Government or from any other party to the sale?

**The Hon. S.J. BAKER:** I certainly can give the Leader the assurance.

#### **EDS CONTRACT**

**Mrs HALL (Coles):** Will the Premier advise the House of the latest developments in the legal action between EDS and the State of Florida?

**The Hon. DEAN BROWN:** Members will recall it was the member for Hart who raised a question on this matter on 15 February. In fact, he claimed he had a letter from the State of Florida and stated:

The letter goes on to say that an appeal has been filed by the State of Florida on a second suit for damages under the guarantee provided to the State by EDS.

I can assure the House that there is no outstanding appeal whatsoever, and the claim by the member for Hart is quite false once again. It is a pity that the member for Hart should rely on information from the Attorney-General's office from the State of Florida, because it was the Attorney-General of Florida who gave a very biased picture indeed of the state of the original judgment, when he sent only a few select pages of the original judgment—not the entire judgment which clearly came down in favour of EDS.

In fact, I am able to say to the member for Hart that I have had a chance to check again my facts, and it shows as I indicated to the House previously that the only outstanding matter was the final determination for interest, attorney fees and court costs to be paid by the State of Florida to EDS. Already EDS has been awarded \$US38 million and, on top of that, various other costs including interest payments and, of course, court and attorney costs. Final judgment on those additional and final costs to EDS is scheduled to be heard this coming Friday.

The honourable member should look at the numerous newspaper reports published in America as a result of the earlier decision on 29 January this year, and that is the basis on which I came to this House and made those statements. The Orlando *Sentinel* had the following to say:

Attorney-General Bob Butterworth's attempts to get \$60 million from the company that developed Florida's troubled welfare computer was thrown out in court on Monday. Leon County circuit judge, William Gary, dismissed the Attorney-General's law suit that accused Electronic Data Systems Corporation of theft for failing to disclose a design defect that affected the computer's ability to process the transactions. The decision also thwarted Butterworth's request for an order banning the company from doing business in the State. Gary's ruling was another blow to the State in the legal fight over the \$240 million computer system that EDS sold to the Department of Health and Rehabilitation Services that handles welfare payments.

Quite clearly, what I indicated to the House was in fact correct. We have again checked the facts, and the judgment has come down solely in favour of EDS for \$US38 million payment, with the final interest and attorney costs yet to be awarded but due to be awarded this week.

The request I make here is: when will the member for Hart stand up and acknowledge the fact that the attraction of EDS to South Australia has been good for this State? Since the member for Hart raised this question, the company has advertised up to 300 positions, outside of the transferees from the State Government, on top of an existing work force of over 100 people. In addition, it is negotiating with the State Government to establish a very significant Asian training centre here in South Australia to train people on a routine basis throughout the year using Adelaide as the base for its training operations for Asia.

Quite clearly, EDS has been a major coup for South Australia. It is a bit like the beehive that will attract all the



bees, and many other computer companies, including Silicon Graphics, are coming to South Australia because EDS is based here and because EDS data processing for the whole of Asia will be done here in Adelaide. What we will have is a company that, by the end of this year, looks like employing between 500 and 600 people here in Adelaide. That, I believe, is a major coup after eight lost years, when the Labor Party, despite opportunities, could not even go beyond signing a memorandum of understanding with EDS.

#### SEXTON, DR R.

**The Hon. M.D. RANN (Leader of the Opposition):** Has the Treasurer been fully informed about, and is he aware of the activities of, Dr Roger Sexton's private company, Beston Pacific, and is he satisfied that there can be no conflict of interest between Dr Sexton's role in this company and his role as the head of the State's Asset Management Task Force? Beston Pacific, which is involved in privatisation and restructuring initiatives, advertises itself as providing services as investment bankers and corporate advisers.

**The Hon. S.J. BAKER:** It is a really interesting line of questioning, because one of the issues raised before we asked Roger Sexton to take over the Asset Management Task Force—and he certainly assisted the previous Government—involved the question: who was the best in the marketplace and was Roger Sexton a suitable person? It was made quite clear at that time, and it was one of the concerns that he had. He said, 'If I do this job I have to walk away from my other areas of responsibility.'

**The Hon. M.D. Rann:** But he hasn't.

**The SPEAKER:** Order!

**The Hon. S.J. BAKER:** The Leader of the Opposition can go along this little path which has led nowhere at this stage.

*Mr Clarke interjecting:*

**The Hon. S.J. BAKER:** We will wait. I am simply saying that when Dr Roger Sexton was engaged it was clear that there had to be a division of responsibility: whilst he did retain an interest in those companies—and that was one of the matters that we as a Government agreed to—the operations of the Asset Management Task Force had to be divorced to the extent that Beston Pacific could not participate in the operations in any way—in fact, tender for any of the business from AMTF—and none of that has occurred. In asking Dr Roger Sexton to come on board, because he was deemed to be the most appropriate and skilled person, remembering that we needed someone skilled in this area, that matter was discussed and there were clear directions given. There were undertakings by Dr Sexton as to what Beston Pacific comprised and what subsidiaries were allied to Beston Pacific. That matter was made explicit. It was made explicit to Cabinet at the time. There was full disclosure of that situation—

*The Hon. M.D. Rann interjecting:*

**The Hon. S.J. BAKER:** I have said that there was a clear undertaking by Dr Roger Sexton when he became head of the Asset Management Task Force, remembering that it is always difficult to be able to separate these things. We said, 'There is a clear line of distinction: Asset Management Task Force, and there can be no conflict.'

#### BUSINESS INVESTMENT

**Mr BROKENSHIRE (Mawson):** Can the Treasurer inform the House of the Government's investigations into unsolicited requests emanating from Nigeria seeking to establish business relationships with the promise of lucrative dividends? Recently a letter came into my possession which sought assistance in a business which involved the transfer of funds into a reliable, nominated overseas account. The total amount mentioned was of the order of \$US30 million which, according to the letter, came from an over-invoiced account awarded by some top officials and since completed in the Federal Ministry of Agriculture, presumably Nigerian, in 1992. The letter continues:

If you let us use your company's bank particulars to remit this fund, we shall give you 30 per cent of the total amount.

**The Hon. S.J. BAKER:** I think that all members have had handed to them in their electorate office an offer—

*Mr Clarke interjecting:*

**The Hon. S.J. BAKER:** That is interesting. We have had these various Nigerian schemes. I became concerned about it some two years ago when someone walked into my office and said, 'This is outrageous', or, 'This is another trick, and you should make the public aware of it.' The person concerned came to my office and said, 'Mr Baker, do you think that I should invest in this scheme?'

*Members interjecting:*

**The Hon. S.J. BAKER:** I thought nobody could be silly enough to put money in it, but there is a fool born every day. During the term of the former Government (and this certainly arose during our time) the Attorney, as Minister responsible for the Office of Consumer and Business Affairs, did advertise the fact that another Nigerian scheme was operating (in 1994). They must be having some success, because the faxes and letters still keep coming through.

*The Hon. Dean Brown interjecting:*

**The Hon. S.J. BAKER:** Nigeria certainly has been doing it for 10 years, and it is a matter of what is the latest one. If it was not having any success, they would probably stop doing it. Obviously there are some people who get sucked into these schemes. It is very timely that the member for Mawson should raise this issue again in the public forum. I asked for a briefing from the police, and the information is as follows:

Over the years, the Office of Consumer and Business Affairs has liaised with the Police Department Fraud Task Force in relation to a number of scams emanating from Nigeria. The scams usually commence with a letter written on headed notepaper supposedly from a State authority or corporation in Nigeria. The supposed official cheerfully admits to some scheme to rip off his employers, offering a share of millions of dollars that is already paid to a foreign supplier.

The recipient, normally a company or business, is simply requested to send bank account details, invoices for fictitious services rendered to the State authority or corporation, and some sheets of his own headed writing paper, blank but not signed. Absolute secrecy is requested for this highly classified transaction. A request is then forwarded to the recipient business or company, and in order to unlock the promised millions the recipient is asked to send up front \$5 000—

or in this case \$30 000—

in fees or taxes to ensure that the alleged transaction proceeds. Sometimes, in lieu of cash, Rolex watches or pre-paid travel and hotel accommodation is demanded. The victim can easily pay several thousand dollars with no prospect of receiving a share of the promised millions of dollars. In some instances the victim is lured to Nigeria to collect the money. Meetings are arranged with operators posing as Government officials. The meetings are held in Govern-

ment buildings hired for the day. Demands are made for money in order to release the funds or to release the businessman who may be held captive until the demands are met. Overseas embassies often receive distress calls from victims being held captive until a ransom demand is met.

It is difficult to investigate such bogus practices operating from an overseas address, but this office must be vigilant in ensuring that consumers and businesses are informed of the various scams promoted by the Nigerians. The scam has received much publicity from the Commissioner for Consumer Affairs and the Adelaide media.

So, we trust that when the fax or telex comes through, there is one place for it. Unless they can track down the person who sent it, we can do nothing about it.

### PARLIAMENTARY SECRETARIES

**Mr CLARKE (Deputy Leader of the Opposition):** My question is directed to the Premier. Will parliamentary secretaries be required to comply with a code of conduct laid down by the Premier for Ministers, including divesting themselves of shareholdings in any publicly listed company conflicting with their responsibilities and resigning directorships; and, if not, what standards will apply? The Government's code of conduct states:

Ministers must resign the directorship of any public company or a private company whose interests are such as to be likely to give rise to a conflict of interest. They must also not knowingly use their office for their personal gain or the gain of family members and they must inform the Premier of any situation in which they find themselves in an actual or potential conflict of interest. They must also cease to be actively involved in the day-to-day running of any professional practice or business unless they follow conditions laid down by the Premier to avoid any conflict.

**The Hon. DEAN BROWN:** The Deputy Leader of the Opposition should appreciate the fact that conflict of interest now applies to all members of Parliament, including the Opposition. It would appear that he has not even bothered to understand the magnitude of the form that he fills out each year, because we have established here in South Australia some of the highest standards in terms of potential conflict of interest—

*The Hon. M.D. Rann interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:** —including pecuniary interest—that would apply in any Parliament in Australia and I think in any Parliament in the world. In fact, instructions have been given to parliamentary secretaries concerning conflict of interest indicating that it must be avoided. The one thing the Deputy Leader of the Opposition needs to appreciate is that parliamentary secretaries, because they are not established under statute, do not have any authority to authorise expenditure. It is the Ministers who authorise expenditure and who, therefore, must comply with the very rigid standard under the code of behaviour for Ministers. Therefore, that code should apply only to Ministers. However, a separate code, including conflict of interest, must apply to the parliamentary secretaries. In fact, they have been notified that they must comply with that.

### WINE INDUSTRY

**Mr BUCKBY (Light):** Will the Minister for Industry, Manufacturing, Small Business and Regional Development advise the House what reassurances were given about the wine industry in South Australia during his recent meeting in Europe with the Pernod Ricard Company, which discussed the future of one of its subsidiaries, Orlando Wines?

**The Hon. J.W. OLSEN:** I had the opportunity to meet Mr Patrick Ricard from the Ricard Group of Companies whilst in Europe and talk about their investments in South Australia. Their investments through Orlando Wyndham are indeed substantial. The new initiatives announced by Mr Ricard will include further vineyard developments and expanded manufacturing facilities at Orlando's Barossa Valley winery in South Australia. He indicated that his company is fully committed to supporting the multi-million dollar investment initiatives of Orlando Wyndham to further expand production capabilities in South Australia.

Mr Ricard told me that \$3 million will be committed to a high speed bottling line which will be installed at Orlando's Rowland Flat winery. This will duplicate a similar line which is considered to be one of the fastest in the world and which was commissioned two years ago. Together, the two production lines will increase capacity to 44 000 bottles per hour at that facility.

Further, Mr Ricard expressed concern about the cost of grapes and products associated with the wine industry. To that extent, the company has decided to make major investments in terms of assisting with vineyard expansion in South Australia to meet the demand and the manufacturing facilities that it has put in place. A \$15 million vineyard development is already underway at Langhorne Creek, south-east of Adelaide. In August 1995 the company announced the establishment of a large climate controlled nursery at Jacobs Creek. This will enable the company to significantly increase production of grafted vines over the next three years following a \$600 000 investment in new hothouse and propagation equipment. The nursery is now producing 25 per cent of Australia's requirement for new vines. As a result of that investment, Orlando Wyndham's production, which has already doubled since 1992—in just the past four years—will grow from 500 000 grafted vines in 1995 to 800 000 in three years. Production of ungrafted vines is already 1.2 million vines. The 1995 purchase of 300 hectares at Langhorne Creek will double the size of the vineyards in the Langhorne Creek area.

Orlando Wyndham is a very significant manufacturing company in South Australia. It produces two million cases of Jacobs Creek wine a year, 75 per cent of which is exported and which has assisted Australian wines, in particular South Australian wines, to capture 9 per cent of the UK market. This is a further indication of an international company looking at investment in Adelaide being prepared to invest in South Australia in primary production and manufacturing facilities to meet world demand. That must be good news for South Australia.

### STATE SLOGAN

**Ms HURLEY (Napier):** My question is directed to the Premier. Has the 'Going all the Way' slogan been abandoned by the State Government because polling has shown that a majority of South Australians disagree with the slogan? Did the survey conducted after the first phase of the massive advertising campaign show that confidence in the State actually fell? The Opposition is aware that two rounds of polling have been conducted on the 'Going all the Way' slogan—September last year and January this year. The September research showed that 55 per cent of the 400 people surveyed disagreed with the slogan 'Going all the Way', including 34 per cent who strongly disagreed; and only 36 per cent agreed with the slogan. At that stage, 60 per cent of

respondents indicated that they were confident about the future of the State. By January, after stage one of the campaign, only 50 per cent of those surveyed were confident about the future of the State, and 39 per cent agreed with the slogan. The Premier's advertising unit director—

**The SPEAKER:** Order! The honourable member is now going a fair way towards getting outside the rules for an explanation.

**Ms HURLEY:** I have only a short sentence to go, Sir.

**The SPEAKER:** I would suggest that the honourable member makes it very short, and I do not think the member sought leave, anyway. I will allow her to continue briefly, or I will withdraw leave.

**Ms HURLEY:** The Premier's advertising unit director, Ms Krystyna Benson, described this reaction to the campaign as 'very positive'.

**The Hon. DEAN BROWN:** The member for Napier is about three days late. If she had read the *Advertiser* three days ago, she would know exactly what the position is and she would not be asking the question in the House today. I wonder why she has bothered to ask the question. I point out that she has raised the point that in January this year the optimism level within South Australia was a bit lower than it was in September last year. I suggest that the main reason for that—because it occurred right across the whole of Australia, and you only have to look at the election result—was none other than the then Federal Labor Government. If the present Leader of the Opposition could get anywhere near 50 per cent optimism, he would be over the moon—absolutely over the moon. The member's own Party scores something like the low 30s in terms of any optimism within the community. I would have thought the honourable member would be too embarrassed to raise this matter.

