HOUSE OF ASSEMBLY

Wednesday 10 July 1996

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

CARRICK HILL

A petition signed by 982 residents of South Australia requesting that the House not agree to any motion or legislation which makes possible the sale of any part of the Carrick Hill estate was presented by the Hon. S.J. Baker.

Petition received.

FIREARMS

A petition signed by 51 residents of South Australia requesting that the House urge the Government to exempt shotguns from the proposed reform of gun laws was presented by Mr D.S. Baker.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

Magistrates Court South Australia—Rules of Court—Amendment No. 12 to the Magistrates Court (Civil) Rules.

By the Minister for Industrial Affairs (Hon. G.A. Ingerson)—

Workers Compensation Tribunal—Rules, 1996.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the report of the committee on regulations under the Reproductive Technology Act 1988, Nos 188 and 189 of 1995, and move:

That the report be received.

Motion carried.

Mr CUMMINS: I bring up the twenty-eighth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

JULIA FARR SERVICES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Given today's judgment in the Supreme Court that conversion of patient rooms at the Julia Farr Centre to student accommodation is illegal, will the Government close the student rooms at the end of the year, will alternative accommodation be found for students and what action can the Government take to recover the $500 000 spent on this project? The judgment states:

This enterprise is an exercise in land development quite unrelated to the provision of health care.

The judgment also notes that more than $500 000 was spent on the project and it states:

That investment and the interest foregone on that sum will not be recovered for some four years.

The Hon. M.H. ARMITAGE: The matter of Julia Farr attempting to utilise what were accommodation units in its view and according to its legal advice, as I understand it, as a way of increasing the income of Julia Farr Services is a matter that has been under considerable scrutiny from a number of nearby residents. The Julia Farr Services Board indicated to me that it believed this was a perfectly legitimate and valid attempt to increase income and I believe the majority of taxpayers would agree that anything that enabled income to accrue to taxpayers was a valid attempt.

Members interjecting:

The Hon. M.H. ARMITAGE: I acknowledge that. Indeed, a number of board members are resident in streets nearby Julia Farr Services and were strongly supportive of those attempts. I will be addressing the matter of what Julia Farr intends to do about the judgment with the board.

STATE TAXATION

Mr WADE (Elder): Can the Treasurer provide information on the initiatives to be undertaken by the State Tax Office to ensure taxpayers comply with tax obligations? Funding for improved compliance operations was incorporated into the budget last year on the basis that it was to be reassessed based on the results, which of course is an example of performance monitoring.

The Hon. S.J. BAKER: As I reported to the House previously, the Government has made a number of improvements in a whole range of areas to be far more effective and efficient in its operations. One area that was deficient when we came into Government was tax compliance. Under the leadership of Mike Walker, as our Commissioner, we have seen some dramatic change take place in the operation of that office. Importantly, those changes have taken place as a result of communication with a whole range of businesses. There have been open seminars to judge the performance of the office, to get feedback on the office and to work out how we can more effectively work together between tax and business. There was a remarkable congruence in attitude by the Tax Office and business in terms of making the system work more effectively.

If tax is to be paid, it should be paid. From those businesses paying full tote odds there is a level of unforgiveness or a repudiation of those who avoid their taxation obligations. All those changes started to be implemented early in 1995 as a result of the research and consultation that took place in 1994. In 1995 we made a budget provision available and $1.147 million was allocated to generate what we expect to be there at the end of the 1995-96 financial year, an extra $4.47 million of taxation revenue, simply as a result of extra compliance measures to ensure that everyone pays their just dues. Combined with existing compliance activity is a target of $9.5 million in additional revenue for the full year of 1995-96.

It has been an outstanding success for 1995-96. As a result of the additional resources put into this area, plus the existing resources being better tuned up, we managed to increase our revenue take from compliance by some $16 million, which has assisted the budget effort. Strategies are in place for further improvements in the compliance programs for 1996-97 which will have the appropriate mix of the twin components of education and lodgement enforcement. We always try to avoid a situation where people fail to comply

simply because they are unaware of the rules, as well as to catch those who deliberately evade their responsibilities.

Of course, the whole idea is that there is an even playing field such that no business receives preferential treatment simply because it has managed to avoid the due payment of tax. We have received positive comments back from the business sector as a result of the professional business exercise that has been undertaken. They appreciate that not as many people are beating the system to the extent that the other taxpayers of South Australia are paying an unfair burden. I congratulate the Australian Taxation Office for its efforts.

Mr LEWIS: I rise on a point of order, Mr Speaker. It seems that you have the same problem as I have. I have not heard one question or made sense of any answer because I am unable to hear any audible communication of more than 50 per cent of what is being said in this Chamber. That is appalling. Can anything be done about the acoustics of the House?

The SPEAKER: I am not sure what the member for Ridley expects the Chair to do now. Members should not interject—and I will ensure that they do not—but they should listen and pay attention. Everything possible is being done to rectify the problem, but the Chair can do nothing at this time. The officers of the Parliament are as aware of the problem as the member for Ridley, and they are endeavouring to rectify it.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): I direct my question to the Minister for Health. Why are there no qualified emergency positions permanently appointed to the Accident and Emergency Department of the Queen Elizabeth Hospital; and does he deny that this state of affairs is putting patients at risk? The Opposition has been informed that there are now no qualified emergency positions permanently appointed to the Accident and Emergency Department of the Queen Elizabeth hospital and that this department is being run by rostering staff from other units, sometimes on a double shift. This morning, it was also revealed that the anaesthetics department is short six full-time staff.

The Hon. M.H. ARMITAGE: The bottom line is that the member for Elizabeth has the situation wrong. The simple fact is that public hospitals around Australia are short 61 full-time anaesthetists. That is not my figure but a figure reported by the Australian Medical Work Force Advisory Committee. It appears that one of the reasons for that is that anaesthetists are able to increase their income when they move into the private sector. We do not deny that that has caused some short-term problems in areas where acute medicine is—

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: The member for Elizabeth chirps, 'What are we doing about it?' If she waits until I finish the answer, I will tell her. In fact, I will tell her not what we will do about it but what we have already done about it—about three or four weeks ago, which just indicates how late her source of information is.

Ms Stevens interjecting:

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

The Hon. M.H. ARMITAGE: We do not deny that this caused a problem not only in the Queen Elizabeth Hospital in the short term but also at the Royal Adelaide Hospital, the Flinders Medical Centre and the Lyell McEwin Health Service, where people who deal with urgent emergency and intensive care medicine—a number of anaesthetists in particular—were moving interstate in the first instance because a number of States pay up to $100 000 more than we do in South Australia for those positions, despite the rise for salaried medical practitioners a few months ago. We had to call together people from the Royal College of Anaesthetists three or four weeks ago. There is now a scheme whereby anaesthetists in South Australia will be provided from two metropolitan wide schemes, based on the two university hospitals. The Royal Adelaide and Queen Elizabeth Hospitals and the Lyell McEwin Campus will be based around the University of Adelaide Medical School; and Flinders, the Repat and Noarlunga will be based around the Flinders Medical Centre.

Ms Stevens interjecting:

The Hon. M.H. ARMITAGE: The doctors in those hospitals and anaesthetic services got together starting early last week, and there is now adequate coverage for all those positions in the short term. The figure of six anaesthetists short, identified by the member for Elizabeth, has been covered in the short term by this creative arrangement put together by senior personnel of the College of Anaesthetists. Another furphy is that the college will deregister the Queen Elizabeth Hospital for training purposes. Again, that is completely fallacious. I understand that the chief censor for the college, who accredits or otherwise teaching hospitals, is part of this scheme and has guaranteed to the committee putting the scheme together that accreditation will not be threatened in any way. That is the short-term solution.

The long-term solution is what we do about the shortage of highly qualified people. We have advertised and found that we are unable to attract people into South Australia on salary, so we are going international. It is interesting that over the past couple of weeks, because this work has already started, we have found a German fellow who has worked in and wants to return to Adelaide. He is a professor who runs a 55-bed intensive care unit in a 1 500-bed hospital, and his wife is an ophthalmological surgeon, and they are very keen to return to Adelaide. I was surprised when I heard that, when he asked his anaesthetist colleagues in Australia whether a job was available, he was told that there were no positions. There may be in that an element of protecting the patch here. However, that is the calibre of person we are approaching. There is a clause in the Medical Practitioners Act which enables the Medical Board to register them.

I have spoken to the Federal Minister for Health, and he is only too happy with this plan to have overseas super specialists filling these positions. That is in the longer term. As I said, in the short term the positions are well and truly covered. This is a creative solution, and I applaud the members of the various colleges who are helping us to fill a gap which is not of our making. However, I assure everyone that there is no problem with patient care.