In terms of promoting South Australia, the State Government has done much more than was done by the previous Labor Government. Let me bring something to the attention of the House that starkly reflects this fact. The former Labor Government, with its Minister for Tourism, who is now the Leader of the Opposition, spent only \$1 million on international tourism promotion of South Australia. In the space of two years, the present Government has increased that six-fold. We have promoted a very effective campaign, and we are receiving the benefit of that: a 10 per cent increase in overseas tourists coming to South Australia, and a 20 per cent increase in the number of Asian tourists. This Government has been far more effective than any other Government in promoting this State.

The other important initiative which went under the 'Going all the Way' campaign and which had enormous benefit to South Australia was the interstate roadshow. Companies such as Coles Myer indicated that it was the best promotion they had ever seen by any Government or any private organisation. I suggest that the honourable member go off and talk to Mr Bartels, the CEO of Coles Myer, if she wants his assessment. I would have thought that Mr Bartels, CEO of Coles Myer, was a person with reasonable judgment when it came to marketing something.

Another important part of that program was the testimonials we received from business people, not just from South Australia but also from interstate. Those testimonials were very effective in promoting South Australia as a place for economic development. As I announced earlier this week, we are entering stage three of the campaign and we are reviewing all those parts—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:**—of our State promotion at present. I will report back to the House at the appropriate time in terms of the components and what this State is doing in respect of promotion and marketing.

*Mr Clarke interjecting:*

**The SPEAKER:** Order! The Deputy Leader of the Opposition has had more than a fair go.

## GRANITE ISLAND

**Mr OSWALD (Morphett):** Will the Minister for the Environment and Natural Resources provide the House with details of the restoration work which is being undertaken on one of our prime ecotourist destinations, Granite Island? Recent developments on the island have highlighted the need for improved access and for a regreening program, and the House would be interested in hearing some of these details.

**The Hon. D.C. WOTTON:** The current development has lifted the profile of Granite Island immensely.

*Mr Clarke interjecting:*

**The SPEAKER:** Order! The Deputy Leader will be off the question list if he makes one more interjection.

**The Hon. D.C. WOTTON:** I have had many positive comments brought to my attention, and I am sure that other members have likewise, regarding the excellent facilities that are now available on the island, after decades of neglect. I am particularly pleased with the opportunity that people now have to learn more about the penguins that have been on the island for some time, and that they can be seen in safe conditions. I am also delighted to announce that work has begun on the badly needed restoration of the 20 hectare southern portion of Granite Island. This has been carried out as a jointly funded initiative by the Department of the Environment and Natural Resources, the South Australian Tourism Department and the Department of Employment, Education and Training.

Twenty people are currently employed under a new work opportunities project that includes erosion control and footpath construction. I am particularly pleased with the cooperative arrangements that have been made with the Ngarrindjeri community, and commend that community on the excellent work that it will be contributing in this area. The project includes the provision of access for people with disabilities through a system of boardwalks and pathways that blend into the island's natural features. Revegetation will be undertaken using indigenous plant species to restore the island to somewhere near its original condition. This will require some pruning of existing trees and removal of pine seedlings. Most of the exotic pines, however, will remain, although some will be removed when planted trees and shrubs reach maturity.

The design work involved in the revegetation and pathway construction will also allow for the provision of improved penguin burrows and habitats. It is hoped that work will be completed by July this year. As I said earlier, the project is an excellent cooperative arrangement between the Government and the Aboriginal community, and it is being supervised by national parks rangers. It is worth pointing out that Granite Island is yet another excellent example of ecotourism at work in South Australia, and the Government's strong support for ecotourism in this State should be recognised.

### PARLIAMENTARY SECRETARIES

**Mr CLARKE (Deputy Leader of the Opposition):**

Following the Premier's answer to an earlier question from me concerning a code of conduct for parliamentary secretaries, will he now release the special code of conduct for parliamentary secretaries for the information of the Parliament and of the people?

**The Hon. DEAN BROWN:** The instruction that has gone out to all parliamentary secretaries and to Ministers in relation to parliamentary secretaries includes the following: the usual fiduciary duties of a public office, such as duties of confidentiality and disclosure and avoidance of conflict of interest, apply to the parliamentary secretaries.

### WEST TERRACE CEMETERY

**Mr LEGGETT (Hanson):** Following another vandalism attack on a suburban cemetery recently, will the Minister for Correctional Services advise the House of the extensive work being undertaken by community service offenders at the West Terrace Cemetery following a similar attack there last year? In July last year a large section of the West Terrace Cemetery was desecrated by vandals in a shameless attack that outraged the community. A short time later, the Minister announced that community service offenders would assist staff at the cemetery with maintenance and upkeep work.

**The Hon. W.A. MATTHEW:** There is no doubt that the attack on the West Terrace Cemetery last year was a shameless attack and one that outraged a significant proportion of the South Australian community. Whilst we cannot change the fact that the attack occurred, I am pleased that the Department for Correctional Services has at least been able to assist in rectifying damage and improving the general environs of the West Terrace Cemetery after the event. Following the attack last year, representatives of my department approached West Terrace Cemetery management and gained an agreement for a period of six months to help clean up the 31 hectare cemetery, which has some 56 000 grave sites. Since 8 August last year, work gangs of up to 10 offenders at a time have worked at the cemetery for two days a week, equating to about 150 hours of work a week.

To this date some 3 000 community service work hours have been undertaken at the cemetery, clearing overgrown vegetation and weeds, cleaning public areas and tidying grave sites. Departmental staff inform me that the project has now been so successful that the areas that have been worked by offenders are now distinctly visible to visitors to the cemetery. In recent weeks the work gangs have also had their work broadened to include assistance in marking the graves of some 1 500 stillborn infant babies who are buried at the cemetery. This work complements the recently dedicated baby memorial at the cemetery. This Government donated some \$40 000 for the design and building of the memorial, which has been of great benefit and comfort to the families of the estimated 30 000 infants who lost their life at birth or soon after and who have been buried at the cemetery.

The overall work at the cemetery has been so successful that I am pleased to advise that the West Terrace Cemetery Trust has now extended the work agreement with the Department for Correctional Services for a further six months to continue providing work on the site. The member for Hanson also indicated in his question that just over a week ago one of Adelaide's oldest cemeteries, the North Road Cemetery at Nailsworth, also fell victim to a mindless attack

by graffiti vandals, who caused some \$100 000 worth of damage. The same community outrage is understandably there over the mindless damage that occurred to that cemetery.

Only today Department for Correctional Services officers approached management of that cemetery to offer assistance, and we are hopeful that they will also be able to contribute to work at that cemetery. These are further examples of the way in which the Department for Correctional Services under this Government is widening the work undertaken in community service projects by offenders who are not only paying off their debt to society but are contributing some value back to the community at the same time.

### CHIEF EXECUTIVE OFFICERS

**Mr CLARKE (Deputy Leader of the Opposition):** My question is directed to the Premier. Why has the Government given its Chief Executive Officers massive pay rises? On 20 June last year the Premier told the Estimates Committee that he would not set CEO salary packages based on either the private sector or other Public Services, State or Federal. The Premier said:

To suggest that South Australia's salaries should be on par with the other States is ridiculous. We do not accept that at all.

On 22 December the Premier announced that CEOs would receive pay rises of up to \$35 000 per annum, and defended this by claiming that it brought the pay of his chief executives 'closer to market rates.'

**The SPEAKER:** Order! I point out to the Deputy Leader of the Opposition that in future he will seek leave of the House to explain his question.

**The Hon. DEAN BROWN:** I realise that members of the Opposition look pretty disheartened, not just today but for the entire week. The member for Hart has sat there reading the paper during every Question Time for the entire week. It looks as though they are totally disinterested and disheartened, no doubt as a result of the Federal election result. I note that the member for Hart has been looking through the employment section of the *Australian* for the past three days. One must wonder which job he is looking for. It must be interstate, because he has not been looking at the *Advertiser*. So now, in their desperation to fill out Question Time (which still has 24 minutes to run), whilst the Leader of the Opposition has been out for most of the afternoon, the Deputy Leader has to go back to a question from 1995.

*Members interjecting:*

**The SPEAKER:** Order! The Deputy Leader is now off the question list. The Premier.

**The Hon. DEAN BROWN:** What the Deputy Leader of the Opposition did not say to the House but what he knows to be correct is that, for the most part, those CEOs of Government departments who have had an increase have had no salary rises since 1991. They have not even received the safety nets. While the teachers, the police and others say that they have not received any increase since 1991, in fact, all of them have received various safety net increases.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:** In the case of the CEOs, they received absolutely nothing. In fact, the former Labor Government made a promise that the CEOs would get a substantial salary rise immediately after the 1993 election. That promise was made by the former Labor Government. Two years after this Government came into office we have

given an adjustment which is in line with the salary movements that have occurred since their last salary movement. I also point out that, in fact, the salary levels of CEOs in this State are well below those of their interstate rivals. If we can achieve the same differential between our CEOs' salaries and those interstate and in other areas in the public sector, this Government would be in a very healthy position in terms of its budget, because the teachers would have to accept no salary rise whatsoever, even though we have offered them a 12 per cent rise. If they accept it, that 12 per cent rise will now bring the teachers to the second highest level in Australia. As a result of that offer, this Government is willing to put in \$94 million extra to pay the salaries of those teachers. It means an extra \$70 million into the education budget.

The claim that teachers' salaries in this State are below those interstate is just not correct. We appreciate the work that the teachers do. We appreciate the fact that with the teachers we have the best education system in Australia. We have the highest ratio of teachers to students of any State in Australia. We are 10 per cent above the average in terms of SSOs. We put more money—well above the average—per student into education in South Australia, at 12 per cent more than the average for the rest of Australia. It shows that this Government has made a major commitment to education. All we ask is that the teachers accept what I think is a very fair and reasonable offer which, if they accepted it, would make them the second highest in Australia.

### TRAINING

**Mr SCALZI (Hartley):** Will the Minister for Employment, Training and Further Education provide an update on the plan to employ 1,500 trainees in the State public sector?

**The Hon. R.B. SUCH:** I thank the member for Hartley for his question. This is an excellent scheme, and we are on track to get our 1 500 trainees. I want to make a few points quite clear. First, I reject the term that has been used by some commentators who call the people who did not front 'dole bludgers'. I find that an offensive term, and I believe it is unnecessary. In this case we are talking about young people who have only just left school. This was the first intake. We know that there are always some people in the community who are work shy, but every section of the community has people who do not pull their weight. Of those who sat and completed the test, we have already taken on 150 as trainees, and the rest who passed the test will be on board by the end of this month.

From December 1993 to the start of this current intake, this Government has taken on almost 2 000 trainees, and that is an enormous contribution towards training and providing employment for our young people. This is a one year traineeship, but 80 per cent of those young people get a job at the end, either in the Public Service or in the private sector. Some go on to further study.

It has been a tremendously successful program. I have already raised this issue with the Office of the Commissioner for Public Employment: we need to follow up to find out why some of those young people did not attend. I believe it is mainly because many would have been attracted to university or TAFE as a result of those institutions vigorously recruiting young people.

We also need to look at why some did not pass the test. The test is a Commonwealth devised test and is administered by the Commissioner's office. That is quite appropriate,

because I do not believe that the test should be partisan in any way or have any political involvement in it. It was for clerical positions. We are broadening the scheme and in the next round will be looking for traineeships to cover areas such as child-care; laboratory technicians; dental technicians; people to work in the Aboriginal community, particularly at Tandanya and amongst Aboriginal people in relation to health; and library assistants. We will also be taking on young people in horticulture training to work in the outdoor arena.

Obviously, we have to make sure that the test is appropriate for the category that we are trying to take on. A clerical test is certainly not appropriate for people who are going into other areas. I make clear that we are strongly committed to this program. It is an initiative involving Commonwealth and State funding. I will be meeting soon with the Federal Minister, Senator Vanstone, to ensure that we continue the scheme and expand it into the future. It has delivered very well and provides an opportunity for our young people. As a Government we have always acknowledged that youth unemployment is far too high, and that is why we are putting so much effort into tackling it. It is unhelpful for people to attack young people and make them scapegoats. We need to create employment and an environment in which the private sector can take on people and create employment.

This scheme is going well and is maintaining an excellent reputation. I would encourage young people to look at the next round of offers which will begin very soon and which will cover not only clerical but also a whole range of other occupational areas, including in the very near future an expansion in the graduate intake. I would ask the community to avoid using terms such as 'dole bludgers', because our young people are not dole bludgers. A few need to experience work and the work ethic, and we will always have a minority who are shy of work, but that applies to all sections of the community, and it is unhelpful to label young people 'dole bludgers'.

### RANDOM BREATH TESTS

**Mr QUIRKE (Playford):** Will the Minister for Police assure the House that, in any outsourcing of policing, only sworn police officers will have the power to pull over motorists for RBT, especially at night?

**The Hon. S.J. BAKER:** Certainly.

### DRIED FRUIT INDUSTRY

**Mr VENNING (Custance):** Will the Minister for Primary Industries outline what measures are being taken to help the South Australian dried fruit industry to develop markets? The dried fruit industry is constantly threatened by lower priced inputs, of apricots in particular.

**The Hon. R.G. KERIN:** I thank the member for Custance for his question, because it reflects some industry concern about the dried fruit industry. A series of poor seasons for apricot production made it very difficult for fruit marketers to maintain their market share. Added to that are the imported Turkish apricots, which are providing stiff price competition, and we also have trouble matching their flavour and style. This decline in domestic sales has sent a market signal to industry that it just cannot ignore, and we are working with industry to try to correct it. Through PISA and the Dried Fruits Board, the Government is assisting industry to address the challenge it faces. The Dried Fruits Board, which is made up of industry representatives, has been negotiating to

establish a quality assurance program to maintain quality and reduce costs for production and processing.

The Department of Primary Industries and SARDI are working on a plant breeding and selection program aimed at combining the best of the local varieties with the Turkish qualities in the hope that that will produce an apricot that is better in the marketplace. PISA also recently prepared an industry development plan for the dried apricot industry to try to focus the actions of the industry on where it needs to go. With the assistance of PISA, on 4 March the Dried Fruits Board organised an industry forum in the Riverland, where leading industry figures discussed the industry development plan and outlined their vision for the future of the industry. It is hoped that the dried apricot industry is now set on a path which, with some help from Government, will secure its future.

### RABBITS

**Mr QUIRKE (Playford):** My question is directed to the Minister for Primary Industries. What progress has the Minister had with his various Federal counterparts in relation to negotiations for compensation for rabbit processors affected by the RCD?

**The Hon. R.G. KERIN:** I thank the member for Playford and I acknowledge his interest in the way in which rabbits die. I am aware of the claims, which basically arose because industry people—shooters and processors—feel that, because of the premature release of the calicivirus, they have missed out on two years of production. The RCD had initially been planned for release in mid-1997. The RCD program was comprised of a whole group of funding agencies, including the Meat Research Corporation, the CSIRO and the International Wool Secretariat. The Meat Research Corporation has been managing the financial insurance aspects of the program. They and their insurers, on behalf of the program, have denied liability for losses attributed to RCD.

The important point for us is that the studies on Wardang Island were part of a national program, not a State program. South Australian Government departments were not involved in the planning or the implementation of the experiments on Wardang Island. Consequently, the State Government is not considering any compensation for the losses attributed to the escape of RCD from quarantine on Wardang Island, but it is an issue that I will discuss with the Minister for Primary Industries in the next couple of weeks.

### HOUSING TRUST TENANTS

**Mr WADE (Elder):** Will the Minister for Housing, Urban Development and Local Government Relations advise what actions are being taken to assist Housing Trust tenants who rely on mental health services? I am receiving an increasing number of concerns from residents in my electorate who are distressed by the behaviour of neighbours who appear to be suffering from some type of mental illness.

**The Hon. E.S. ASHENDEN:** I thank the member for Elder for his interest in this area. The honourable member has made representations to me to see whether there was some way in which the trust could assist in a number of areas. The main purpose of the Housing Trust is to provide homes for those in need. One thing the trust has been trying to do for some time is to assist those people with disabilities to fit into the community. I am delighted that, in conjunction with my

colleague the Minister for Health, we have now come up with a scheme that will enable the trust to provide the housing and will enable the Health Commission to work with people with mental disabilities to fit into the community and to provide the backup services that the Housing Trust is not able to provide.

In a cooperative approach, which has been adopted between the Housing Trust, the South Australian Mental Health Service and the options coordination agencies, a program has now been put in place, first of all for the Housing Trust to provide tenancies to those with mental disabilities but who can be assisted to return to the normal community. There is no doubt that, in some instances, problems have occurred in the past where some of the tenants have, unfortunately, created problems. Because of that, we are now working through the South Australian Mental Health Service to ensure that backup services are provided to those tenants to assist them to work within the community and, therefore, overcome the problems that have occurred.

I also point out to the House that last week I visited one of the homes in the western suburbs where this project is under way. I was absolutely impressed by the standard of support being provided through the South Australian Mental Health Service and SACHA to assist people to return to and work within the community.

### RACIAL VILIFICATION

**The Hon. M.D. RANN (Leader of the Opposition):** My question is directed to the Minister for Multicultural and Ethnic Affairs. Given that today is the international day for the elimination of racial discrimination, what action has the Premier taken to discipline the member for Lee for his recent comments in relation to what the honourable member called 'favouritism to Aborigines', and will the member for Lee continue to represent the Premier at ethnic and multicultural functions?

The member for Lee is reported as hailing the victory of so-called racist candidates as vindication of his own conservative views and has claimed that disgraceful comments by National Party member Bob Katter regarding 'slanty-eyed ideologues' and from Queensland MP Pauline Hanson, who claimed that Canberra did 'too much for Aborigines', were not racist. The member for Lee has represented the Premier as Minister for Multicultural and Ethnic Affairs at a series of ethnic functions, including the Chinese Chamber of Commerce. Will he continue to do so?

**The Hon. DEAN BROWN:** First, this question really shows the depths of despair to which the Opposition has fallen today. First, the issue—if there was ever an issue, and there was not—is now more than three or four weeks old; and, secondly, the Leader of the Opposition has taken what the member for Lee had to say entirely out of context, at any rate.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:** I indicate that the member for Lee was commenting specifically about the level of funding for specific programs for a group within the community and whether or not there should be any special treatment in the way of those programs. I think that is a legitimate point to raise. I point out that it is entirely different from my own point of view and it is entirely different from our Government's policy, but we do allow freedom of speech within the Liberal Party. That is an important ingredient at

any time and I would stand up and defend it. The Leader of the Opposition has really reached the entire depths of despair in terms of trying to raise that issue today.

### STATE ECONOMY

**Mr CONDOUS (Colton):** Will the Treasurer inform the House of the Government's response to the report on the Government's economic policies commissioned by the union movement? A few weeks ago the so-called Regional Research Network released a so-called independent assessment of the Government's economic policies, warning that there was no clear vision for South Australia.

**The Hon. S.J. BAKER:** I was at a function when I heard dulcet tones over the radio concerning this independent report produced by the union movement, and that is somewhat of an anomaly and a conflict in term. I was rather interested to see what it was saying. It was launched by Don Dunstan—again, another independent person. The headline said something about economics being simple-minded, and I am assured that the people who put this together enjoy that capacity. It was launched on 16 February.

**The Hon. Dean Brown:** You realise that the Leader of the Opposition has come out and supported Don Dunstan's stand on debt.

**The Hon. S.J. BAKER:** Has he? I have heard another amazing revelation—that the Leader of the Opposition has supported the State Bank losses and the fact that this State is in so much debt as a result. Again, we have had another revelation that the debt is all right not only according to Don Dunstan but the Leader of the Opposition. God help this State if he ever gets his hands on government! This document was produced during the election campaign for election purposes. It is of no surprise that the suggested blueprint for South Australia is to spend, spend, spend. I am pleased that the Leader of the Opposition endorsed this document, because not only was it being used for political purposes at the time but it was rejected by every legitimate economic commentator across the country.

When I got hold of it, it reminded me of people like John Spehr, who seems to get on television and radio programs, although I cannot understand why because he is part of the left wing loony fringe. There is a little Labor network at the universities that keeps saying that debt is good. That is what they keep saying: debt is good. I ask the whole Parliament to reject that proposition.

### URANIUM

**Mrs GERAGHTY (Torrens):** My question is directed to the Premier.

*Members interjecting:*

**The SPEAKER:** Order! The member for Torrens has the call.

**Mrs GERAGHTY:** Given the inherent dangers associated with nuclear programs, what does the Premier believe to be the responsibility of the supplier—

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Housing and one or two others will come to order.

*Members interjecting:*

**The SPEAKER:** Order! The member for Torrens will be heard in silence.

**Mrs GERAGHTY:** Given the inherent dangers associated with nuclear programs, what does the Premier believe to be

the responsibility of the supplier to ensure that the end market of uranium exports is absolutely safe and that the destined market is to utilise the uranium only as proposed and not for nuclear weapons programs? We have experienced the—

*Members interjecting:*

**The SPEAKER:** Order!

**Mrs GERAGHTY:** We have experienced the horrendous long-term problems with Three Mile Island and Chernobyl, and further such accidents would be globally disastrous.

**The Hon. DEAN BROWN:** I again throw out the challenge as I did yesterday, and I will continue to do so: does the member for Torrens support Roxby Downs? We could not get an answer from her yesterday. Does she support the mining of ore from Roxby Downs? Perhaps she would like to rise in the grievance debate today and give us a 'Yes' or 'No' answer on that. Even her own Leader, who went to the most devious lengths possible to try to stop Roxby Downs proceeding—he even went as far as fabricating documents to try to knock Roxby Downs, that is how desperate he was—now sees that Roxby Downs has been good for South Australia.

I come back to answer the question that the member for Torrens was kind enough to read from Peter Duncan. It is the third question from Peter Duncan. He has not had three questions in a week in the Federal Parliament but he got three in a week in the State Parliament, although the standard of the questions is dropping. He was looking for the Leader of the Opposition in here on Tuesday and I had to point out that he is up on the top floor, and now the member for Torrens uses him on a daily basis to write her questions.

**Mr CLARKE:** I draw your attention, Sir, to Standing Order 98. If there could be just a casual relationship between the answer and the question it would be helpful to the House.

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! The Deputy Leader is right in pointing out that, in answering a question, Ministers should endeavour to relate their comments to the question asked of them.

**The Hon. DEAN BROWN:** The honourable member raised the issue as to whether or not it should be the supplier who should take the responsibility for ensuring the end use of the uranium. The end use of the uranium is far too important to leave it up to the end supplier, and I think that members will find that Governments around the world have come to that conclusion as well. So, at a national level, Governments have taken on the responsibility to make sure that, through international agencies, they monitor the end use for the uranium. There are also obligations on the original miner or supplier of the uranium to know exactly where it has gone. It is a joint responsibility but certainly it is far too important just to leave it up to commercial interests. The Governments of the world should take an interest in that and, in fact, they do.

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### GRIEVANCE DEBATE

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

**Mr LEGGETT (Hanson):** Members may be relieved to learn that the good old Aussie blowflies on display in their perspex case in the 1996 Biennial of Australian Art in the Art Gallery of South Australia are all dead. Louie is gone. Whether or not it was Mortein, they are all gone. Artist Craig Andrea told the public that he would regularly insert new maggots, but apparently they have not survived either. Could it be that they, too, have died of shock? If the complaints forwarded to my office are any indication, the flies are not the only ones to be mildly upset.

The people of Adelaide, particularly in Hanson, are asking why such smut is on display. General smut and, indeed, a promotion of suicide, have been on display (children have been seen lining up to see the display), free of charge, at the Art Gallery, while those who want to view the beautiful Streeon landscapes have to pay \$8 per adult and \$5 per child. Times have changed, for I remember well in the late 1960s when Bishop David Sheppard, the former England opening batsman and captain, protested about a film called *The Graduate* and there were objections to such productions as *Hair* and *Oh! Calcutta*, which seemed pretty bad at the time but which now seem to be quite trivial works compared with the 1990s. Our laws are designed to allow adults to view what they wish but also to protect other adults and children from having offensive material thrust upon them, and surely these laws need reviewing.

I have received a number of complaints but one in particular from a woman who was accompanied by her sister to the magnificent Streeon exhibition in the Art Gallery, which they greatly enjoyed. With absolutely no warning, they walked out into an adjoining room where they were confronted by the Biennial Exhibition of Australian Art, and they told me that they felt physically ill. There were nude paintings with an emphasis on genitals. There were nude photographs, including a man with genitals in full view in sado-masochism gear. There were other sexual crudities, with one series called *coitus interruptus*. There was also a sculpture of a man pointing a gun next to his skull with red water or blood pouring out of a hole on the other side and this sculpture was carefully placed opposite a very large wall sign inscribed 'I hate myself and want to die. My Kurt Cobain'.

In an age when Australia's youth suicide rate is one of the highest in the world and where the rest of the media have responsibly agreed not to promote suicide, the 1996 Festival of Arts, despite some outstanding productions, showed a certain degree of irresponsibility. One outstanding production that I saw, which was called *A View from Golgotha*, was in Theatre 62, in my electorate. The Anglican Archbishop of Adelaide (Ian George) said that he was disappointed with the Biennial of Australian Art, particularly its emphasis on sexuality and sexual identity, and those I have talked to have voiced the same opinion. In fact, some of it has been a little stronger. Linda Wilson, of West Hindmarsh, which is just out of my electorate, wrote to the *Advertiser* on the 19th saying that she was very disappointed and not terribly proud to be a resident of Adelaide because of this style of exhibition, despite the fact that there were some other sensational and outstanding exhibitions.

I call upon the organisers, the Government and Telstra to give back to us what I believe to be real art—maybe it will be a little more conservative—and to cut out the art which typifies suicide and general smut and make sure that the 1998 Festival Director, Ms Robyn Archer, who is an outstanding South Australian, understands how a very large percentage of the people in Adelaide feel about it.

**Mr CLARKE (Deputy Leader of the Opposition):** I would like to discuss briefly what the Premier had to say when trying to answer my question about the massive salary increases that his Government awarded to his chief executive officers. It is important for the House to appreciate that the Premier said he awarded these salary increases to CEOs because they had not had a pay rise since 1991, not even the safety net adjustment. Well, let us look at it this way. If you are on an income of over \$100 000 a year, you could hardly describe that as the safety net!

The new Chief Executive Officer of the Department of Industrial Affairs, Mr Matthew O'Callaghan, is on \$155 490. This is the same Director of Industrial Affairs who, in a former life as the Director of the former South Australian Employers Federation, bitterly opposed any safety net wage adjustment that went through the South Australian Arbitration Commission for low paid workers, and who single-mindedly would oppose even increases in meal allowances paid to workers working overtime.

We have a situation where this week bus drivers working for TransAdelaide are resisting a massive assault on their wages. I understand why people in the community are disappointed by that action and by the fact that they have been inconvenienced, but let us remember that these bus drivers, these workers, have democratically decided that they do not want the enterprise bargain offered to them by TransAdelaide. They are not seeking a pay increase. They are not seeking one cent more than they currently earn, which is \$515.60 per week. What they do not want foisted on them is a reduction in their wages of some \$55.60 a week to the equivalent wages paid to the Serco drivers in those areas where Serco won their contract. The base rate for a Serco driver is \$460 per week.

I ask any member in this House: what is wrong with workers defending themselves against a wage reduction of \$55 a week, when they have to try to pay their mortgages, raise their families, pay school fees and every other expense just to exist on this earth on \$515 a week gross, and not wanting it to be reduced to \$460? Those workers have democratically voted in their areas to say: we are not after a pay increase; we just want to hang on to what we have got. Yet, at the same time, we have the Premier, only a few short months ago, increasing wage levels for CEOs in some cases by up to \$35 000 per annum—more in a pay rise than these bus drivers earn in a year, and the Premier has the hide to criticise those workers who simply want to hang on to what they have got. They do not want to lose \$55 a week.

I might add that if you came into this place and told every member of this Parliament, 'We will force a \$55 a week wage reduction on you', there would be mutiny. There would be a new Premier before the night was out. We only had to witness what happened last year when the Premier brought in a wage freeze for MPs for 12 months, with the bitterness, rancour and ill will that was generated out of that. Let us not have any more of this hypocrisy on the part of the Government with respect to bus drivers or teachers.

Teachers are quite rightly saying to this Government, 'We want a pay rise but not on your conditions—which is, we get a pay rise but you cut the standard of education care for the children of this State.' That is what they are standing up for, and quite rightly, because this Government is certainly not standing up for education standards in this State. So, I would suggest that, before the Premier blithely tries to dismiss the question that I put to him today on wages for CEOs, he examine it very closely, because you can push workers only



so far, particularly when they see the treatment meted out by their own employer.