LEAD POLLUTION

Mr CUMMINS (Norwood): Will the Minister for the Environment and Natural Resources provide details on current trends in regard to the level of lead in Adelaide and whether it is increasing or on the decline? Constituents have voiced concern about the impact of lead levels on children and the effect that motor vehicle emissions have on increasing the concentration of airborne lead.

The Hon. D.C. WOTTON: I am pleased to inform the House that the news about lead levels in the metropolitan area is very good. There has been positive feedback which shows a major decline in lead levels within the metropolitan area. Obviously motor vehicle emissions are the major source of exposing the public to lead, particularly cars which run only on leaded petrol. However, South Australia has made considerable progress—I suggest better progress than some of the other States—in substantially helping to cut the level of lead in the environment. Based on figures from the Australian Bureau of Agriculture and Resource Economic Data, there has been close to an 80 per cent decrease in total annual lead emissions from petrol-driven vehicles since about 1983. The use of unleaded petrol now well exceeds the use of leaded fuel in total petrol sales. In recent times we have recognised the significant increase in the amount of unleaded petrol used.

Locally, this is particularly good news. According to figures from the Environment Protection Authority, there has been as much as a 78 per cent decrease in airborne lead at sites along major arterial roads. For example, lead levels at traditional black spots such as Main North East Road at Gilles Plains and the South Road-Henley Beach Road intersection have fallen to about .5 a microgram a cubic metre compared with about 3 micrograms a cubic metre some years ago. So, the fall has been quite significant. This figure is well below the national ambient air quality goal of about 1.5 micrograms. In residential areas back from major roads, the amount of lead is minuscule—about .1 micrograms a cubic metre.

In conclusion, I have received very pleasing advice from Mobil, the State's major petrol refinery, that it plans to cut lead levels even further. In the past three years Mobil has produced petrol with lead levels of .3 grams a litre, which is down more than half from its .65 grams a litre in 1993—quite a substantial drop. Its new target, which is particularly good news, is a level of just .2 grams by the end of the year. Again, I suggest that this is very good news for South Australia, the environment and, particularly, our health and well being in South Australia.

QUEEN ELIZABETH HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Did the Chief Executive Officer of the Queen Elizabeth Hospital request to be released from his three year contract because of Government cutbacks, low staff morale, lack of information to staff and lack of direction? On 14 March this year the former Chief Executive issued a minute—

The SPEAKER: Order! There are too many interjections and conversations taking place on my right.

Ms STEVENS:—saying that the Queen Elizabeth Hospital had a $13 million budget shortfall and, although $8 million had been saved, more cuts including ward closures and the cessation of elective surgery would be required. A leaked minute from D and R Personnel Consultants dated 4 June 1996 states that the board of the North West Adelaide Health Service acknowledged that there is 'low state of morale due to all the cuts, uncertainty and change' and that 'the board is also concerned by the perceived lack of information staff are receiving and the lack of direction'. Today, the Minister acknowledged that QEH is losing specialist staff to local and interstate hospitals.

The Hon. M.H. ARMITAGE: The answer is 'No.' The Chief Executive asked to be relieved from his contract to the board in the middle of last week, I think, so that he could take up a position in the Health Commission in the exciting area of export of health services, which I have detailed to the House on numerous occasions before, in which the Government is leading the charge from around Australia and in which he wishes to play a part. The board considered his request during last week—I am not sure of the exact date—and, I am informed, agreed.

PARALYMPICS

Mr SCALZI (Hartley): Will the Minister for Recreation, Sport and Racing detail to the House the funding provided by the State Government for the Atlanta Paralympics and details of South Australia's involvement in the Australian Paralympic team?

The Hon. G.A. INGERSON: Over the past few days we have seen a tremendous amount of support for the athletes going to Atlanta for what people would call the normal games, but we have not seen a great deal of promotion for the Paralympics. One of the exciting things for South Australia is that 17 paralympians will go from our State, and I think it is important that the Parliament recognise the effort they have put in to reach this international level.

This group got together and set up one of the best bingo groups in the city to enable it to be self-funding over a long period of time. Unfortunately, as with many other groups, following the introduction of poker machines in this State they have not been able to raise anywhere near the amount of money that they have raised in previous years. A group of very willing sponsors from the private sector have got together and raised $60 000, and the Government through its recreation and sport fund has put forward a further $25 000 so that this group can go to the 1996 Paralympics in Atlanta.

I think it is also worthwhile to put on the record the names of these people, because we traditionally support our well-bodied athletes but we seldom recognise our paralympians. The 17 South Australians who will attend the 1996 Paralympics are: cycling—Kieran Modra and Kerry Golding; swimming—Vicky Machen and Rodney Bonsack; lawn bowls—Robert Tinker and Pauline Cahill; basketball—Melissa Ferrett, Timothy Maloney, Richard Olive, Troy Andrews and David Gould; rugby—George Strearne and Steven Porter; athletics—Katrina Webb and Neil Fuller; judo—Anthony Clarke; and shooting, last but not least, our world champion Libby Kosmala. Those 17 South Australians deserve the support of this Parliament. On behalf of all members I wish them well in Atlanta just after the Olympic Games in August.

DOCTORS, MOUNT GAMBIER

Ms STEVENS (Elizabeth): Will the Minister for Health table the 10 forms signed by South-East doctors that the Premier displayed in the House yesterday and say how many of these agreements were signed by doctors from Mount Gambier?

The Hon. M.H. ARMITAGE: As I indicated yesterday in answer to a similar question, I will update the House as the doctors do their paperwork.

Ms Stevens interjecting:

The SPEAKER: Order! The honourable member has had plenty of warnings. I am sure that in her previous profession

she would not have allowed students to answer her back. The Minister.

The Hon. M.H. ARMITAGE: I am delighted to update the House. I do not intend to table these documents at this stage because of the pressure that the doctors would be put under by people such as the member for Elizabeth. However, I can inform the House that today I received notification that another complete town practice in the South-East has agreed to provide obstetric services. I also have in my hand a further three forms from doctors in Mount Gambier who have agreed to provide obstetric services according to option 3 under the Health Commission for the next three year period.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Three doctors from Mount Gambier. I will continue to update the House over the three year period as the situation comes or goes. I indicate that the doctors have until 30 September to complete their paperwork. If the member for Elizabeth wants continually to ask me a barrage of questions, I will keep on updating her. However, as the paperwork comes through, I am sure that the doctors, as have these three in Mount Gambier, would want to continue to provide obstetric services for their patients.

ETSA BUSHFIRE PREMIUM

Mr EVANS (Davenport): My question is directed to the Minister for Infrastructure. I am advised that the ETSA bushfire risk premium is subject to annual review and that in previous years it has decreased. Will the Minister say whether the premium for 1996-97 has been established?

The Hon. J.W. OLSEN: I am pleased to advise the House that new arrangements have been put in place by ETSA to get bushfire cover. I well remember 13 years ago in 1983 that, following the Ash Wednesday bushfires, ETSA was unable to gain insurance for the protection of people in South Australia. When insurance was finally obtained in 1984, the premium was $8.26 million, which provided $91 million of cover compared with the premium in 1982 of just $56 000 per $1 million of cover.

Since 1984 ETSA has taken a number of steps, a result of which has seen a reduction in the cost of insuring for bushfire incidents. In 1988 new legislation was introduced to clarify the duties and responsibilities of ETSA, councils and landowners with regard to vegetation clearance around power lines. Immediately following the legislation, premiums dropped from $11.5 million down to $8.5 million per annum. At the same time, ETSA's management put in place a number of practices, and included in that was direct negotiation with overseas insurers. Since then the premiums have continued to reduce. Last year, for example, it paid a premium of $8.3 million for a cover of $550 million and a $25 million excess. The premium for 1996-97 has been negotiated at $4.393 million—almost half that which applied last year—with further savings available should ETSA remain claim free during the course of this year.

If the $8.26 million—the premium for 1985—was escalated for inflation, the premium today would be of the order of $15 million. Legislation on vegetation clearance control, work practices put in place by ETSA and direct negotiation with overseas insurers have now seen this premium come down to $4.393 million. I think ETSA is to be commended for that. Clearly, without appropriate vegetation clearance legislation ETSA would be paying significantly more for bushfire insurance and would not have been able to contain its tariff at the much reduced levels that we have seen, let alone get the benchmark level of $4.393 million this year.

SCANNERS

The Hon. M.D. RANN (Leader of the Opposition): Is the Minister for Police concerned that electronics stores in Adelaide are openly and actively selling sophisticated electronic scanners with claims that they can monitor not only police and emergency services calls but illegally monitor mobile telephones in breach of the Telecommunications Inception Act, and does this require a consideration of changing the law? Sophisticated scanners are available in many Adelaide electronic stores. Some are advertised as having 400 to 500 channels with search and scanning facilities with a very wide frequency range. I am informed that the scanners cannot intercept the police computerised communications system.