**Mrs ROSENBERG (Kaurna):** I want to raise the issue of the SOS Children's Villages accommodation at Seaford Rise. The reason for doing so is a series of questions asked by the Opposition spokesperson for FACS, as reported in the newspaper, on radio and in the House, of the Minister for Family and Community Services. By way of introduction to what I would like to say, it is important to put on record in the SOS Children's Villages organisation's own words the sorts of things they are trying to achieve at Seaford Rise. In a letter written to the Noarlunga District Council, the Director states:

SOS Children's Villages provide a service for orphaned, abandoned and neglected children who cannot live at home any more and need a permanent care facility. SOS is based very much on family principles with a 'family' in a home and a number of these families making up a friendly neighbourhood within a normal suburban community.

Eight of the proposed dwellings are to be used as family homes with a female carer or 'mother' and up to five children of various ages living within.

One home is to be used as the coordinator's home. Two homes are to be used as the residences for permanent staff . . . and will also provide areas to be used for administration purposes, and to coordinate and provide supportive services in accordance with 'Home Activity' guidelines. Those guidelines are actually set down in our Planning Act.

In another piece of information that was issued at a public meeting which I held on Monday evening this week, they further described their age limit as being those children up to the age of 10, but went on to say that they encourage the children to stay within the home situation after the age of 10 until maturity. Then they actually help the youngsters, if they choose to go on to work or university, into rental accommodation and maintain that family contact with them into adulthood.

The other thing that needs to be said is that there are many questions in the community about the effect that this village will have on the Seaford Rise community, such as the effect it will have on other children, schools in the local area, and crime levels.

I really have to put on notice that the key issue that caused me to hold a public meeting on Monday evening was that it came to my notice that there was very little information in the community about the SOS Children's Villages facility and what they were trying to achieve. I must repeat that this is not a Government development. It is not a development that is financially supported in any way by the Government's constructing the buildings or anything else. But, as the local member, I was rather concerned, and I do agree that, if a great deal of community consultation had taken place early, it would have avoided much of the conflict which obviously has occurred. That was my reason for holding the meeting.

The meeting was widely advertised. Every letterbox in Seaford Rise received a notice advertising the meeting, and about 100 people attended. A small number of people are very angry about the whole process, about not knowing the details, not knowing how it was financed or how it was approved through the council—a whole range of issues that I believe were addressed very well at the meeting.

During the meeting, the Director gave a history of SOS Children's Villages and what they are trying to achieve in Seaford and, after a series of questions, a motion was moved basically asking me as the local member to undertake a full inquiry on a range of things. To make sure it is accurate, I will read the motion:

That the local member do a full inquiry of the events leading up to the sale of the land and the approval by council to the present stage, and to report back to a future meeting within 14 days, including comments about why residents were not notified.

I put on the record that I have now spoken to the Education Department, the Department of FACS, the Director of SOS Children's Villages, the Noarlunga council and the Seaford joint venture, and I have had written responses from all of them which will be put into a report and presented at the 2 April meeting, which will, once again, be advertised to every household. I stress that I do not believe that this question, in terms of my community, was really about the effect that foster children would have in the Seaford Rise community. If it is, then I really have to question the types of people I represent. I think the question is more about the lack of community consultation, which was not acceptable.

**The ACTING SPEAKER (Mr Bass):** Order! The honourable member's time has expired. The member for Hartley.

**Mr SCALZI (Hartley):** Today in this grievance debate I wish to comment about Annie Sprinkle, but before I do that I inform the House that I did not and would not see the show. However, I have read quite a bit about it. I believe that this year's Adelaide Festival and Fringe have been the most successful that we have had since the Festival's inception 36 years ago. I will support the motion of the member for Norwood to congratulate Barrie Kosky, the former director, and Robyn Archer on her appointment as director of the next two Festivals.

I believe it is important to comment on shows such as that of Annie Sprinkle. Like many members, my office was contacted by many constituents during the Festival. I did not see fit to comment on it at the time because I did not want to swell Annie Sprinkle's coffers. I believe, as the Minister for the Arts believes, that, although the Government funds the staging of the Festival, it does not have a direct role in the selection of the Festival program. It never has and never should have. I believe that the artistic content should be left to the director; that should always be the prerogative of the artistic director. However, I believe that now is the appropriate time to make it clear to the organisers of the next Festival that there are certain standards within South Australia that should be taken into account.

**Ms Stevens:** What, your standards?

**Mr SCALZI:** No, not necessarily my standards.

**Ms Stevens:** That's what you are saying.

**Mr SCALZI:** No. I agree that it was R-rated and that people did not have to go to see it, and I understand that similar things occur at the Crazy Horse and other venues, as some people have said. Every city has a sewer, but not every city puts the sewer on stage. There is a big difference between art and exploiting art, and I believe that Annie Sprinkle is in the second category. A true artist does not change his or her content according to the pressures put on him or her by the public.

I am told that when Annie Sprinkle performed in Britain she did not stage some of the content that was in the South Australian show. My information states:

There is some doubt that the speculum demonstration will be part of Sprinkle's on-stage repertoire. She took it out of some of the British shows in the interests of keeping the content topical. . .

I ask the organisers of the Festival to be flexible in reflecting the standards of all South Australians. Annie Sprinkle's performance, not only that on stage but the love-in, which,

I believe, was an offence to John Lennon, who was a true artist, camouflaged some of the events, including those in the Fringe. I was fortunate to represent the Minister at a production of *Calamity Jones and the Temple of Peril*, which was presented by CIRKIDS and the Citrus Board of South Australia. It was an excellent show which demonstrated the talents of our young people. It was attended by Julia Lester, and we had a discussion about how great it was to see so much talent in South Australia. People did not have to go and see her, but Annie Sprinkle camouflaged some of the good aspects of the Festival. We saw it on television, and it was in the papers. I believe that her contribution to the Festival was minute when considering it in proportion to other contributions.

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

**Mrs GERAGHTY (Torrens):** I did not see Ms Sprinkle, either. On Tuesday the member for Napier raised with the Minister for Housing and Urban Development recent changes with respect to the separation of the rental and property maintenance sections of the Housing Trust. The Minister's response was that he was not aware of any problems and that they should have been brought to his attention earlier. As I understand it, the member for Napier had written several letters to the Minister, and this is a matter that I have raised for some time now.

The Minister claimed that he was not aware of any problems—well, in my opinion, that simply is not true. This change was supposedly to enhance the corporate appearance of the trust and, we were given to believe, service to tenants. We also saw the removal of some tenants' rights, the rights that gave them the same opportunities as private tenants to a fair and reasonable standard of accommodation and the right to argue for fair and reasonable treatment from a landlord.

The latter right is most interesting and, accordingly, we should ask, 'Why?' The landlord in this case is the Housing Trust via the Minister. Perhaps these changes came about because there is a real need for an exemption. I am sure that that is the answer. The standard of Housing Trust stock in my electorate of Torrens is, in many cases, appalling. Many factors are responsible: a failure over many years to properly maintain properties; the general age of the stock; and a problem with the soil. As occurs in surrounding areas, we have Bay of Biscay soil, and the foundations of properties have been unable to weather the constant movement, so the houses are cracked and deteriorated. This needs to be rectified, and that can be done in some of the properties in my electorate.

In the past the Minister has made offensive comments about Housing Trust tenants, so I will ask him to atone for those comments by investigating the problems which have arisen as a result of the changes and to give all the tenants a fair go. Since the changes have occurred to the structure of the Housing Trust, maintenance, as has been pointed out, has become a nightmare. Instead of one person—usually the Housing Manager—taking complaints, investigating the need for repairs, arranging the maintenance order and examining the end result, we now see a request for maintenance shuffled through a never-ending maze of paper work and people and eventually ending up on somebody's desk waiting for ownership. In some cases this can take many months. In the meantime, the tenant endures substandard accommodation, still paying the same rent and constantly asking when the repairs will be done.

I give an example of one property in my area. The bathroom floor has literally dropped below floor level, leaving a 2 inch gap in places between the wall and the level of the floor. The outside ground can easily be seen. Tiles fell from the walls and water ran to the lowest point on the floor, but there was no need to mop it up because it just ran out the gap. This situation continues today, as I understand it. I guess we have to ask, 'Why has it taken so long to repair?' The reason is that the order for repair starts with the Housing Manager and meanders its way through the system waiting for ownership.

In the past, the structure of the Housing Trust may not have been perfect, but it was functional and repairs were carried out within a reasonable time, which meant less stress for tenants and less hassle all round. Property and rental should be under the one control. The current system is simply not working. If we have an umbrella that is divided into many sections and we take one of those sections away, eventually the umbrella collapses.

*Mr Brindal interjecting:*

**Mrs GERAGHTY:** The member for Unley says that that was the case under the Labor Government. I have acknowledged that there has been lack of maintenance—I do not deny that. However, it is the responsibility of the Government of the day, and that is members opposite.

*Mr Brindal interjecting:*

**The ACTING SPEAKER:** Order! The member for Unley is out of order; and I ask the member for Torrens to address her remarks through the Chair.

**Mrs GERAGHTY:** Service is not efficiently being provided, and tenants in my electorate are suffering. I do accept that repairing the property may not be cost effective. However, as the Government is not providing more Housing Trust stock, I expect it to repair tenants' properties and put them in the best order possible for them to live in.

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

**Mr ROSSI (Lee):** I have never heard so much waffle in my life as that from the member for Torrens. On a better topic, I would like to praise the West Lakes Shore Lawn Bowls Club at 21 Edwin Street, West Lakes Shore. From 10 January to 13 March, a 10-week twilight or night owl competition was held in which 20 teams competed.

**Mr Brindal:** Did you compete?

**Mr ROSSI:** Yes, but I finished at the bottom of the list. The main organiser of this night owl competition was Don Dunstall, who was assisted by the President, Eric Hillier, Jack Foley, the father of the member for Hart and Bob Williams. The sponsor of the competition was Bob Jane T-Mart of Alberton. The wind was blowing and it rained on a number of nights, and we needed a raincoat and jumper; other nights it was pleasant. West Lakes is the best suburb in Adelaide, and it is within the electorate that I represent.

*Mr Brindal interjecting:*

**The ACTING SPEAKER:** Order! The member for Unley is out of order.

**Mr ROSSI:** No, I have not been to Unley, but if you invite me I will attend. The West Lakes Lawn Bowls Club, which is near the sea, has new greens. The club provided excellent food between 6 o'clock and 7.30 p.m., and between 7.30 p.m. and 9.30 p.m. the bowling competition was held. A very pleasant barman was present, and the company, both young and old, was quite pleasant. As a matter of fact, a 10-year-old boy played excellent bowls, and I tried to bribe him

to play in my team but, unfortunately, he played for the winning team. It is a non-violent sport which I recommend to people of all ages. I am totally rapt in the sport, although I have been a member of the club for only the past 12 months.

I must also add that the World Lawn Bowls competition is being held at Lockleys this week, and it is a pleasure to attend the ground or watch the competition on television. As a matter of fact, when I arrived home last night from my electoral functions, I turned on the television and watched the championship between Australia and Fiji. After 19 ends, the score was 19 all, but Australia eventually won by six bowls. I congratulate the organisers of the night owl competition at West Lakes Lawn Bowling Club and commend them for their excellent effort and dedication to the game. I understand that they also invite schools to send their students there to participate in lawn bowls.

**Mr Foley:** What about my father?

**The ACTING SPEAKER:** Order! The member for Hart is out of order.

**Mr ROSSI:** I also congratulate Lockleys Bowling Club, which is hosting the World Lawn Bowls competition. It is pleasing that Adelaide is again on international television after losing the Grand Prix. It is a job well done by the Brown Liberal Government in supporting and attracting international personalities and events to South Australia.

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#### STATUTES AMENDMENT (ABOLITION OF TRIBUNALS) BILL

Received from the Legislative Council and read a first time.

#### TRAVEL AGENTS (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

**The Hon. S.J. BAKER (Treasurer):** 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.

These amendments to the Travel Agents Act 1986 are the result of a review which was part of the review of all legislation in the Consumer Affairs portfolio which has taken place over the last eighteen months.

The proposed amendments will make the South Australian Travel Agents Act more contemporary and in line with the legislation in other States, thereby promoting a more nationally uniform approach to the regulation of travel agents. The amendments will also bring the legislation into line with changes that have been made following the review of other South Australian occupational licensing legislation during 1994 and 1995.

When considering this Bill it should be recalled that South Australia, together with all other States and Territories with the exception of the Northern Territory, is a signatory to a Participation Agreement which establishes the Co-Operative Scheme for the Uniform Regulation of Travel Agents. The Agreement which was signed in 1986, requires all participating States and Territories to include in their own Travel Agents Acts a number of specific uniform provisions covering such areas as licence eligibility criteria, disciplinary actions and the requirement to be licensed. In view of these constraints, the review of the *Travel Agents Act* was unable to be carried out in the same manner as the reviews of other consumer legislation, that is, by going back to first principles.

This Bill does however contain some significant changes particularly in the areas of licensing and penalties, to better protect consumers and provide the travel industry with greater flexibility.

The Bill is directed towards achieving greater efficiency in the administration of the licensing system for this industry by transferring licensing from the Commercial Tribunal to the Commissioner for Consumer Affairs.

The disciplinary forum for licensees will be the Administrative and Disciplinary Division of the District Court. This move and the change to make the Commissioner the licensing authority, are common to all consumer legislation which has been subject to the current review process. As with other jurisdictions, the Court will sit with industry and consumer assessors, as directed by the presiding member.

Also in common with other reviewed Acts, is the power of the Commissioner for Consumer Affairs to enter into agreements with relevant industry bodies in order that those bodies may, with Ministerial approval, carry out certain functions under the Act, on the Commissioner's behalf.

The Bill is directed towards the lifting of educational and competency standards in the industry as there will be training requirements for persons who manage or supervise places from which a licensed travel agent carries on business. The detail of changes to the qualifications required will be contained in the Regulations.

Significant changes to penalties which are contained in the Bill include the following:

- The maximum penalty for breaching a condition of the licence is a \$50 000 fine. Currently, it's \$5 000.
- Where a person becomes involved in the business of a travel agent or becomes a director of a body corporate that is a travel agent in contravention of a District Court order, that person and the agent are each guilty of an offence. The maximum penalty is 6 months imprisonment or a \$35 000 fine. Currently, the maximum penalty is a \$5 000 fine.
- The maximum penalty for breaches of the Act in relation to the management and supervision of a travel business is a \$20 000 fine. Currently, it's \$5 000.
- The maximum penalty for the offence of improperly obtaining a licence has increased from a \$1 000 fine to \$8 000.
- The maximum penalty for breaches of the Act in relation to account keeping, use of the agent's authorized name and displaying the name of the travel agent is a \$2 500 fine. Currently, it's \$1 000.
- Proceedings for an offence must start within 2 years after the date on which the offence is alleged to have been committed. Currently, proceedings must begin within 12 months.