In New Zealand it has been claimed that motor cycle gangs involved in drug manufacture and distribution and other criminals actively use these scanners and that shops there even provide booklets detailing police frequencies and how to intercept analogue mobile telephones. It is illegal in Australia to intercept and monitor mobile telephones but equipment designed to do so is actively being promoted and sold in Adelaide. It has been put to me that our privacy laws at both the State and Federal level have not kept pace with technological change.

The Hon. S.J. BAKER: There have been scanners of various levels of sophistication around for many years. I know that some years ago in certain areas of the media there were problems with scanning. A number of private operators also have operated scanning devices for their own personal benefit. The Leader is quite right when he says that they cannot get hold of the computer system which is now the mainstream communication with all our mobile cars. From that point of view, past incidents in which the media or others have turned up at an accident or crime scene earlier than the police are becoming less frequent simply because the people concerned cannot get hold of the communications system.

It concerns me that money is being made from what I regard as an illegal activity. I am more than happy to have the Leader's question examined. It would also be appropriate for calls to be made on some of the shops mentioned by the Leader to see how these devices are being advertised and sold and what their suggested capacity is. I do not believe anyone should have the right to listen to other people's conversations, and certainly not those involving emergency services, the police and others. Indeed, I think one or two politicians have previously been embarrassed as a result of the use of scanning devices. I thank the Leader of the Opposition for his question; it is timely. I will have his question examined to see whether we can get some answers. If changes are needed, then certainly we can implement them.

SURGERY WAITING LISTS

Mr BRINDAL (Unley): Will the Minister for Health inform the House of any further initiatives being taken by this Government to reduce surgery waiting times in our hospitals?

The Hon. M.H. ARMITAGE: I thank the member for Unley for his very important question, because we have moved to the next phase of dealing with surgery waiting lists and, in doing so, we have accepted the advice of a panel of leading surgical specialists around Adelaide that it was

appropriate to focus more on their efficiency and hence the amount of time individual patients waited. As an individual patient indicated, it does not matter whether 2 000, 3 000, 4 000 or, as when we came to office, 9 500 other people are on the waiting list: what is important is how long they must wait.

As I said, the advice has come from chiefs of surgeons in major metropolitan hospitals who have been dealing very closely with the Government now for a number of months on the issue of waiting times. A committee, which glories under the name of the Health Commission Management of Metropolitan Elective Surgery Steering Committee, was established in 1995 to investigate initiatives aimed at decreasing waiting times and lists. Advice from that committee was that, to gain a true measure of efficiency and to measure how well the hospital system is working, the focus should move from numbers on waiting lists to how efficiently individuals are provided with their actual surgery.

Accordingly, the Government has committed up to $6 million, with the option for more if the surgeons convince us of the necessity for that, to reduce waiting times for people facing surgery. That money will be spent mainly in the four major hospitals: the Royal Adelaide Hospital, Queen Elizabeth Hospital, Women's and Children's Hospital and the Flinders Medical Centre. The strategy provides for the purchase of new surgical equipment for the installation of computer technology to better manage the theatre systems to improve scheduling, and so on, and a number of other constructive proposals put forward by the heads of surgery.

For instance, one of the heads of surgery last year took some money from his surgical budget and employed a nurse in the community so that people who were discharged from the hospitals, and hence who were then able to, if you like, stop the log jam so that more patients could be admitted, could receive care in the community. As the surgeons were at pains to demonstrate, it is better for patients to be discharged in that they rehabilitate more quickly and are not exposed to infection, which everyone knows occurs within all hospital systems.

Some surgeons estimate they will be able to increase their individual surgical unit's efficiencies and patient loads by a further 15 per cent with this new initiative, recognising that from March 1994—which was the index month we took when we devised casemix strategies, waiting list strategies, and so on—until March this year the number of people on waiting lists has fallen already by 15 per cent. It is an example of what can be done by working with the surgeons creatively. May I say that they and their surgical teams have done a fantastic job already, and may I also say that they are very excited about being given their heads to work creatively to assist their patients.

The new approach continues to focus on the most efficient use of taxpayers' money; it addresses a large amount of the backlog of capital infrastructure in our public hospitals left to us as a most unfortunate and deplorable legacy from the previous Labor Government; and it will obviously be a boon for people attending public hospitals.

SAMCOR SALE

Mr QUIRKE (Playford): My question is directed to the Treasurer. When did Better Beef withdraw its bid to buy SAMCOR in favour of a bid to lease and manage the SAMCOR works? The Australian bidder for SAMCOR was advised not to proceed with its bid for lease/management of SAMCOR because the Government wanted to sell the operation. That company was advised on 30 May that Better Beef had changed its bid from an offer to buy a lease/management arrangement. On 19 June the Treasurer told Parliament:

> The wider world and everybody in South Australia have been well aware of the Government's intention to sell SAMCOR.

The Hon. S.J. BAKER: I would not know the exact date because it was processed by the Asset Management Task Force. I receive only the end result. I am not aware of the actual date that offer was communicated to the Asset Management Task Force. As I said, I do not keep up to date during the sale phase of an asset sale. An offer was originally made by Better Beef to purchase the SAMCOR works. That offer went through a due diligence process, which went through the books and everything else associated with the SAMCOR operations, and there was a change in the terms of the offer.

It is still an offer for purchase but it was a delayed offer for purchase, so it was not consistent with the original terms of the request for tender or proposal, which was the basis of entering this process in August 1995. Somewhere during that third phase, and after the due diligence process, the offer changed. That is one of the reasons why the Government made it quite clear that, if the boundary lines have changed as a result of offers on the table, it is not fair to those who may have wished to tender on a basis similar to that finally put forward by Better Beef. That was one important reason why the Government and I said, 'We must stop the process right now and allow the other people who may have had an interest and wished to be involved only in a leasing arrangement to put forward an offer consistent with what they originally intended.'

ELECTRONIC KIOSK

Mr ANDREW (Chaffey): Will the Minister for Employment, Training and Further Education provide information on a statewide event launched this morning which will put the spotlight on the State's largest provider of tertiary education?

The Hon. R.B. SUCH: I thank the member for Chaffey for his interest in matters relating to higher education and, in this case, TAFE. This morning I launched the electronic kiosk which is a new development in TAFE using press screen technology and which will be available throughout the State. Young people and not so young people will be able to find out relevant information about TAFE programs on offer. The electronic kiosk was designed and built within TAFE, and the course handbook and brochures available at today's launch were also designed by TAFE's graphic design students.

TAFE South Australia is an organisation of which I am extremely proud. TAFE has a fantastic staff, catering to the needs of more than 90 000 students at 57 campuses throughout the State. Indeed, TAFE caters not only to the needs of people in the far north—the Pitjantjatjara people—but also in the very specialist areas of high-tech computer assisted design, and so the contribution of TAFE goes on.

We are providing for an additional 3 800 students within TAFE in areas such as electronics, generally in IT, tourism, hospitality, aquaculture and viticulture. Many people in the community do not appreciate how much TAFE has changed in recent times and that it is much more flexible in regard to its delivery. We have staff based in companies under contract; and we deliver training on the job at places such as the Mobil Oil Refinery and elsewhere. The point to be made is that not

only is TAFE the biggest trainer but my commitment is to ensure that it is the best in the State. We work in conjunction with private providers, of which there are more than 200 and, increasingly, we are undertaking joint initiatives with the private training sector as well. Furthermore, we have strong links with the three universities as another example of the innovation of our TAFE system here in South Australia.

As this week is TAFE week, I would encourage people in the community to look at what TAFE has to offer. Currently, 47 per cent of our students are women, but I want to increase that percentage because many mature age women could access the paid work force if they took advantage of some of the excellent TAFE programs. I say, 'Well done,' to TAFE staff; and to the community of South Australia I say, 'Have a look at TAFE and improve your future by accessing one of our programs.'

LILLEY, MR D.

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Primary Industries. In light of the Treasurer's statements to the House yesterday that he found the action of Mr Lilley in accepting a trip to Canada paid for by Better Beef 'very difficult to explain. . . very difficult to condone. . . [and] totally inappropriate,' will the Minister tell the House 'Yes' or 'No' whether he is going to sack Mr Lilley? If not, what action will he take against Mr Lilley?

The Hon. R.G. KERIN: I thank the Leader for the opportunity to have a say on some of the statements that have been made in the House. The Deputy Premier did use the word 'inappropriate', but that also describes some of the references to Mr Des Lilley in this House, because he has not had the opportunity to defend himself. The words 'conflict of interest' have been constantly used but, as was explained earlier, there was no conflict of interest because Mr Lilley divorced himself from stage 3 of the bid process so that he was not involved in the assessment of the bids.