The draft Bill was released for consultation.

As a result of this consultative process and taking into account recommendations received prior to the draft stage, a large number of proposals were incorporated into the Bill. Other recommendations will be addressed in the drafting of amendments to the Regulations under the Act.

Significant changes to the area of licensing which will be addressed in the Regulations under the Act include:-

- Exempting from the requirement to be licensed those people who sell tickets for commuter travel and day tours. This will correct an anomaly in our legislation which imposes an unnecessary and unintended impost on sections of the business community, particularly the tourism sector in the case of 'day tours'. South Australia will then be consistent with other states in this regard.
- People who sell travel or accommodation within Australia to the total value of \$100 000 or less a year will not be required to be licensed. Currently the threshold is \$30 000 and has been since 1986.

Some concern has been expressed that this proposed action will allow a substantial number of operators who do not reach the increased threshold to escape licensing and thereby avoid the responsibility of recompense to consumers through the normal travel industry channels of the Travel Compensation Fund.

However, these reservations appear to be based on anecdotal rather than factual evidence as information supplied by the Travel Compensation Fund indicates that there are currently only four licensed travel agents in South Australia with an annual turnover of between \$30 000 and \$100 000 p.a.

- The introduction of a new Regulation which will extend the definition of the business of a travel agent. The addition of the new Regulation will give effect to a decision by the Ministerial Council on Consumer Affairs (MCCA) which resolved, in

November 1994, to give in principle support to the extension of the Travel Compensation Fund Scheme to incorporate "travel related products".

The effect of this decision is such that the Travel Compensation Fund can now pay compensation to consumers with respect to travel related products such as holiday accommodation, car rental or the provision of travellers cheques, even if they have been supplied by a travel agent *independently* of making travel arrangements.

To ensure that South Australian legislation recognises the decision made by MCCA, it is necessary that the definition of the business of a travel agent will be extended in the regulations to include 'travel related activities'. Once the amended regulations are in operation, if a licensed travel agent makes travel related arrangements on behalf of a consumer which are either separate from or in conjunction with the activities described in section 4 (1) (a) or (b) of the Act, the consumer will, if necessary be able to seek compensation from the Travel Compensation Fund. However, the scope or coverage of the Act will not be extended beyond the current boundaries to include for example service providers such as car hire companies etc. I commend this Bill to the House.

#### Explanation of Clauses

##### Clause 1: Short title

##### Clause 2: Commencement

These clauses are formal.

##### Clause 3: Amendment of s. 3—Interpretation

The amendment to "authorised name" is consistent with the approach taken in other occupational licensing Acts such as the *Building Work Contractors Act 1995*, the *Plumbers, Gas Fitters and Electricians Act 1995* and the *Security and Investigation Agents Act 1995*.

The definition of "director" (defined in the broad way as in the other occupational licensing Acts) is inserted. This is equivalent to current section 8(9)(a)(ii) of the principal Act, but defining it in this way matches with the other occupational licensing Acts passed in 1995.

The insertion of the definition of the "District Court" and the deletion of the definitions of "Registrar" and "Tribunal" are required as a result of the transfer of certain functions of the Tribunal to the Administrative and Disciplinary Division of the District Court as requested. There will no longer be a need for the Commercial Tribunal to exist if this Bill is passed.

##### Clause 4: Amendment of s. 4—Business of travel agent

The amendments to section 4 of the principal Act are intended to allow for regulations to be made to include or exclude certain activities from coming within the ambit of carrying on "business as a travel agent".

##### Clause 5: Substitution of Part II

In order to make the principal Act consistent with other occupational licensing Acts and as there were quite a number of amendments to be made to existing Part II, a new Part 2 is proposed.

#### PART 2—LICENSING OF TRAVEL AGENTS

##### DIVISION 1—GRANT OF LICENCES

##### 7. Travel agents to be licensed

New section 7(1) is equivalent to current section 7(1) to (3). New section 7(2) and (3) are similar to current section 7(4) and (5).

New section 7(4) replaces current section 11 (Unlicensed person may not recover agent's commission, etc.) and is similar to what is provided in the *Building Work Contractors Act 1995*.

The offence of breaching a condition of licence is provided for by new section 7. The conditions are imposed on, and are therefore part of, the licence. New section 7 provides that it is an offence for a person to carry on business as a travel agent except as authorised by a licence. If a licensed travel agent breaches a condition of the licence, the agent is committing an offence against new section 7 as the agent would be carrying on business as a travel agent otherwise than as authorised by the licence. (See also explanation in relation to new section 10.)

##### 8. Application for licence

New section 8 replaces current section 8(1) to (8). New section 8 is consistent with the approach taken in the other occupational licensing Acts—

- the Commissioner is the licensing authority;
- application forms will not have to be prescribed by regulation;
- the Commissioner of Police will not be required to play a role in the application process;
- there is no provision made for objections to be lodged.

##### 9. Entitlement to be licensed

New section 9 replaces current section 8(9). New section 9(2) reiterates, in respect of a body corporate applicant for a licence, the provisions in respect of applicants who are natural persons. The broad definition of director inserted by clause 3 is consistent with the approach taken in current section 8(9)(a)(ii).

##### 10. Conditions of licences

New section 10 replaces current section 10 and is substantially the same, except that the conditions are imposed by the Commissioner instead of the Tribunal and the licensed travel agent may apply at any time for a variation or revocation of a licence condition. This approach is consistent with other occupational licensing Acts.

A penalty is not provided for in new section 10 as the offence of breaching a condition of licence is provided for by new section 7.

##### 11. Appeals

There is currently no provision for a person to appeal against the failure to grant a licence by the Tribunal but applicants under each of the other occupational licensing Acts are given this right and an applicant for a travel agent's licence should also have this right. Given that the licensing authority is to be the Commissioner and not the Tribunal, this clause is included in the amendments.

This provision is the same as that included in every other occupational licensing Act where the Commissioner is the licensing authority.

##### 12. Duration of licence and annual fee and return

New section 12(1) and (2) are equivalent to current section 9(1) and (2). New section 12 matches the other occupational licensing Acts.

##### 13. Supervision of travel agent's business

New section 13 is equivalent to current section 10a with an increased penalty (from \$5 000 to \$20 000) in line with other occupational licensing Acts.

##### 14. Business may be carried on by unlicensed person in certain circumstances

New section 14 is equivalent to current section 12.

#### DIVISION 2—DISCIPLINE

The forum for discipline of travel agents has been transferred from the Tribunal to the District Court. This Division follows the pattern established in the other occupational licensing Acts.

##### 15. Interpretation of Division

New section 15 defines director and travel agent for the purposes of the proposed Division.

##### 16. Cause for disciplinary action

The causes for disciplinary action against travel agents set out in new section 16 are substantially the same as those set out in current section 13(8). Any differences (such as the added section 16(1)(a)) are as a result of matching (wherever this is possible without upsetting the national scheme) this Act with the other occupational licensing Acts.

##### 17. Complaints

New section 17 replaces current section 13(3).

##### 18. Hearing by Court

##### 18A. Participation of assessors in disciplinary proceedings

These new sections match sections in the other occupational licensing Acts. There is no equivalent in the current Act but it is necessary for them to be included so that the Administrative and Disciplinary Division of the District Court can take over the functions of the Commercial Tribunal.

They provide that the District Court must conduct a hearing, on the lodging of a complaint, for the purpose of determining whether the matters alleged constitute grounds for disciplinary action. If the judicial officer presiding at the proceedings so determines, the Court may sit with assessors selected in accordance with the proposed schedule.

##### 18B. Disciplinary action

New section 18B is equivalent to current section 13(6) and (7).

##### 18C. Contravention of orders

The precedent for new section 18C is found in the *Building Work Contractors Act 1995*. This new section substitutes for current section 14. It provides that if a person is employed or otherwise engages in the business of a travel agent, or becomes a director of a body corporate that is a travel agent, in contravention of an order of the District Court, that person and the agent are each guilty of an offence the maximum penalty for which is a fine of \$35 000 or imprisonment for 6 months.

*Clause 6: Amendment of s. 21—Appeals*

These amendments are consequential on the transfer of judicial functions from the Commercial Tribunal to the Administrative and Disciplinary Division of the District Court.

*Clause 7: Amendment of s. 25—Trustees subrogated to rights of claimant*

These amendments are consequential on the insertion of the new definition of director.

*Clause 8: Substitution of Part IV*

Current Division III of Part II of the principal Act has not been included as part of the new Part 2 of the amended Act in keeping with the pattern established in the other occupational licensing Acts. The sections currently included in that Division will be found in new Part 4—Miscellaneous.

**PART 4—MISCELLANEOUS**

New sections 27 to 29 were included to maintain consistency with the other occupational licensing Acts.

**27. Delegations**

New section 27 provides for delegations by the Commissioner or the Minister.

**28. Agreement with professional organisation**

New 2. 28 allows the Commissioner, with the approval of the Minister, to enter into an agreement under which a professional organisation takes a role in the administration or enforcement of this Act. The agreement cannot contain a delegation relating to discipline or prosecution or investigation by the police.

**29. Exemptions**

New section 29 provides the Minister with power to grant exemptions.

**30. Registers**

New section 30 mirrors the other occupational licensing Acts and replaces current section 15. The Commissioner is required to keep the register and to include in it a note of disciplinary action taken against a person. The requirement in current section 15a of the Act to advertise disciplinary action is not retained (consistently with other occupational licensing Acts).

**31. Commissioner and proceedings before District Court**

New section 31 sets out the entitlement of the Commissioner to be joined as a party and represented at proceedings.

**32. False or misleading information**

New section 32 replaces current section 33 and matches other occupational licensing Acts. It is an offence to provide false or misleading information under the Act. The penalties are \$10 000 if the person made the statement knowing that it was false or misleading or, in any other case, \$2 500.

**33. Notice to be displayed**

New section 33 is equivalent to current section 16 with an increased penalty (from \$1 000 to \$2 500) for breach of the section.

**34. Travel agent to use authorised name**

New section 34 is equivalent to current section 17 with an increased penalty (from \$1 000 to \$2 500) for breach of the section.

**35. Accounts to be kept**

New section 35 is equivalent to current section 18 with an increased monetary penalty (from \$1 000 to \$2 500) for breach of the section.

Sections 36 to 39 match the other occupational licensing Acts.

**36. Statutory declaration**

The Commissioner is authorised to require information provided under the Act to be verified by statutory declaration.

**37. Investigations**

The Commissioner of Police is required, at the request of the Commissioner for Consumer Affairs, to investigate matters relating to applications for licences or discipline.

**38. General defence**

The usual provision is included allowing a defence that the act was unintentional and did not result from failure to take reasonable care.

**39. Liability for act or default of officer, employee or agent**

Acts within the scope of an employee's authority are to be taken to be acts of the employer.

**40. Offences by bodies corporate**

The usual provision placing responsibility on directors for offences of the body corporate is included. This is equivalent to current section 35.

**41. Continuing offence**

A continuing offence provision is included consistent with the other occupational licensing Acts.

**42. Prosecutions**

New section 42 replaces current section 37 but, in line with the other occupational licensing Acts, increases the time within which a prosecution for an offence against this Act can be commenced from 12 months to 2 years.

**43. Evidence**

New section 43 provides that an apparently genuine certificate of the Commissioner as to whether or not a person is licensed under the Act is to be accepted as proof in the absence of proof to the contrary. This section follows the precedent set in the other occupational licensing Acts.

**44. Service of documents**

New section 44 matches the other occupational licensing Acts and replaces current section 32.

**45. Annual report**

New section 31 matches the other occupational licensing Acts and replaces current section 31.

**46. Regulations**

New section 46 replaces current section 38, keeping the matters needing to be included while matching, where appropriate, the other occupational licensing Acts.

*Clause 9: Insertion of schedule***SCHEDULE—Appointment and Selection of Assessors for District Court**

This schedule matches the schedules providing for appointment and selection of assessors when sitting with the Administrative and Disciplinary Division of the District Court in occupational licensing matters.

*Clause 10: Transitional provisions*

This clause provides for matters arising from the transition from the current Act to the Act as it will be when amended.

*Clause 11: Further amendments to principal Act*

These amendments are of a minor statutory law revision nature.

**Mr CLARKE** secured the adjournment of the debate.

### **WILLS (WILLS FOR PERSONS LACKING TESTAMENTARY CAPACITY) AMENDMENT BILL**

Received from the Legislative Council and read a first time.

**The Hon. S.J. BAKER (Treasurer):** I move:

*That this Bill be now read a second time.*

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

Leave granted.

This Bill amends the *Wills Act 1936* to vest power in the Supreme Court to make a will on behalf of a person who lacks testamentary capacity. A statutory will-making scheme is a means of providing a person lacking testamentary capacity with a will reflecting, as far as possible, current intentions or at least what his or her intentions would have been but for the disability.

The power vested in the Supreme Court is not a power to review the reasonableness of earlier dispositions made by a person then having testamentary capacity on the grounds that the person now lacks such capacity. Rather it is a power to be exercised in situations where a will or a new will is necessary to avoid a person's property being distributed in a manner contrary to his or her intentions or what those intentions would have been if he or she had testamentary capacity.

It provides for the situation, for example, where a child is left a substantial settlement as compensation for permanent brain damage resulting from a motor vehicle accident. If the child's parents died in the accident, and the child is being cared for by a friend of the family, it is to this person that a Court would look to as the intended beneficiary of the child's estate.

There is community support for the concept of statutory wills and organisations assisting persons with disabilities are of the view that the ability to make a will can be a matter of considerable dignity and satisfaction for a person with a disability. The New South Wales Law Reform Commission in recommending that a statutory will making scheme be introduced in that State noted that "a statutory will making scheme would greatly enhance the rights and dignity of persons with disabilities by enabling their property to be devised appropriately by having regard to their current situation".

The Bill adopts the statutory will-making scheme recommended by the New South Wales Law Reform Commission Report in the Commission's Nineteenth (19th) Report, *Wills for Person's Lacking Testamentary Capacity*, published February 1992.