Members interjecting:

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

The Hon. R.G. KERIN: It has been mentioned that it was almost extraordinary that one of the bidders would look at Mr Des Lilley as a future employee. I make the point that any overseas bidder coming in and buying any asset in Australia would look at current management as possible employees to be taken on. As to the whole sale process, this Government has tried all year to stay committed to the meat industry in South Australia. We have shown an enormous commitment, and the Treasurer would have been within his rights to close the operation in February, but he has shown an enormous commitment.

The Government has shown a commitment to the meat industry, and we have shown a commitment not only to producers but also to processors and the people who work out there. Certainly, the efforts to try to scuttle the sale through accusations of conflict of interest and the like have done no good for the meat industry at all. It puts at risk the sale process, the future of meat producers in the State and also the work force out there.

STRAIGHT TALK PROGRAM

Mrs KOTZ (Newland): My question is directed to the Minister for Correctional Services.

Members interjecting:

The SPEAKER: Order! I cannot hear above the member for Spence.

Mrs KOTZ: Will the Minister for Correctional Services provide the House with information on the program that enables convicted criminals and former prisoners to speak to students in schools?

The Hon. W.A. MATTHEW: I thank the member for Newland for her question and her strong support for this program. The honourable member is referring to the Straight Talk program run by the Department for Correctional Services. Only recently I had the opportunity to visit Banksia Park High School with the member for Newland to witness first hand this program operating in her electorate. It is a crime prevention initiative run by the Department for Correctional Services utilising current prisoners and ex-offenders to educate young people about the consequences of their offending behaviour by providing a graphic description of the reality of prison life. The program targets secondary school students and adolescents who are identified as being at risk of offending or reoffending and youths recommended by the Family and Community Services Department and the Police Department in conjunction with their programs.

A sad reality is that some of the youngsters referred to the program believe that there is something glamorous about prison life. In simple terms, the program gives a vivid and graphic description of what it is like to be part of the prison system. Those who attend are advised how the strict security regime works. They are given a graphic description of the humiliation experienced by offenders when they are subjected to strip searches in a prison and asked by prison officers to squat over a mirror while they are checked to determine whether or not they are carrying drugs on their person. They are given a description of what it is like to be confined for hours on end within a prison cell, possibly sharing a cell with a total stranger, of not being able to select their meals, having only limited visits from family and friends and not being able to do what they like at any time.

Members interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: I know that I am not supposed to respond to interjections, Mr Speaker, but certainly from the comments I hear in the Chamber members will understand that it is not a pretty or pleasant life in prison—nor is it meant to be—and the youngsters who attend the program are left with no doubt that life in prison is not the type of life in which they would like to participate. The people who participate in the program as lecturers or convenors are prisoners and ex-prisoners who must be from the low security regime, if they are current prisoners; they must be drug free; they must not be serving or have served any time whatsoever for a sex-related offence; and, if they are a prisoner, they cannot be in protective custody.

People in some sections of the community may be concerned about high school students being exposed to prisoners or recent prisoners, but the program is very carefully controlled and those who have been involved such as school teachers and school principals have reported back to me that they believe the program has had an effective impact on students within their schools. The program removes any false perceptions whatsoever that students may have had about any glamour associated with prison life. Principals report back to me that students who attend advise afterwards that they had no idea that prison life was as

described by offenders visiting the school. Presentations to date have been made to a variety of secondary schools throughout metropolitan Adelaide plus country areas including Kadina, Murray Bridge and Victor Harbor. The Cavan Detention Centre and other Family and Community Services facilities have been used, and young offenders referred by police are also included.

Presentations have also been made to interested community groups as part of a community development exercise to make them aware of this aspect of the criminal justice system. Demand and support for the program continues to increase. Only yesterday I received a letter from Mr Chris Newland, who is known to many as the State Manager of the Insurance Council of Australia. He commended the Government for its input into this program and commended those from the Department for Correctional Services who are involved in it.

The SPEAKER: I ask the Minister to round off his answer.

The Hon. W.A. MATTHEW: Yes, Mr Speaker. In conclusion, in the time the program has been in operation, since early last year more than 5 000 young South Australians have been part of the program and have been left with absolutely no illusions whatsoever about what it is like to serve time in prison.

LILLEY, Mr D.

Mr QUIRKE (Playford): My question is directed to the Treasurer. Did any member of Mr Des Lilley's family accompany him on his trip to Canada which was funded by the Better Beef Corporation?

The Hon. S.J. BAKER: I am not aware that a member of Mr Lilley's family accompanied him. I do not have that detail. I have never sought that detail. As I have said, and I think it is important—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: No way. I will not seek that detail; I do not need to seek the detail. I have said that Mr Lilley's trip to Canada was inappropriate. However, I said that it did not represent a conflict because he was not involved in stage 3 of the process. Time and again I have said that, from my point of view, it was inappropriate. I have also said that, in terms of the integrity of the sales process, he was not involved in the receipt, processing or assessment of any bids in respect of SAMCOR.

GEPPS CROSS SALEYARDS

Mr BUCKBY (Light): Will the Minister for Primary Industries explain the latest developments in plans to move the livestock saleyards from Gepps Cross to the Mallala region? I am advised that a group of interested people last year formed a company to take over the livestock market at Gepps Cross with the intention of relocating to the Adelaide plains.

The Hon. R.G. KERIN: I thank the member for Light for his interest and, indeed, for visiting the new site last Saturday with the Federal member for Wakefield (Mr Neil Andrew) and me. On Monday, Livestock Markets Limited announced that the new saleyards complex to replace the Gepps Cross saleyards would be constructed during 1997, at a 200 hectare site on Carslake Road at Dublin, 1 kilometre east of Highway One and a couple of kilometres south of Dublin. It will be called the Adelaide Plains Saleyard Complex, and it is the result of the foresight and determination of the three initial directors of Livestock Markets Limited who initially came up with the concept in August 1995.

In January this year, Livestock Markets Limited took over the Gepps Cross saleyards complex, which has given the company both experience as a saleyard operator and also an income float. Since August, the company has worked very closely with my office, Primary Industries South Australia, and also with the member for Light. Already some positive results are to be seen at the Gepps Cross site. It is now important that progress towards the next stage is made with the same determination. We look forward to working closely with the management team in getting the Dublin concept working.

The Dublin site was selected after careful evaluation of all aspects, including ease of access to the main highway, other feeder roads and proximity to retail outlets. The application for planning approval is being finalised and should be lodged with council during the next week. It is expected that the design work will be completed in December 1996 and tenders for construction in February next year. Construction will then take six to eight months, and it is planned to hold trial sales in December 1997, prior to being fully operational on 1 January 1998.

ETSA SEPARATION PACKAGES

Mrs GERAGHTY (Torrens): Has the Minister for Infrastructure disciplined any individual or individuals within ETSA management for his having given incorrect information to this House on the offer of modified VSPs to ETSA workers? In the House on 3 July, the Minister stated that the ETSA work force wanted the discounted separation packages when, just the night before, the offer was rejected by a meeting of representatives of ETSA depots, and on the following day the ETSA single bargaining unit also rejected the proposal.

The Hon. J.W. OLSEN: As I previously advised the House, the policy is not in conflict with the Premier's position taken in response to the question put by the honourable member in the Estimates Committee. We have reviewed a number of cases relating to ETSA employees who, having taken a VSP, have requested approval to return to work at ETSA within three years—in some cases through an agency. None has been rehired, as per the rules. In the variation to the VSP now proposed, an employee agrees to accept a reduced VSP in the same proportion as the hours the employee may continue to work for ETSA. In other words, the employee takes a part VSP. We are trying to apply some flexibility to the system and to meet some of the requirements of employees.

It seems that the honourable member has misunderstood the proposal—or perhaps is deliberately misunderstanding the proposal. The clear position was reflected last week when the honourable member posed her question and then answered her own question in her explanation. I suggest that the honourable member do some fundamental work prior to coming in and asking some of these questions.

MARINE POLLUTION

Mr CONDOUS (Colton): My question is directed to the Minister for the Environment and Natural Resources. What steps, if any, are being undertaken to protect South

Australia's marine environment from the dumping of debris and pollutants at sea? Considerable interest is now being shown in the marine environment, with the announcement by the Government of a marine conservation strategy and the declaration of the Great Australian Bight Marine Park. With the sea being a traditional dumping ground and with concern over the introduction of exotic pests into our ports, can any controls be put into place to greater police and protect our overall marine environment?

The Hon. D.C. WOTTON: This is an important question. As a matter of fact, just over a week ago, when the Environment Ministers got together in Perth for the Environment Ministers Council, we discussed this issue for quite some time. Certainly, interest in our marine environment has increased substantially in recent years, particularly over the issue of its being used as a dumping ground. Regrettably, there are many examples that show clearly that much more debris is being dumped into our oceans. As I said, a recent meeting of Environment Ministers in Perth spent considerable time on the issue, after receiving a report that revealed about 70 per cent of debris at sea emanates from land sources. Issues such as catchment management and improved litter laws will go some way towards tackling this problem.

As far as ships are concerned, new guidelines are now being putting in place in respect of compliance with international guidelines on debris, and that includes the provision of adequate port reception facilities. A number of other issues are being addressed with regard to pollution and the introduction of exotic species. Exotic species can be carried in ballast water, and the first meeting of the advisory council, formed to help tackle this issue, will be held later this month.

South Australia is playing a prominent role in the study of anti-fouling preparations which lead to contamination and which are used on the hulls of ships and boats. These studies will lead to a national code of practice for the application, use, removal and registration of acceptable anti-fouling agents. In addition, there have been other significant announcements, including recent announcements by the Infrastructure Minister over the upgrade of waste water treatment plants and the move towards land based disposal of treated effluent. Fortunately, significant progress is being made in these areas.

South Australia has announced the development of a marine conservation strategy that has caused a lot of interest interstate, and it will contribute significantly to the sustainability of our marine environment. There has also been the announcement of the extension to the Great Australian Bight Marine Park, which is very welcome. I believe this shows the level to which the Government has elevated the care of our marine environment, and I know this effort has been welcomed by many South Australians.

SMOKE ALARMS

Ms HURLEY (Napier): My question is directed to the Minister for Housing, Urban Development and Local Government relations. What is the policy of the Housing Trust on installing smoke alarms in new and existing Housing Trust houses? There have been a number of house fires recently in both private and trust homes which could have been avoided if smoke alarms had been fitted.

The Hon. E.S. ASHENDEN: Obviously, the Housing Trust is complying with all the laws and regulations regarding new houses. The advice that I have been given by the trust is that a decision has been taken not to supply alarms to older houses because of the cost, but we would encourage tenants to provide alarms for their own protection as well as that of their furniture and so on.

GRIEVANCE DEBATE

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

Mr QUIRKE (Playford): It was interesting this afternoon and, indeed, over recent weeks to note that the Opposition has asked questions about SAMCOR, and I want to put some remarks on the record about that organisation. It is a pity that this organisation still exists under a cloud with respect to where it goes from here. There is no doubt in the mind of most members that over the past 20 or so years SAMCOR has unfortunately been a drain in every year, except 1992 when there was a small profit of about $1 million. In all other years the losses have exceeded that figure, and I understand it is on track for a loss of $3.5 million this year.

When the legislation dealing with the corporation came before this place some months ago, the Opposition supported the sale. We had had negotiations with the Government and the Asset Management Task Force beforehand to ensure a reasonable package for people who in many instances have worked for the enterprise for 30 or more years. In the middle of that process SAMCOR received the bad news that it was excluded from the United States market, and other reports indicated that, without the provision of considerable capital, the enterprise was unlikely to get back into the black, that it would perpetually stay in the red and that it may even lose other overseas markets.

It is a shame that the long-term viability and future of that organisation has not been assured during this process. I note the Government's announcement in recent days that the process was stopped and that we are now going into a leasing arrangement with a private company which will lease the enterprise for some time. I understand that it is a five-year lease and that at the end of that time the hope is that the organisation will have returned to a level of sustained profitability, because that will determine its future.

That is the purpose of my remarks today, because I have a number of constituents who still work for SAMCOR. Of course, there are not as many as there were 20 or so years ago. The staffing now is only 10 per cent to 15 per cent of what it was 20 or 25 years ago. Nonetheless, it is a significant employer of people in that broad area. However, a number of families in my electorate and in neighbouring electorates depend on the wage packets that come from SAMCOR each week. I hope that this lease arrangement, at least in the interim, will ensure that that continues to be the case. I also hope that we shall see a profitable, viable industry emerge which will support its work force well beyond the current lease arrangements.

The events to which members have alluded in this place over the past 24 hours, and in fact during the Estimates Committee, and the role of the General Manager are not the subject of my remarks today. I want to record the appreciation of many of the workers and the problems they are encountering during this extremely difficult process. I hope for all these people that their livelihoods, at a time when it is

difficult to get another job, particularly in this industry, will be secure.

Mrs HALL (Coles): Celebrations to mark the centenary of the birth of Sir Thomas Playford on 5 July 1896 have rightly received significant prominence over the past week or so. Today I want to refer to the special event that took place at Norton Summit last Sunday in the electorate of Heysen. It was very much a local Hills community event with wintry conditions, minus the rain. The idea, support, resources and organisation for Sunday's celebration were strongly supported by the local community and the Playford family, and that is how it should be.

The unveiling of the memorial sculpture and the launch of the Playford Centenary Scholarship Appeal were two impressive aspects of Sunday's celebration, although I believe the person who stole the show was Dr Margaret Fereday with her memorable and witty response on behalf of the family.

The media focus of the past week covering the resolution in this Chamber, the hanging of the portrait of Sir Thomas, the ETSA bust of Sir Thomas, the Sir Thomas Playford centenary oration, the Jeff Mincham statue of orchardist Playford and the achievements of the Playford Memorial Trust has rightly concentrated our minds on Tom Playford himself. But it should never be forgotten, and the fact is, that Sir Thomas Playford was a Liberal Premier. He was a member of the South Australian division of the Liberal Party of Australia, he fought his electoral contests as a Liberal, a proud, strong advocate of free enterprise, and a passionate supporter of the small business and rural sectors of this State. I am concerned that history be not rewritten by some members of the Australian Labor Party attaching themselves to the coat tails of Sir Thomas and attempting in some way to claim him and, selectively, a number of his many achievements. It is not appreciated; it is offensive to his memory and to fact—his membership and support of the Liberal Party.

However, today I want to refer specifically to the Playford Centenary Scholarship Appeal and the Aquaculture Research Project that was launched on Sunday. A brochure has been produced by the trust outlining its history, which is that the trust was established in 1983 with a charter not only to perpetuate the memory of South Australia's longest serving Premier, Sir Thomas Playford, but to promote, encourage and finance research which will be of practical use and benefit to South Australia. I should like to outline the achievements of the trust so far by quoting from the brochure, which states:

> Since 1983, the trust has:
> · Sponsored the South Australian Enterprise Workshop Innovation Prize.
> · Commissioned the feasibility study which resulted in the Investigator Science and Technology Centre at Wayville
> · Endowed the Sir Thomas Playford postgraduate research scholarship in horticulture at the Waite Institute . . .
> The aim of [the new research scholarship]—

which is to raise $500 00—and they are clearly asking for significant contributions, all of which are tax deductible—

> is to increase stocks so that fishers once again have a chance of a good catch of whiting, and our favourite fish will be back on the menu in homes, hotels and restaurants. This can be done by producing fingerlings . . . under controlled conditions, then releasing them into our coastal waters or using them to develop fish farming . . . The research will take place at the Aquatic Sciences Centre of the South Australian Research and Development Institute. It will be supervised through the Zoology Department of the University of Adelaide.

The Playford Memorial Trust enjoys bipartisan support and has very illustrious members such as Jennifer Cashmore, Des Corcoran, Don Laidlaw, Richard England, Douglas Bishop, David Elix, Barbara Hardy, Richard McKay, Mary Snarskis and Roy Woodall. I urge members of this Chamber to support the appeal and this project to ensure its success. I also urge members to obtain copies of the brochure from the Playford Centennial Scholarship Appeal Office at 198 Greenhill Road, Eastwood.

Mrs GERAGHTY (Torrens): Last week, the member for Playford and the member for Ross Smith asked questions in the House concerning the lifts section of Services SA. That section was encouraged to compete with the private sector to maintain Government-owned assets. After considerable restructuring and streamlining of the workplace, the lifts section won its fair share of work and has been invited by both private and Government organisations to supply services. Currently, because of the restructuring, it runs at a net profit. I am sure that the Minister would agree that this is an excellent and an exemplary performance by the workers in the section.

However, it appears that they have been doing rather too well. More often than not they are being used as a benchmark by which other tenders are reviewed. I ask members to bear in mind that there was a verbal ministerial direction to the lifts section that it could not initiate any tender process: that had to come, in the first instance, from the private sector if it were to tender in that area.

For example, tenders for lift maintenance were recently sought for the SGIC building in Victoria Square, which is now owned by Legal and General. After due consideration, the lifts section was notified that it was the successful tenderer. As we heard last week, the Minister told it to withdraw the tender. From memory, the Minister said that he was not aware that it had been successful in that tender. In other words, it had competed with private enterprise in line with the Minister's instructions, won the job, but had it stolen. On winning the tender, I understand, the lift services section was quite pleased about the successful tender but was most disappointed when the Minister told it to withdraw it because it was not to tender for any work earmarked for privatisation. This decision was made despite the fact that the owner of the building was happy to have the work done by the lifts section—it was at the owner's instigation. Unfortunately, the owner now has to reinstate a private company to do the job—a job that the lifts section of Services SA was doing admirably and about which the owner was very happy.