The main features of the scheme are as follows:

- the will-making power is vested in the Supreme Court;
- the scheme covers any person lacking testamentary capacity;
- any person is entitled to apply for the making of a statutory will (solicitors, health care workers, social workers, administrators appointed by the Guardianship Board);
- the person who lacks testamentary capacity is entitled to appear and be heard at the proceedings;
- the Manager of the estate of the person under the provisions of the *Aged and Infirm Persons Property Act 1940*, the Public Advocate, the Administrator appointed by the Guardianship Board under the *Guardianship & Administration Act 1993*, and the Donee of an Enduring Power of Attorney under the *Powers of Attorney & Agency Act 1984*, are also entitled to appear and be heard at the proceedings;
- in order to filter out frivolous and vexatious applications, leave of the Court must be obtained before an application for an order to make a statutory will can proceed;
- the applicant must prove the lack of testamentary capacity;
- the Court shall, where possible, make a will in terms which the person lacking testamentary capacity would have made if the person had the capacity to make a will, at the time of the hearing of the application;
- a statutory will is to be executed by the Registrar of Probates and deposited in the Probate Registry;
- a statutory will is to have the same effect as a will executed under the *Wills Act 1936*, and the *Inheritance (Family Provision) Act 1972* is to apply in the same way as ordinary wills;
- a statutory will is to be capable of alteration or revocation in the same way as it is made (unless the person regains testamentary capacity in which case the will can be revoked in the normal way);
- the costs of or incidental to the application for the making of a statutory will are to be determined in accordance with the Court's discretion.

The Supreme Court has been selected as the most appropriate forum to determine applications for a number of reasons:

- (1) The Court is currently vested with probate jurisdiction.
- (2) Costs are not awarded as of right but at the discretion of the Court, allowing the Court to take into consideration the financial circumstances of those persons appearing before it.
- (3) If jurisdiction was vested in a Board or Tribunal as suggested by some, a right of appeal to the Supreme Court would be required. Determinations of this nature affect a person's prospective interests in a very serious and substantial manner.
- (4) *Testamentary capacity* is a legal concept familiar to the courts and customarily applied by the courts.

The list of factors to be considered by the Court are set out in the Bill, namely:

- any evidence relating to the wishes of the person for whom the will is to be made;
- the likelihood of the person gaining or regaining testamentary capacity;
- the terms of a valid will previously made and the interests of persons under that will;
- the interests of any persons who would be entitled under an intestacy;
- the likelihood of an application being made under the *Inheritance (Family Provision) Act 1972*;
- the circumstances of any person for whom provision might reasonably be expected to be made;
- any gift for a charitable or other purpose the person might be reasonably expected to give or make by a will;
- the likely assets of the estate;
- any other matter that the Court considers to be relevant.

South Australia, on enactment of this legislation, will be the first State to have incorporated provision for statutory wills. Legislation empowering a Court to make wills for persons lacking testamentary capacity has existed in England since 1969 and appears to be working well.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

*Clause 3: Insertion of s. 7—Will of person lacking testamentary capacity pursuant to leave of court*

New section 7 enables the Supreme Court to make an order authorising the execution, alteration or revocation of a will on behalf of a person who lacks testamentary capacity.

An application for an order (setting out a specific proposal for the consideration of the Court) can be made by any person but only with the leave of the Court.

Before making an order, the Court must be satisfied—

- that the person lacks testamentary capacity;
- that the proposed will, alteration or revocation would accurately reflect the likely intentions of the person if he or she had testamentary capacity; and
- that the order is reasonable in all the circumstances.

Subsection (4) lists the following factors for consideration by the Court:

- any evidence relating to the wishes of the person;
- the likelihood of the person acquiring or regaining testamentary capacity;
- the terms of any will previously made by the person;
- the interests of—
  - the beneficiaries under any will previously made by the person;
  - any person who would be entitled to receive any part of the estate of the person if the person were to die intestate;
  - any person who would be entitled to claim the benefit of the *Inheritance (Family Provision) Act 1972* in relation to the estate of the person if the person were to die;
  - any other person who has cared for or provided emotional support to the person;
- any gift for a charitable or other purpose the person might reasonably be expected to give by a will;
- the likely size of the estate;
- any other matter that the Court considers to be relevant.

Subsection (7) entitles the following categories of persons to make representations to the Court:

- the person in relation to whom the order is proposed to be made;
- a legal practitioner representing the person or, with the leave of the Court, some other person representing the person;
- the Public Advocate;
- the person's administrator, if one has been appointed under the *Guardianship and Administration Act 1993*;
- the person's guardian or enduring guardian, if one has been appointed under the *Guardianship and Administration Act 1993*;
- the person's manager, if one has been appointed under the *Aged and Infirm Persons' Property Act 1940*;
- the person's attorney, if one has been appointed under an enduring power of attorney;
- any other person who has, in the opinion of the Court, a proper interest in the matter.

A will or instrument made pursuant to an order under the new section is to be executed by the Registrar signing it and it being sealed with the seal of the Court.

*Clause 4: Substitution of heading to Part 3*

The heading is altered to take account of new section 25D.

*Clause 5: Insertion of s. 25D—Validity of statutory wills made outside the State*

New section 25D provides for recognition in this State of wills made under the law of some other jurisdiction despite the lack of testamentary capacity of the testator.

**Mr CLARKE** secured the adjournment of the debate.

### PUBLIC AND ENVIRONMENTAL HEALTH (NOTIFICATION OF DISEASES) AMENDMENT BILL

**The Hon. S.J. BAKER (Treasurer)** obtained leave and introduced a Bill for an Act to amend the Public and Environmental Health Act 1987. 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 purpose of this short Bill is to facilitate more rapid reporting of disease outbreaks. In his report into the death of Nikki Robinson, the Coroner was of the view that there was a need for a review of the provisions of Section 30 of the Public and Environmental Health Act. Section 30 currently provides that, where a medical practitioner becomes aware that a person is suffering from a notifiable disease or has died from a notifiable disease, the medical practitioner shall, as soon as practicable, and in any event, within five days of becoming so aware, report the existence of the disease to the South Australian Health Commission.

The Coroner indicated that there were several issues in relation to disease notification which needed to be reconsidered. The use of the expression 'is suffering from a notifiable disease' indicates that a definite diagnosis needs to have been made by the practitioner before there is a requirement to notify. In order to facilitate reports being made on a much earlier basis, it was recommended that notification be mandatory if the practitioner believes that the patient may be suffering from such an illness.

The maximum timeframe for reporting also came under review. The principal Act currently requires reporting as soon as practicable, but in any event, within five days of becoming aware that a person is suffering from or has died from a notifiable disease. It was the Coroner's view that this was too long in relation to infectious disease epidemics.

The Bill therefore makes reporting mandatory on suspicion of the relevant disease, that is, without waiting for laboratory confirmation, a second opinion or evolution to certain diagnosis. The report must still be made as soon as practicable, but the maximum timeframe is shortened to three, rather than five, days.

The Bill makes a further amendment designed to clarify reporting responsibilities. Currently, a medical practitioner is not required to report a notifiable disease to the Commission if the practitioner knows or reasonably believes that a report has already been made to the Commission. However, taking into account the Coroner's observations and in the interests of early reporting and clarity of reporting responsibilities, that exception is to be removed. This will mean that the Commission will have available to it both the doctor's notification and the advice from laboratories.

The Coroner also recommended that consideration be given to making HUS (haemolytic uraemic syndrome) and TTP (thrombotic thrombocytopenic purpura) notifiable diseases. This matter is being considered by the Communicable Diseases Network of Australia and New Zealand, since it is obviously desirable that there be national uniformity of terminology and case definition if such action is to be taken. As Honourable Members may be aware, the mechanism for adding to the schedule of notifiable diseases is by regulation. Once the matter has been resolved by the Communicable Diseases Network, it may come before this House in the form of subordinate legislation.

#### Explanation of Clauses

##### *Clause 1: Short title*

This clause is formal.

##### *Clause 2: Amendment of s. 30—Notification*

This clause amends section 30 of the principal Act. Section 30 currently provides that where a medical practitioner becomes aware that a person is suffering from, or has died from, a notifiable disease, the medical practitioner must report the existence of the disease to the South Australian Health Commission. The practitioner is required to do so as soon as is practicable and, in any event, within five days of becoming aware that the person is suffering from, or has died from, the disease. This amendment changes the requirement that the practitioner report the matter to the Commission where he or she becomes aware of the disease to a requirement to report where he or she suspects that the person is suffering from, or has died from, the relevant disease. That report must still be made as soon as practicable but must now be made within a maximum of three days rather than five days.

This clause also removes an exception to the reporting requirement. Currently, under subsection (4) of section 30, a medical practitioner is not required to report a notifiable disease to the Commission if the practitioner knows or reasonably believes that a report has already been made to the Commission. This amendment repeals that exception to the normal rule.

**Ms STEVENS** secured the adjournment of the debate.

## BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 915.)

**Mr CLARKE (Deputy Leader of the Opposition):** The Opposition supports this Bill and the amendments that have been made to it. However, I would like to pay tribute to a member of the other Chamber, the Hon. Anne Levy who, on behalf of the Opposition, had the carriage of this Bill in another place and who, in my view, did an exceptionally good job. She pointed out a number of deficiencies in the original Bill. I do not mean that there was any malice or deliberateness on the part of the Attorney or anyone else in the drawing up of the original Bill but, without going into too many details, I will just give some illustration of the points which the Hon. Anne Levy managed to pick up and which were accepted by the Attorney-General, to his credit, along with a number of other amendments that both she and the Attorney and his officers came up with to the original Bill, which improved it.

The original Bill would, for example, have defined abortions after 20 weeks as stillbirths. There is a small number of abortions where the foetus is more than 20 weeks old, due to foetal abnormalities, and there are enough pressures on those parents (mothers in particular) who go through such an exercise, without having that additional burden placed on them. Also, the Bill originally proposed that it was mandatory to name every stillborn baby: the position under the amended Bill is that it is voluntary. Those parents who wish to name a stillborn child are perfectly free to do so, but it will not be mandatory. I do not believe that it ever should have been. Parents go through enough trauma in the circumstances of a stillborn child, and it is an intensely personal matter as to whether or not those parents wish to name that child. In my view, it is not a matter for the State to make it mandatory on those parents.

The Opposition supports the Bill. It has been much improved in the other place through negotiations between the Attorney and the Hon. Anne Levy, and I am sure that many of us are grateful for the work that the Hon. Anne Levy has put into this Bill to ensure that the State does not unnecessarily intrude in the sometimes intensely personal and tragic circumstances that affect parents at the time of a birth and death of a baby.

**Mr ANDREW (Chaffey):** While I support this Bill overall, I wish to refer to one specific aspect of it, because I have had personal representation made to me by a constituent. I am particularly pleased to have been part of the process of supporting that constituent's concern and conveying this aspect to the Attorney-General, so being part of the process of assisting to bring about the change in the legislation before us today. The need for changes to this Bill was brought to my attention by a constituent concerned that her stillborn child could not be registered and that there could be no official notification that the child ever existed. The constituent concerned discussed this with me and also wrote me a letter early last year.

The House would appreciate that, because I respect the personal privacy of the constituent concerned, I will not disclose names *per se*, but I would like to read to the House and put on the public record the letter that the mother concerned wrote to me, because it appropriately and justifiably

ly symbolises the concerns which needed to be reflected and which have been brought about with the change in this legislation. The letter reads as follows:

Dear Mr Andrew,

Recently I gave birth to a stillborn baby daughter whom we named . . . During the time of preparing for her cremation we were informed that birth and death certificates were not issued for stillborn babes. This astonished me, further adding to my grief. How can this happen? Babes born after 20 weeks gestation or weighing greater than 500 grams require a burial by law, but their birth, if stillborn, does not necessitate a certificate of birth or death. Surely my little girl has a right to be acknowledged as an individual by being issued a birth certificate and death certificate. Certainly, [she] did not get the opportunity to breathe, but she was fully developed and ready for this world.

She weighed 5 lb 11 ozs. She was 50 cms long. She was beautiful. My labour was induced. I had labour pains for many hours. I did deliver naturally. I did have the opportunity to hold and cuddle her, to bath and dress her. I did experience all the feelings of mothering—all too short that they were. I have wonderful memories now, but that is all they are—memories. The fact that [her] existence is not acknowledged with a birth certificate makes me feel that no-one cares; that she never was. Life does not begin in the 'outside' world. She had been living for many months, moving endlessly within me. She did exist. She was a little person to my husband and I, and also to our family and friends who saw, or felt, her move within me.

I feel the law needs to be changed to acknowledge babes such as [her]. Could you please let me know if anything is being done to change this? If nothing is happening could you please bring this situation to the attention of those who could bring about such change. If babes born after 20 weeks gestation, or greater than 500 grams, require burial, surely they are also entitled to full notification of their existence by a birth and/or death certificate being required. Thank you for your consideration and response.

Yours sincerely,

I am sure that we are all moved to some extent by that request from the mother concerned. Further to that, a stillborn death is defined as a child of at least 20 weeks gestation with no sign of life, and is registered as the normal practice in other States of Australia. Therefore, I support the recognition provided by clause 12 of this Bill, that the birth of those stillborn will be registered plus a death certificate forwarded, although there is no registration of death and no necessity for the child to be named. Concern was voiced in another place about differentiation between stillborn babies and those occasions on which a foetus is aborted after 20 weeks, generally due to birth defects. I am also pleased that this matter was resolved and clarified in this Bill, that is, that the definition of 'stillborn' specifically excludes the product of a procedure for the termination of pregnancy.

The Bill, which repeals the 1966 Act, is modelled on one approved by Attorneys-General across Australia. It recognises that, in an age of technological advance and greater population mobility, there must be agreements in place to facilitate and simplify the exchange of information between the States and Territories of Australia. It also brings the legislation up to date with society's current attitudes and provides for the cultural and religious values of the whole community. The official distinction between legitimate and illegitimate birth is, I believe, appropriately no longer considered relevant.

Also, I support the changes to the Act regarding the entry of a child's surname in the register. Current requirements, I understand, are not sufficiently flexible to encompass the variety of naming patterns that exist today in our multicultural community. Traditions, in terms of how names are now passed from one generation to another, because of our multicultural society, do not always follow the European norms with which so many of us here are particularly

familiar, and I acknowledge and commend the fact that the legislation also recognises this.

I also believe that the concern regarding personal privacy has been balanced against the legitimate request for statistical information, as the Registrar will be required to maintain and provide a written statement of access policies. I recognise that this Bill has received bipartisan support in another place, and I believe that the issues that have been raised with me in the electorate, an example of which is the letter I have read today, have been appropriately and justifiably addressed. I am confident that this legislation will receive broad community acceptance and, because of this, support the legislation.

**Mr VENNING (Custance):** Once again, I rise to speak after the member for Ross Smith. Today I support his words fully and also those of the member for Chaffey regarding changing the law so that it is not mandatory to name a stillborn child. That is a very emotive time, and several of my friends have had this problem. It is certainly a welcome change to the law, particularly through clause 12, as the member for Chaffey has clearly and adequately explained to the House.