This is an appalling situation. Frankly, the decision is totally devoid of logic and shows no respect to the building owners who may wish, as they did, to use Services SA. It shows a complete disregard for the enterprising abilities of the workers in the section. To deny a Government resource the right to compete with private enterprise, even though that was the original instruction, in fact the reason for the restructure, fails any test of logic, particularly when it can offer a cost-effective service. People are asking: has the Minister considered that, if he allows Government sections to tender and win back work in the private sector, there are significant benefits to private companies as well as to the public? If a public utility has the capacity to operate competitively with private operators, private contractors would have to operate at a cost and quality comparative to that of the public utility. Of course, the consumer would benefit all round. Costs would be down and quality, of course, would be

ensured. Such a scenario could be viewed only as beneficial to all parties involved and should be encouraged, with agencies being rewarded for fulfilling the Government's initial directive. With his change of directive the Minister has treated the workers' response to make changes—changes that have achieved a positive result—with contempt.

Mr LEGGETT (Hanson): I wish to elaborate on a question I directed to the Minister for Recreation, Sport and Racing in the Estimates Committee on 25 June. I asked what strategies were being used by the Brown Government and, more specifically, by the Minister, to promote the participation of Aborigines in sport. I applaud this Government's initiatives as we promote, through the Office of Recreation, Sport and Racing, talent identification clinics. One such clinic in 1995 discerned the talents of many young Aboriginal athletes in Whyalla, Port Augusta, Port Pirie and surrounding districts and, indeed, the metropolitan area of Adelaide. The Aboriginal Sports Talent Scholarship Program is designed to assist individual Aboriginal athletes or squad members at the sub-elite level who have achieved a high level in their sport to implement a 12 month training and competition program that may lead to a South Australian Sports Institute scholarship. The scholarship caters for both open and junior athletes up to 21 years of age.

The Office of Recreation, Sport and Racing plans to develop further a policy which advances the cause of reconciliation and which involves consultation with the Aboriginal community on sport and recreation needs to facilitate the development of programs leading to an increase in participation. To do this, the Office for Recreation, Sport and Racing will facilitate Train the Trainer programs for Aboriginal people in sport and in recreation.

I am delighted that we are promoting athletes with such amazing natural ability. I turn back in time (I tend to do that now) to when we had outstanding Aboriginal sporting champions—and it is not all that far back. I will name just a few. Obviously, I will miss many stars who should be included on my list because some were before my time. First, as a young boy, it was a great privilege to meet a Churches of Christ Pastor, Douglas Nicholls, later Sir Douglas, who went on to become the Governor of South Australia. He was a champion Fitzroy wingman. In the 1930s he was the Victorian sprint champion. I recall the great Graham Polly Farmer from Western Australia who kept the turnstiles clicking when he went to Geelong in the early 1960s. As Geelong's star ruckman he was almost solely responsible for Geelong winning its last premiership in 1963. In 1964, David Kantilla, affectionately known in South Australia as 'Soapy', played a very significant part in South Adelaide's premiership. I wish that our colleagues who barrack for Port Adelaide were here, because in that Grand Final Port Adelaide did not score a goal until half-time. So much for Port Power!

We have seen Syd Jackson from Western Australia, of Carlton and Glenelg fame; the Krakouer brothers from Western Australia, who went to North Melbourne; Bertie Johnson; Gilbert McAdam, who won a Magarey medal; the great Gavin Wanganeen, who won a Brownlow medal; Nicky Windmar; and Lionel Rose. But I do not mention just the men: I need to mention some of the women, too. There are a number of women whom I do not have the time to recall. There was the great Evonne Gooloogong-Cawley, who won Wimbledon twice and who was the only woman to win as a mother. Cathy Freeman will go to Atlanta, and we wish her the very best as she pursues gold for Australia. I should have mentioned a number of other females athletes but time does not permit. I know that they have been fantastic ambassadors for sport in Australia.

Another sports camp was programmed for July 1996. It was at this time that the Aboriginal Unit and the Women's Unit conducted an Aboriginal Active Girls Camp at the South Australia Police Academy. The camp was for girls between the ages of 14 and 16, and it lasted for two days. I am sure that, as a result of this initiative by the Brown Government and the Minister for Sport, many future champions will be produced who will become household names not just in South Australia but throughout the nation. I only hope that, when we do produce outstanding sportspersons, particularly footballers in this case, which I am sure we will do, being parochial, they will not be drafted to Victorian clubs or Port Power and that, contrary to the bipartisan hoots of despair from the member for Hart, they will stay with the Adelaide Crows and become a power there.

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

Ms HURLEY (Napier): In the wake of the attack by the Premier on local councils I want to make some brief remarks about development in this State, particularly in the city. It seems to me that the Premier is visiting his own sins on other agencies. For example, he talked about the lack of vision of the City Council, yet he was not able to articulate any vision of the State Government for this city or State. Indeed, it is starting to become obvious: people are remarking on the lack of vision shown by the Premier, his lack of strength and the lack of ability of this Government to bring in meaningful development and employment to get this State moving again. One suspects that, by way of a political chest-beating exercise, he is attempting to blame the Adelaide City Council for his own shortcomings.

When asked on radio to justify a comment he had made that most of the projects going on in the city were initiated by the State Government, he named several projects, one of which was the City West Campus of the University of South Australia, a project which was started by the former Labor Government and merely concluded during the current Government's period of office. Another project which he cited was the East End development, another project that was begun by the former Labor Government, and he also cited the Art Gallery extensions which were also begun by the former Labor Government. As far as I know, the Premier was not able to cite one project which the current Government conceived and brought to fruition.

Yet, here we have the Premier attacking the Adelaide City Council and other local councils for their lack of performance. In order to support this attack, he has put out a call for people to telephone his office or that of the Minister for Housing, Urban Development and Local Government Relations with anecdotal evidence of developments with which they are unhappy and data on development approvals. It is amazing that the Premier, with all the resources that the Department of Housing and Urban Development has, has been unable to come up with any examples of his own and is forced to resorting to ask people to call in.

Compare that with the statistics which have been developed under the Commonwealth Local Approvals Review Program (LARP) which was begun under the former Federal Labor Government's aegis. These statistics show that councils, including the three councils named by the Premier (Adelaide, Mitcham and Willunga) approved developments

within an average of 18.3 working days. They also show that very few developments were rejected by councils.

The councils cited by the Premier (Adelaide, Mitcham and Willunga) were particularly poorly performing councils, he said, but he did not bring up any statistics to counteract the point made by the LARP statistics which show that this indeed was the case. The Government is using the very same consultant who did the LARP review to perform a review of the Development Assessment Commission. So, it appears that the Government does not have any problem with the methodology of this consultant but that it just does not like the results and is trying to rewrite them.

I believe that the Government should also be prepared to release statistics on approval times by State Government agencies such as the Development Assessment Commission, the Department of Environment and Natural Resources, the Department of Transport, the Health Commission and the Environmental Protection Agency. The Premier cannot go around making these outrageous statements without backing them up with facts and threatening to take over councils based on these allegations, which seem to have a very flimsy basis.

Mr BECKER (Peake): I wanted to speak this afternoon about meat hygiene and what I discovered during a recent parliamentary study trip to Germany, but unfortunately I have been distracted by an editorial in the *Advertiser* headed 'Rebels without credibility'. I wish again to bring to the attention of the *Advertiser* and the House Standing Order 133 headed 'Complaints against media', which provides:

> A member who complains to the House of any statement published, broadcast or issued in any manner whatsoever is to give all details that are reasonably possible and be prepared to submit a substantive motion declaring the person or persons in question to have been guilty of contempt.

I want to know who the ignoramus is who wrote this editorial, because I am absolutely furious. This is about the third or fourth time since my Party came to Government that there have been editorials criticising members of the Government, in particular me and my actions. I think that on one occasion they even called for my dismissal. The editorial states:

> Cravenly bowing to the uproar from gun owners, various of Mr Brown's backbenchers with, we suspect, a tickle from some more highly placed, are threatening to cross the floor and vote against the measure. This newspaper is abidingly unimpressed by such stunt politics.

I'll give them stunt politics! It continues:

> These powder-puff rebels think they will be ingratiating themselves with gun owners by a show of opposition.

It states further:

> If these gun-obsessed rebels persist, Mr Brown should, without pity or compunction, read them the riot act.

I have news for the person who wrote this editorial. I am not a gun-obsessed rebel. I believe in a fair go and fair representation for my constituency and the people of this State. South Australia has the best Firearms Act in Australia. Why the Federal Government did not insist on other Governments following suit, I do not know. During my national service in the army, we were taught to service our rifles and guns, to pull them apart and put them back together again, and, of course, to handle them with respect and safety. So, I know, understand and appreciate the situation. I also was born in the country, so I know, understand and appreciate the difficulties that farmers have with stock, wild dogs, foxes and other feral animals on their property. Therefore, they should have some firearms in cases of need.

No-one in Australia opposes national firearms legislation. I support it: we should have had it years ago. No-one wants to see brought into this country military style automatic weapons of the kind used recently in a massacre. Who let them into Australia and who let them be sold all over the country? Let those people who made those decisions wear them. Why is the media suddenly obsessed with telling us what to do, how to do it and when to do it? I have not seen the final draft of the proposed legislation, so how can I make a decision? However, I understand that it will be legislation by regulation.

For 26 years in this House I have opposed legislation by regulation. As everyone knows, with this type of legislation you give a government an open cheque. When regulations are brought in, we cannot amend them, we must throw them out and start again, and this will go on for months. I do not need to be told by some infant journalist who writes editorials for the *Advertiser* that I am a gun-obsessed rebel. It is not on. As I understand Standing Order 133, if any member objects to 'any statement published, broadcast or issued in any manner whatsoever', we can call those responsible before the Bar of this House.

I think the day is fast looming when the *Advertiser* will be called to the House to account for some of these ridiculous statements it makes in an attempt to intimidate members of Parliament, whether they be backbenchers of the Government, the Opposition or anyone else. We should be free to make decisions on behalf of the constituency. I would like them to interview the 49 people whom I have had to interview and correspond with in the past few weeks. They should realise that not one member of this House shirks his or her responsibility.

WESTPAC/CHALLENGE BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act to provide for the transfer to Westpac Banking Corporation of certain assets and liabilities of Challenge Bank Limited and for related purposes. 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 the bill is to facilitate the transfer of the assets and liabilities of the Challenge Bank ('Challenge'), located in South Australia, to its parent, the Westpac Banking Corporation ('Westpac').
>
> Challenge Bank Limited ACN 009 230 433 is a company incorporated in Western Australian and is a company within the meaning of the Corporations Law and is a company limited by shares.
>
> Westpac Banking Corporation ARBN 007 457 141 is a body corporate constituted by an act of the Parliament of New South Wales.
>
> Westpac carries on the business of banking throughout Australia and elsewhere in the world and Challenge carries on the business of banking principally in Western Australia and Victoria whilst having assets and liabilities situate in other States and Territories of Australia.

On 22 November 1995 the Treasurer of Australia consented, pursuant to Section 63 of the *Banking Act 1959* of the Commonwealth, to the amalgamation of the banking business of Challenge with that of Westpac.

On 19 April 1996, the Managing Director and Chief Executive Officer of Westpac, Mr Robert Joss, wrote to the Premier seeking the South Australian Government's sponsorship of legislation to facilitate the transfer of the Challenge banking business to Westpac following Westpac's acquisition of 100% of Challenge's issued share capital on 21 December 1995.

Members will be aware, from issues raised in the context of the Advance Bank/BankSA acquisition, that under the present Reserve Bank of Australia policy of one banking authority for each banking group, Challenge is required to surrender its banking authority within a reasonable period of time. In addition, following an acquisition of one bank by another, the full benefits of the acquisition cannot be realised until there is full legal integration of the banking operation of the two banks. For these reasons therefore, with the exception of certain excluded assets, it is proposed that the assets and liabilities of Challenge in Australia will be transferred to its parent company, Westpac. In order to facilitate the transfer of the Challenge banking business, it is proposed that enabling legislation be passed in the States and Territories where Challenge conducts its business.

Westpac is seeking to have the relevant legislation in force by 1 October 1996.

The Bill will transfer to Westpac the assets and liabilities of Challenge with the exception of the goodwill owned by Challenge in South Australia. The name Challenge Bank will after legislative integration of the assets and liabilities of the two entities, no longer be used in South Australia. The trademarks in respect of the name of Challenge and the logo's used by Challenge will not be transferred to Westpac pursuant to the legislation but will not be used by Westpac in South Australia.

Challenge has approximately 25 employees and two branches in South Australia. The Government understands that Challenge employees will become employees of Westpac and the branches will become Westpac branches.

The assets being transferred by Challenge to Westpac in South Australia comprise:

Loans and receivables which for stamp duty purposes can be divided into two major groups:

1. Loans secured by mortgages and corporate debt securities;
2. Unsecured loans comprising leases, hire purchase agreements and other facilities.

Interest in real property as a lessee, furniture and fittings including computer equipment and a motor vehicle.

In South Australia, Challenge Bank has approximately 3 700 loan accounts and 1 500 deposit accounts.

The bulk of Challenge's banking operations are conducted in Western Australia. With only two Challenge branches operating in South Australia the Government is of the view that the absorption of these branches into Westpac's South Australian banking operations will not lead to any significant diminution in competition or consumer choice between banks in South Australia.

The merger of Challenge's South Australian operations with that of its parent, Westpac, can be regarded as a post acquisition reconstruction to comply with the present Reserve Bank policy of one banking authority for each banking group.

Westpac's banking operations in South Australia are significant. In addition to maintaining a significant branch network, Westpac recently established its national loan centre at Lockleys, which created hundreds of permanent jobs for South Australians.

The Bill itself is conventional and largely follows the form of legislation which has been enacted in respect of other bank mergers. The legislative approach to effect such mergers has in the past and will likely for some time in the future continue to be adopted because of the large number of accounts and other assets and liabilities required to be transferred.

In the absence of this type of legislation it would necessary to contact every customer of Challenge for the purposes of gaining their authorisation to transfer their accounts to Westpac. Even with the relatively small level of Challenge's banking operations in South Australia, the work involved in preparation of documents and contacting parties concerned would be a totally unproductive and expensive exercise for the bank. It would also cause great inconvenience to customers of the bank.

I commend the Bill to the House.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the South Australian Act at the same time as the Western Australian Act.

Clause 3: Interpretation

This clause contains the definitions required for the purposes of the new Act.

Clause 4: Act binds the Crown

The Act is to bind the Crown not only in right of South Australia but also in all its other capacities.

Clause 5: Territorial application of Act

The new Act is to apply not only within the State but also outside the State to the full extent of the legislative power of the State.

Clause 6: Application of Act in relation to banking business transferred under the Victorian Act

The new Act is not to apply to banking business transferred under the Victorian Act.

PART 2

VESTING OF CHALLENGE'S UNDERTAKING IN WESTPAC

Clause 7: Vesting of undertaking

This clause provides for the vesting of the undertaking of Challenge in Westpac.

Clause 8: Effect on contracts and instruments

This clause deals with the effect of the vesting on contracts and instruments to which Challenge is a party.

Clause 9: Transitional provisions

This clause deals with the effect of the transfer on various kinds of rights and liabilities and on various legal relationships.

Clause 10: Business name

This clause authorises Westpac to carry on business in South Australia during the transition period under the name *Challenge Bank Limited*.

Clause 11: Legal proceedings

Clause 12: Amendment of Court documents where Westpac erroneously made a party

These clauses deal with legal proceedings by or against Challenge and provide for their continuance in appropriate cases by or against Westpac.

Clause 13: Evidence

This clause deals with evidentiary questions arising from the vesting of Challenge's undertaking in Westpac.

Clause 14: Construction of references

This clause provides that references to Challenge in written documents are, in appropriate cases, to be read as references to Westpac.

PART 3

GENERAL

Clause 15: Payment in lieu of State taxes and charges

This clause requires Westpac to pay to the Treasurer an agreed amount to be in lieu of the taxes and charges that would otherwise have been payable to the State if the assets and liabilities had been transferred by conventional means.

Clause 16: Effect of things done under this Act

This is a saving provision preventing adverse consequences under the terms of contracts and other instruments.

Clause 17: Service of documents

This provides that service of a document on Challenge or Westpac is to be regarded as service on the other.

Clause 18: Excluded assets

This absolves persons dealing with Challenge or Westpac from inquiry about whether a particular asset is an excluded asset.

Clause 19: Certificates may be issued

This empowers the Chief Executive of Westpac to issue certificates certifying how property referred to in the certificate is affected by the operation of this Act.

Clause 20: Certificates in relation to charges

This enables Westpac to satisfy the requirements of section 268 of the Corporations Law by lodging a certificate with the ASC certifying the vesting of Challenge's undertaking in Westpac under the new Act.

Clause 21: Other property

This clause facilitates the registration of the vesting of property in Westpac under the new Act.

Clause 22: Certificates conclusive

This makes a certificate issued under the new Act conclusive evidence in the absence of proof to the contrary.

Clause 23: Application of banking laws

This clause preserves the effect of laws governing the conduct of banking business except to the extent that they are necessarily excluded by the new Act.

Mr ATKINSON secured the adjournment of the debate.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL)

The Hon. S.J. BAKER (Minister for Police) obtained leave and introduced a Bill for an Act to amend the Firearms Act 1977. Read a first time.