During the early days of my representation as an MP, one of the first issues that was brought to my notice was that in those days several of the country registers were being closed down and moved to the central office in Adelaide. Many of the communities, particularly in Burra and Clare, were very concerned about that. I do not know the final upshot of that, but I shared the concern of these local communities, which kept this archival material in their registers. As a member of the National Trust, I believe that it was a good move, and I will be interested to see the final upshot of that.

I was concerned about the provision relating to parents being able to register their child's birth using any given name or surname they wish. The member for Chaffey has just described that situation, and I would have to disagree with him. The Bill allows that, provided it is not a prohibited name as defined under clause 4 of the Bill, people can call their child anything they like. This is Australia. I am an Australian, and I am a traditionalist. I believe it is customary in Australia for most children to use the surname of the father or mother or both. I know that Australia is a multicultural society now, but I do not believe that we should change our customs completely by an Act of Parliament. The Registrar of Births, Deaths and Marriages has explained to us that he has been allowing some foreign parents to register the birth of their children under the system used in the country of origin. I think it is fair enough that we allow our officials to have this flexibility. In particular, people from Indonesia and some Spanish speaking people from central America follow the matriarchal line rather than the patriarchal line.

As for Australians—or those of any other nationality, for that matter—using different surnames from that of the father, mother or a combination of both, the registration will still show the names of the father and mother, if known, so they can still be traced. The Registrar also explained that there is already a facility for people to change their name to anything they like, barring the exceptions provided under clause 4. Changing the law so that a name can be registered in the form preferred in the first place will save time in many instances. The important thing is that it will still be possible to trace the registration for lineage purposes. That is a very important factor, particularly today when so many people are tracing their family trees.



This legislation follows a model Bill which was developed over several years by State and Territory Registrars of Births, Deaths and Marriages, which was drafted by the South Australian Parliamentary Counsel and which was approved by the Standing Committee of Attorneys-General earlier this year. New South Wales has a new model in operation, South Australia is the second off the rank, and the Northern Territory recently introduced its new model. The other States are yet to introduce their legislation, so five more jurisdictions are to enact legislation down the track before coordination and cooperation between the States can be fully implemented. Therefore, it could be a couple of years before that occurs. With these qualifications, I am happy to support the Bill.

**The Hon. S.J. BAKER (Deputy Premier):** I thank all members for their support for the Bill. It is another and very important step. Some standards of the past have changed under this Bill, and quite rightly so. Some have already been mentioned, such as the reciprocal administration arrangements, the registration of stillbirths other than those that have been the result of termination, the removal of the concept of illegitimacy and the registration of the child's birth being the joint responsibility of the parents. There is a simple procedure for adding parentage details to birth registrations. The options available for naming a child are opened up to take account of religious or cultural differences that exist among those people who have come from overseas, and there is the issue of access to the register. As members have pointed out, this Bill represents contemporary thinking and reflects the community standards of today. It is an improvement on the conditions that previously prevailed. I thank all members for their support.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Delegation.'

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

Page 4, line 25—Leave out 'under this' and substitute 'or functions under this or any other'.

This amendment will ensure that it is not only powers but also functions that can be delegated and that it will be by the Registrar. Other Acts will be affected, so it is just an improvement.

Amendment carried.

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

Page 4, after line 25—Insert new subclauses (2) and (3) as follows:

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation under this section—

- (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and
- (c) does not derogate from the power of the delegator to act in any manner; and
- (d) is revocable at will by the delegator.

This amendment deals with the power or function to be delegated.

Amendment carried; clause as amended passed.

Remaining clauses (9 to 55), schedules and title passed.

Bill read a third time and passed.

#### LIQUOR LICENSING (DISCIPLINARY ACTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 916.)

**Mr CLARKE (Deputy Leader of the Opposition):** This will take at least two hours, by my schedule.

**Mr Venning:** You're the ambassador, aren't you?

**Mr CLARKE:** The parliamentary secretary, lance corporal Venning—

*Members interjecting:*

**Mr CLARKE:**—sorry, the member for Custance, has exceeded himself today with his sense of humour. Next he will be pointing out my lack of hair. At least in my case I do not have to wash my hair in tomato sauce, as he does. The Opposition supports this Bill. We have consulted the appropriate representative groups in the liquor industry and no objections have been raised with us.

It is reasonable for the Licensing Court to be able to discipline people other than the existing licensees, if such people have been responsible for wrongdoing in relation to certain premises that supply liquor. I must say that, when I first read this Bill, I did not realise that that was the case: it was quite an anomaly, and it is pleasing to see that the Attorney-General, with his reformist zeal, is going over every Bill, every regulation, and so on, and bringing us up to date. I also understand from reading the Bill that greater flexibility is provided in respect of fines and disqualification. Accordingly, the Opposition will support the swift passage of this legislation—as always, in our normal, constructive and thoughtful manner.

**Mr VENNING (Custance):** Once again, I follow the Deputy Leader, and this time I will have to agree with his comments. As the member representing the Barossa Valley and Clare Valley, I take a very strong interest in matters such as this. It has been a pleasure for me to entertain in my office at the same time both the Deputy Leader and the Deputy Premier. The Deputy Premier left first and left me at the mercy of the Deputy Leader. I survived the night: I do not know about the others.

I have sought input on this Bill from within the industry, in particular from the Tanunda Club, the Vine Inn and Mr Peter O'Shannessy of the Australian Hotels Association. Certainly, there seems to be general support for the changes.

The Act, as it stands, has several inadequacies and loopholes and is becoming almost unworkable and extremely difficult to administer. Along with the liberalisation of the club industry, directors and management must realise their responsibilities in running such organisations. Whilst the laws and penalties are adequate for those who are professional and run their businesses within the guidelines, it is unfortunate that there is a minority who do not. The stiffer penalties should worry only those persons and, hopefully, serve as a deterrent for others. Since the change of Government the Licensing Act has become more liberal—pardon the pun—and the Attorney-General is working on more changes. That is a very positive move indeed and it is supported.

However, I am concerned that we could become over protective if action is taken on mere technicalities not involving serious misconduct and/or public health and safety, thereby putting the licences of licensees and their livelihoods at risk. Respondents felt there was a genuine need for change: for example, in the current situation if a manager breaches the law without the knowledge of his or her directors, he or she would be charged and face disciplinary action as well as every board member individually. The changes listed for amendment would make individuals responsible for their own

actions—which is commonsense—instead of a group being responsible for the actions of that individual. The number of breaches of the Act, I hate to say, is overwhelming. According to one source, apparently, it is a daily occurrence under section 124 of the Act.

Any breach of the Act is a criminal offence. It is dealt with first in the Magistrates' Court and, if the individual is found guilty, the Licensing Commission can recommend disciplinary action under the Act. This is dealt with at the Licensing Court. This was not perceived as fair play: why should a person be penalised twice for one offence? In other words, it was felt that the Bill, as currently drawn, does not have adequate safeguards for licensees against situations effectively amounting to double jeopardy and also double standards of proof. It was also felt that it must be hard for a criminal court magistrate to understand the complexities of the Licensing Act and industry, whereas the Licensing Court has a specialist judge, being (as we all well know) Judge Kelly.

Basically, I feel the proposed changes are a step in the right direction, but there could be more scope for further improvements down the road. The Tanunda Club and the Vine Inn are fine institutions and I frequent them often. They offer a five star level of service of legendary repute in our tourist jewel of an area, the Barossa Valley. Anything we can do as a Government to help them—and other institutions like them—to work within reasonable parameters should be supported, and I support the Bill.

**The Hon. S.J. BAKER (Deputy Premier):** I thank both members for their contributions. There are these funny anomalies in the law that, if you have committed all sorts of

transgressions and hand in your licence, you do not get caught and then you front up somewhere else and go through the same procedure. Over the years I have been particularly concerned about two areas: one is liquor licensing and the other is certain activities within the building industry. We have so many disgraceful examples, particularly in the building industry, where individuals are hurt by people who are either not licensed or who move between bankruptcy and shelf companies and associated partners to overcome the laws. If there is ever a need for reform in this State, it is certainly that process of reform necessary in the building industry. This has already started under the Attorney and it must continue, because people are still being hurt through slipshod work by those who do not have an interest in the quality of housing they are delivering.

For me, the important issue is that we continue to penalise those who have transgressed. Under the existing conditions, of course, once the person concerned hands in the licence, they escape penalty. Importantly, too, some of these characters, as I call them, are associated with directors who have set this person up for a period simply to make a fast buck and, indeed, breach the law in the process. So, these people, also, are caught under the provisions. From the Government's point of view, we believe that it is another step in the right direction. It adds a certain extra element of accountability, and we are pleased with the support from the Opposition.

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

#### ADJOURNMENT

At 4.8 p.m. the House adjourned until Tuesday 26 March at 2 p.m.

## HOUSE OF ASSEMBLY

Tuesday 19 March 1996

### QUESTIONS ON NOTICE

#### PANALATINGA ROAD

**5. Mr ATKINSON:**

1. Does the Government intend to extend Panalatinga Road to the corner of Doctors and States Roads, Morphett Vale and if so, when?

2. What has caused the delay in the reconstruction of Panalatinga Road south of Bains Road?

**The Hon. J.W. OLSEN:** The Minister for Transport has provided the following information.

1. Land use and traffic volume projections do not indicate a need to extend Panalatinga Road to Doctors Road in the short term. However, this will be reviewed on an ongoing basis.

Construction of this new road link in the long term will become clearer from a current Department of Transport reappraisal of transport needs in the southern area. This review will take account of the Government's decision to proceed with construction of the Southern Expressway.

2. The delay was due to the need to fully evaluate a proposal that Panalatinga Road, between Bains Road and Wheatsheaf Road, only be constructed to single carriageway standard in lieu of the planned dual carriageway.

After evaluation, it was agreed that the project should proceed as a dual carriageway. Construction commenced in September 1995 and is scheduled for completion by June 1996.

#### SCHOOL SECURITY

**34. Mr ATKINSON:**

1. What measures will the Government take to prevent unlawful entry to State schools and arson on school premises?

2. How many State schools have alarm systems and are any more planned?

3. Will the Government consider restoring a caretaker's lodge to some schools as an experiment in security?

**The Hon. R.B. SUCH:** The Minister for Education and Children's Services announced on 3 December 1995 a series of initiatives that have been taken by the State Government to address security issues in schools and other work-sites. These initiatives include:-

- . Additional funding of \$800 000, from within the 1995-96 Capital Works Program, for the installation of smoke and intruder detection equipment in schools and other DECS work-sites.

- . A survey to be carried out regarding fires within DECS work-sites in South Australia, using current information to establish a database on arsonists attacking schools and other DECS work-sites.

- . The establishment of a 'reward' system with rewards of up to \$25 000 to be provided for information leading to the arrest and conviction of any person for damaging and destroying school property through the act of arson.

- . The possibility of some young offenders aged between 15 and 17 charged with serious school arson offences being treated as adults.

- . Reviewing the penalty for being on school sites for unlawful purposes between midnight and 7.00 a.m. and whether any changes are required to the operation of the current curfew system.

There are currently 313 schools and other DECS work-sites alarmed. Further sites are currently being assessed and will be added to the alarming program during 1995-96 and beyond.

The option of restoring a caretaker's lodge to some schools as an experiment in security has been put forward by the media and many community groups in the past. It has been the subject of investigation and consideration and to be effective, a 24 hour, seven days per week service would be required and this would involve more than one person at many school sites. Departmental records show that vandalism, fires and other associated acts are committed at all hours, particularly on weekends and school

holidays. I am advised that the cost of such a proposal is prohibitive and is not recommended as part of a total package.

#### OFFICE FOR FAMILIES

**36. Mrs GREIG:**

1. What is the role of the Office of the Family and how many staff operate this office?

2. Does the Office of the Family make recommendations on Government policy and does the office have a role in decisions that impact on families and in particular children?

3. What has been the operational costs and benefits to the community from this office?

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

1. The establishment of the Office for Families was an initiative outlined in the Government's Family and Community Services policy, December 1993, in recognition of the importance of families as the foundation for the wellbeing of society. The Office for Families was opened in May 1994. In July 1995 the Domestic Violence Unit and the Children's Interests Bureau joined with the Office for Families to create the Office for Families and Children.

The mission statement for the office is: 'To improve the well being and promote the interests of all South Australian families and children.' The major roles of the office are to:

- . advise the State Government on the changing nature of families and the pressures on family life and on possible strategies and actions to improve the well being of families in South Australia
- . provide leadership in regard to developing and implementing domestic violence policies, services and training programs
- . provide advice, advocacy and information to the Government, community and other agencies in regard to the interests of children

2. The combined staffing complement for the Office for Families and Children consists of a Director and 15 support staff, most of whom are policy and project officers.

The actions of virtually all State agencies have an impact on family life. For this reason the office works across the whole of government rather than just with human service agencies. Family impact statements, an initiative of the present Government, have been developed by the office. Family impact statements must now accompany relevant cabinet submissions. This system aims to enhance Cabinet decision making by advising on the potential impact that government policy may have on families.

- . Additionally the office works in conjunction with agencies on issues of mutual concern. In this way the office is able to ensure the needs of families are considered in regard to a diverse range of government activities. Examples include: working with the Department for Mines and Energy in regard to changes to the subsidy for electricity in the northern areas of South Australia

- . establishing in conjunction with other Government and non-Government agencies the South Australian Children's and Youth Justice Network which has been successful in developing a specialist youth legal service in South Australia

- . working with the police, courts, health and welfare agencies to develop a more effective response to domestic violence known as the VIP model.

Additionally the office provides leadership in raising and further developing important issues such as balancing work and family responsibilities, and the need for recognition and support for carers.

3. The operational cost of the office is \$963 791 funded out of DFACS budget. The components of the overall budget are:

UNIT	SALARIES	CONTINGENCIES
C.I.B.	\$213 007	\$ 52 000
Domestic Violence	\$266 271	\$ 90 831
Office for Families	\$222 531	\$119 151
Total	\$701 809	\$261 982

The outcomes which the office has achieved to date include the following:

- . the successful implementation of the International Year of the Family in South Australia in 1994.
- . the development of a system of Family impact statements to assist Cabinet in their decision making.
- . the establishment of Family Ambassadors, a group of high profile South Australians who promote community discussion and debate on families.

- providing leadership of a committee to oversee the development of a comprehensive draft policy regarding the needs of carers.
- developing within Government and the corporate sector, a greater awareness and understanding of the issues families face in balancing work and family responsibilities.
- the development of a new approach to responding to domestic violence which aims to reduce the incidence of violence within families.
- the publication of 'To Hit or Not to Hit', a booklet providing information for parents on disciplining children.
- the development of competency-based training for people who work with domestic violence.
- the ongoing provision of advice and information to the public in complex matters concerning children.

### OUTSOURCING CONTRACTS

39. **Mrs GREIG:** How many Government contracts have been allocated to the private sector and how many of these contracts have gone to businesses/industry within the southern region?

**The Hon. S.J. BAKER:** Since January 1994, 1011 Services SA contracts have been awarded to the private sector and 59 of those contracts included businesses/industries located in the southern region.

For the purposes of replying to this question, the southern region has been defined as Darlington to Noarlunga and Blackwood to the sea.

### SCHOOL BUS

46. **Mr LEWIS:** What school bus services are there in the greater metropolitan area, in neighbourhood areas and suburbs now serviced by bus routes of TransAdelaide or other licensed contractors to the Minister for Transport?

**The Hon. J.W. OLSEN:** The Minister for Transport has provided the following information.

School bus services are managed by the Department for Education and Children's Services (DECS). Officers of DECS Transport Services work in co-operation with representatives of the Passenger Transport Board.

Both parties jointly work with the Bus and Coach Association to further develop and enhance service delivery with particular emphasis on the Eyre Peninsula area.

A 21 page list of the school bus services in the metropolitan area which are provided by TransAdelaide or Hills Transit as from November 1995, will be forwarded to the member.

The list is presented in alphabetical order of schools served. As many school bus routes serve two or more schools, and as the list includes some school buses operating along normal routes, the actual number of school bus services is actually less than that indicated—the total amounting to about 300 per day (counting morning plus afternoon services). As at January 1996 some of these services are operated by SERCo.

In the list:

- 'R/Book' - indicates the timetable book in which that service appears
- 'RUN' - indicates the Run Number of the bus performing the work (the work of a bus from departing to arriving depot is known as a run)
- 'A' or 'P' - indicates AM or PM
- 'RTE' - indicates the route followed or number shown by the bus when it operates primarily on a normal route
- 'BUS' - indicates the 'Route Letter' displayed by the bus for student identification
- 'D' - indicates Depot
- 'ATT Date' - indicates the last date at which that service was altered

The list does not include a small number of services operated from outside the metropolitan area to within the metropolitan area, eg by Hills Transit, nor services that may be operated as part of a non-metropolitan route licence.

The Minister for Education and Children's Services has provided the following information.

In accordance with school transport policies, DECS provides assistance with school transport where students reside five kilometres or more by the shortest most practicable route from the nearest

Government school. This policy is applied consistently across the State including a few school communities in the greater metropolitan area.

Assistance for eligible students may take the form of reimbursement of school bus fares when travel is by a public passenger transport route service, a conveyance allowance to assist with private car travel or the provision of a school bus service either under contract to DECS or by using a DECS owned bus.

Public transport is used extensively by school students in the metropolitan area as fare paying passengers. A few students qualify for assistance from DECS when using these services such as students attending Special Interest Centres and some pockets of the metropolitan area that are more than five kilometres from a Government school such as Flagstaff Hill/Greenwith. On the fringe of the greater metropolitan area it is recognised that public transport primarily serves the needs of city commuters and in most cases do not provide a direct and practicable service to a particular school. On the other hand, DECS school buses provide dedicated services for eligible students who attend their neighbourhood Government school. This service is provided free of charge. In some cases these services travel within five kilometres of a public transport route which invariably does not provide a practical alternative (ie a direct service). Wherever possible DECS does not duplicate public transport services.

DECS school bus services in most cases, were established several years ago to serve eligible students living in nearby country areas and on the outer perimeter of the greater metropolitan area. These services were approved in accordance with school transport policy and to serve community needs. At the time, other public passenger transport services were either not available or did not provide a practicable service to a particular school.

DECS school bus services which operate under contract are secured through public tender via a tendering process. Interested parties may request that an existing DECS owned and operated bus service be put to public tender, and in most cases tenders are called and the tendered costs are compared to the cost of operating DECS owned school buses. The most cost efficient option is always accepted. DECS is undertaking a statewide review of school transport to ensure that the services (including services in the metropolitan area) are operating efficiently, effectively and in accordance with school transport policies. Also, the reviews aim to establish an optimal mix of (public and private) operated school bus services, and therefore achieve savings for Government.

School bus services provided by DECS in the greater metropolitan area are listed as follows:

BUS ROUTE	CONTRACT/DECS
From (suburb/area) to Destination	
Kangarilla to Aberfoyle Pk	DECS
Cherry Gardens to Aberfoyle Pk	DECS
Sellicks Beach to Aldinga	DECS
Virginia to Gawler	Contract
Uraidla to Heathfield	Contract
Bridgewater to Heathfield	DECS
Scott Creek to Heathfield	DECS
Ashton to Norwood-Morialta	DECS
Aldgate to Oakbank	DECS
Summertown to Oakbank	DECS
Outlying areas to One Tree Hill	DECS
Sheidow Pk to Seaview Downs	DECS
Aldinga to Willunga	Contract
McLaren Flat to Willunga	Contract
Moana to Willunga	Contract
Virginia to Elizabeth	DECS
Silversands to Willunga	Contract
Sellicks Beach to Willunga	Contract

### TAXIS

53. **Mr ATKINSON:**

1. Does all the money raised from taxi plates and licences go into the Passenger Transport Research and Development Fund and if not, what proportion does not?

2. On what was the fund's money spent in 1994 and 1995?

**The Hon. J.W. OLSEN:** The Minister for Transport has provided the following information.

1. No. Funds raised from taxi plates and licences are accounted for in the budget of the Passenger Transport Board, in the Receipt line 'Accreditation and licensing'.

2. During the year ended 31 December 1994 the following projects were approved from the Passenger Transport Research and Development Fund.

Title: Survey of the Hills Area  
 Applicant: Metropolitan Taxi Cab Board  
 Amount: \$7 400  
 Title: On-Road Audit (three month trial)  
 Applicant: Metropolitan Taxi Cab Board  
 Amount: \$28 200  
 Title: Dubbing and Labelling of 300 VHS Video Tapes of Television Commercial 'Take a Taxi' Project  
 Applicant: Taxi Talkback Industry User Group  
 Amount: \$1 200  
 Title: Evaluation of Promotion of Taxi Industry  
 Applicant: Taxi Talkback User Group  
 Amount: \$2 800  
 Title: Drink Don't Drive Campaign (over Easter Period)  
 Applicant: Taxi Talkback User Group  
 Amount: \$9 643.25  
 Title: Drink Drive Advertising Campaign  
 Applicant: Taxi Talkback User Group  
 Amount: \$9 970  
 Title: Administration Grant  
 Applicant: South Australian Taxi Association  
 Amount: \$35 800  
 Title: Promotion of Taxi Industry  
 Applicant: Taxi Talkback User Group  
 Amount: \$150 000  
 Title: Southern Region Transport Review  
 Applicant: Alan Wayte  
 Amount: \$15 000

During the year ended 31 December 1995 the following projects were approved from the Passenger Transport Research and Development Fund.

Title: Research Project  
 Applicant: Transport Systems Centre  
 Amount: \$65 000  
 Title: Promotional and Information Brochures  
 Applicant: South Australian Taxi Association  
 Amount: \$18 423.30  
 Title: Indicator Light for Casino Rank  
 Applicant: South Australian Taxi Association  
 Amount: \$1 000  
 Title: Establish full time office for Licensed Chauffeured Vehicle Association  
 Applicant: Licenced Chauffeured Vehicle Association  
 Amount: \$60 000  
 Title: Torrens Valley Brokerage Scheme  
 Applicant: Torrens Valley Network Inc  
 Amount: \$9 992  
 Title: Taxi Advertising Campaign  
 Applicant: Taxi Industry Advisory Panel  
 Amount: \$165 000  
 Title: On-Road Audit  
 Applicant: Passenger Transport Board  
 Amount: \$85 000  
 Title: Administration Grant  
 Applicant: South Australian Taxi Association  
 Amount: \$36 300  
 Title: 1996 Arts Festival Taxi Promotion  
 Applicant: 1996 Arts Festival  
 Amount: \$300 000  
 Title: Media Campaign for Small Passenger Transport Industry  
 Applicant: Licenced Chauffeured Vehicle Association  
 Amount: \$70 000  
 Title: Project to preserve, research and display the history of the bus and coach industry in South Australia  
 Applicant: Birdwood National Motor Museum  
 Amount: \$110 800

### CHEMICALS

54. **Mr ATKINSON:** What measures does the Government propose to warn people who are sensitive to chemicals that a public place has been recently treated with chemicals, for instance, fumigated?

**The Hon. M.H. ARMITAGE:** It is not possible to give a specific answer to this question as it is not clear what is being sought. For instance, if the chemicals were cleaning compounds used on the floor of a shopping centre—a daily occurrence in well managed shopping centres—then the government would not consider it necessary to post any warning signs to advise the public who use the centre.

If the same shopping centre was fumigated to control an insect infestation, again it would not be necessary to post any warnings after the fumigation operation had been completed, because fumigants, being gases, do not leave any significant residues. However, the building would have to be amply signed and the public physically excluded while the fumigation was in progress, as the law requires. These requirements have been in place for many years and are binding on fumigation contractors who carry out fumigation in a public place.

If the shopping centre, or perhaps a section of it, was to undergo an insecticidal treatment for, say, cockroaches or termites, it is most likely that the treatment would be carried out after hours when the centre was closed to the public. Chemicals currently used for these types of treatments, when used according to the directions, are considered to be safe for the public on re-entry and so signage would not be considered necessary. If a termite treatment was carried out, there is a requirement for pest control companies to post warning notices at all entry points or approaches to the premises while the treatment is in progress.

### TRANSADELAIDE SERVICES

55. **Mr ATKINSON:** Why were the posters and timetables for TransAdelaide's new Night Moves service sent by the Minister to only Liberal Members of Parliament?

**The Hon. J.W. OLSEN:** The Minister for Transport has provided the following information.

As announced on 16 December 1995 the 'NightMoves' service was designed to operate initially as a four month pilot project from TransAdelaide's Lonsdale and St Agnes depots.

Accordingly the 'NightMoves' poster and timetable were sent in the first instance to members of Parliament whose electorates embrace these two depots—and they all happen to be Liberal MPs.

There is no reason why all members should not have access to the promotional literature. Accordingly, I have asked that all House of Assembly Members receive material on 'NightMoves' including the additional services which are to operate to Port Adelaide and the Hills during the Telstra Adelaide Festival and Fringe.

### SUPERDROME

56. **Mr QUIRKE:**  
 1. What is the total cost of running the Superdrome at State Sports Park?

2. What is the total income from all sources to the Superdrome?

3. What numbers of patrons have attended the Superdrome in 1995, and what was the total ticket income?

**The Hon. G.A. INGERSON:**

1.  
 1. 94-95 Financial Year—Operating \$683 246.06  
 95-96 Financial Year as at 31/1/96—  
 Operating \$418 593.70  
 2. 94-95 Financial Year \$612 302.13  
 95-96 Financial Year as at 31/1/96 \$460 453.95  
 3. 94-95 Season 15 807 patrons \$146 313.00  
 95-96 Season 11 994 patrons  
 to 31/1/96 \$140 069.31

2. There is still one more event to be staged as part of the 95-96 season, that being the 'Olympic Farewell' on 15 March. The above figures only reflect Superdrome promoted international events, not federation or club promotions.

3. In July 1995 the Superdrome staged a World Cup Event in conjunction with the Union Cycling International and the Australian Cycling Federation which saw 5 754 patrons attend over three days.

57. **Mr QUIRKE:** What numbers of seats are provided free of charge to patrons and other persons at the Velodrome and what is the cost, if any, of this seat provision?

**The Hon. G.A. INGERSON:** Due to poor sight lines 111 seats have been removed from the stadium and another 208 seats are unsaleable. This leaves a total of 2 107 seats that are sold to the public. Of the 208 seats that are not sold, these are given to schools

who have participated in the Superdrome's school program (list attached), Bicycle SA, companies associated with the Superdrome and staff of the organisation sponsoring the event.

The Superdrome also holds 20 house seats which are given to sponsors and potential sponsors. Also if problems arise due to ticketing the house seats are used for patrons.

It is difficult to put a cost factor against the 208 seats as we are unable to sell them.

List of schools attending Superdrome Schools program:

1. Pultney Grammar
2. Wilderness College
3. St Pauls College
4. West Lakes High School
5. St Leonards Primary
6. Magill Primary
7. Linden Park Primary
8. Ardtornish Primary
9. Highbury Primary
10. Kellor Rd Primary
11. Paralowie Primary
12. Parks High School
13. Unley Primary
14. Blackforest Primary
15. Parafield Gardens Primary
16. Loreto College
17. Surrey Downs Primary
18. Pooraka Primary
19. Wynn Vale Primary
20. Northfield Primary
21. Golden Grove Lutheran School

58. **Mr QUIRKE:** How many staff are employed at the Superdrome and what are the total costs associated with this employment?

**The Hon. G.A. INGERSON:** The staffing requirements at the Superdrome are currently under review with the present situation being four full-time staff (one on contract and three Public Servants). There are two permanent casuals and a pool of 25 casuals that are used on an as needs basis at various events staged at the Superdrome.

Total costs for staffing are:-

94-95 Financial Year

Permanent Staff	\$149 123.11
Casual Staff	\$58 979.61
On Costs	\$36 465.89
Total	\$244 568.61

95-96 Financial Year (as at 31/1/96)

Permanent Staff	\$105 660.38
Casual Staff	\$36 952.87
On Costs	\$22 368.15
Total	\$164 981.40

#### BUILDING CONTRACTOR

59. **Mrs GERAGHTY:**

1. What is the name of the contractor who did maintenance work at 29 Cadell Street, Windsor Gardens?

2. Was the contractor a licensed tradesperson and, if so, was the contractor licensed in all aspects of the work done?

3. Who examined and ratified the maintenance and what qualifications does he or she have to do this?

4. Has the contractor been paid and, if so, how much?

5. Is the South Australian Housing Trust required to comply with the Building Code?

**The Hon. E.S. ASHENDEN:**

1. Patience Home Improvements was the principal contractor who recently carried out maintenance work at 29 Cadell Street, Windsor Gardens.

2. The principal contractor has the relevant builder's licences for the maintenance work that was undertaken.

3. An Acting Housing Manager for the area inspected and ratified the maintenance work. No formal qualification is necessary for the Housing Manager's position. The Trust appoints people on their ability to make decisions on a wide range of property and social issues, while expertise in particular areas, such as quality of work, is gained through experience and training. The Trust, through an audit process, measures a cross section of the standard of remedial and vacancy maintenance.

4. The contractor has been paid \$147.78 for the work carried out.

5. Yes, the Housing Trust is required to comply with the Building Code.