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

That this Bill be now read a second time.

South Australia is widely regarded as having some of the strictest gun laws in Australia. However, without uniform national gun laws and minimum standards South Australia remains vulnerable with dangerous and prohibited mail order firearms entering the State from other jurisdictions with lax gun controls.

The Port Arthur shootings on 28 April 1996 shocked the nation and focused the attention of the entire country on the issue of gun control. The Prime Minister called a special meeting of the Australasian Police Ministers' Council and set the agenda for sweeping reforms of gun laws including the banning of automatic and semiautomatic firearms. South Australia has been at the forefront of prior attempts to introduce uniform national gun laws, however the reluctance of other jurisdictions has foiled those attempts.

In an historic move on 10 May 1996 the Australasian Police Ministers' Council agreed to a series of resolutions to introduce national uniform gun laws. The underlying thrust of those resolutions is that gun ownership is not a right, it is a conditional privilege. It should be noted that in South Australia personal protection has not been regarded as adequate justification for possessing a firearm since 1 January 1980. The Firearms (Miscellaneous) Amendment Bill 1996 incorporates the Police Ministers' Council resolutions and, in line with community expectations, provides for significant penalties for serious firearms offences.

Unlike a number of other jurisdictions, South Australia already has many of the measures proposed under the resolutions in place, including registration of all firearms and mandatory training for firearms licence holders. Automatic firearms are already banned in South Australia. A person may only possess and use an automatic firearm in South Australia for theatrical or cinematic purposes and then only after obtaining a licence from the Registrar of Firearms.

Although all of the firearms that appear within the new nationally agreed categories are already accounted for in the South Australian system, some changes have been required to reflect the new categories. In addition to the resolutions of the 10 May 1996 Australasian Police Ministers' Council the Bill contains other measures designed to improve firearms controls. These measures include the introduction of a requirement for recognised firearms clubs to notify the Registrar of Firearms of persons considered not fit to possess firearms.

Under the Firearms Act 1977 medical practitioners are required to notify the Registrar of persons considered not fit to possess firearms. Under the Firearms (Miscellaneous) Amendment Bill 1996 a medical practitioner or a club will be required to give such notice within 48 hours. The Bill will provide for introduction of firearm classes A, B, C, D and H which conform to the Australasian Police Ministers' Council resolution and a regulation making power providing further amendment or replacement of the definition of firearm classes should the need arise. In addition, a photographic licence will be introduced, which, for classes C, D or H will be issued for one year and for classes A and B may be issued for a maximum of five years.

However, the Government is considering allowing licence holders to present proof each year of ongoing need for category C firearms as an alternative to annual licence renewal for category C firearms. In conjunction with the photographic licence there is provision for an interim licence which comes into force on the date paid and remains in force for a period of 28 days or until the photographic licence is issued.

The Bill provides for a smooth transition for current licence holders with A and B category firearms. During the transition from the old licence classes to the new licence classes only persons who require class C or D will be required to produce proof of genuine need. Persons who hold a licence for a handgun which falls due for renewal during the transitional period will be required to provide proof of the reason for requiring a class H licence in the normal manner. The Government has introduced amendments in relation to meeting the national requirements for licensing including a minimum age of 18 years and over, proof of identity and genuine purpose and reason. To assist in interpretation, the meaning of a fit and proper person to have possession of a firearm or ammunition has been included.

Special provisions have been included to allow a person between the ages of 15 and 18 years to make an application for a firearms permit authorising the possession and use of a class A or B firearm for the purpose of primary production. A firearm collector's licence is being introduced which will enable *bona fide* collectors to continue to possess firearms for collection and display purposes. As the Australasian Police Ministers' Council is still to finalise matters in relation to collectors, the details and requirements of the collector's licence will be included in the regulations.

Commercial firearm range operators in South Australia have requested that shooters, under proper supervision, be exempted from the requirement from holding a firearms licence for the possession of a firearm in the same manner as a person on the grounds of a recognised firearms club. The Government believes that properly controlled activities on such ranges should be permitted in South Australia.

The legislation will facilitate the application for recognition and the approval of a range by commercial range operators. Once recognised a commercial range operator will benefit from the legislation in respect of persons being permitted to use the approved range in much the same way as the recognised firearms clubs. A shooting gallery has been defined to distinguish it from a commercial firearms range.

Provisions have been included to enable the Registrar to require additional information to determine an application to vary a licence, to amend the grounds on which the Registrar may refuse an application for a firearms licence, cancel, vary or suspend a licence and to cancel or suspend an ammunition permit. Appropriate provisions have also been included to enable persons who are aggrieved by a decision of the Registrar to appeal to a magistrate.

A recognised firearms club will be required to notify the Registrar of the expulsion of a club member and the Registrar may notify an employer or a club, in appropriate circumstances, if the firearms licence of an employee or a club member is cancelled or suspended. The sale, gift, loan or hire of firearms must take place through a licensed firearms dealer or the transfer of possession be witnessed by an authorised officer of a recognised firearms club or, in remote areas, a member of the police force. A permit to acquire a firearm issued in other States or Territories of the Commonwealth will be recognised in South Australia.

Provisions limiting class C licence holders to the possession of one self-loading rifle and one self-loading or pump action shotgun have been introduced. The responsibilities of executors and administrators in relation to the disposal of firearms has been clarified as well as the position of persons engaged in the carriage and storage of goods. The Australasian Police Ministers' Council resolutions recommend uniform minimum storage requirements for firearms which will be set out in the regulations. A provision has been introduced authorising members of the Police Force to inspect a licensee's storage facilities.

A person who places a firearm in storage for a period in excess of 14 days will be required to provide the Registrar with the relevant details. Members of the Police Force have been given the authority to request the registered owner of a firearm to provide details of the whereabouts of that firearm. An offence has been created for persons who are in possession of the action of a firearm, or other mechanism, fitting, part or ammunition without holding an appropriate licence or authority and the authority for a member of police to seize such items has been included. The powers of police to seize firearms following the suspension or cancellation of a licence and firearms subject to orders under other Acts, including the Domestic Violence Act 1994 and the Summary Procedure Act 1921, have been amended.

Authority has been included for the Registrar to hold seized firearms and parts until proceedings have been finalised, then the Registrar may dispose of firearms which have been confiscated or forfeited to the Crown under this or other Acts or which have been surrendered to the Registrar. A provision has been introduced which makes it an offence for a person who handles a firearm while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm and also makes it an offence for a person to transfer possession of a firearm to a person in such a condition.

Where a person is carrying a firearm on or about his or her person, that person will be required to carry with him or her the firearms licence authorising his or her possession of that firearm. The power to request the production of a firearms licence has been extended to include a warden under the National Parks and Wildlife Act 1972 when a person is in possession of a firearm on a reserve constituted under that Act. A general defence provision has been included as well as a provision allowing the Registrar, with the approval of the Minister, to declare a general amnesty. Appropriate transitional provisions have been included to enable the change over to the amended legislation.

The Commonwealth Government has already announced that the compensation scheme for the buyback of newly-banned firearms will be funded by an increase in the Medicare levy. Final details of the compensation package are still being finalised, however the Bill provides for compensation payments to licensed owners of prohibited firearms who voluntarily surrender their firearms within the period specified by the legislation. The Bill also provides for compensation to licensed dealers in firearms and ammunition. On 13 May 1996, the South Australian Government announced an immediate statewide 12-month amnesty to remove unwanted and illegal guns from the community.

The amnesty provides an opportunity for people to hand in illegal guns—no questions asked—or to get rid of guns which they no longer need or want. As at 28 June 1996, more than 800 firearms—including some 214 from country areas and 587 from the metropolitan area—had been surrendered under the amnesty. People who own firearms which will come under the newly banned categories and who believe the firearms have value for which they want compensation will have to hold on to those firearms until the buy-back scheme is put in place. A number of other issues flowing from the 10 May 1996 Police Ministers' Council resolutions are still under consideration and are expected to be finalised shortly.

These issues include the crimping and conversion of semi-automatics and pump action shotguns, and the resolutions as they relate to collectors. Provision has been made in the Bill to accommodate these matters, if necessary, when they are finalised. It is important to point out that legitimate, approved firearms clubs are not affected by the proposed changes except to the extent that they cannot use firearms subject to prohibition. Indeed, one of the genuine purpose classifications for owning, possessing or using firearms under categories A, B and H is membership of an approved club. The Commonwealth Government has made it clear that the proposed gun law reforms will not affect the Olympic Games or Commonwealth Games disciplines.

The Commonwealth Government has been advised that the only such discipline allowing the use of a prohibited firearm relates to Clay Target Shooters and it has given assurances that these people will be accommodated. The resolutions of the 10 May 1996 Police Ministers' Council represent a significant step forward in improving firearm control measures across the nation. They do not represent an attack on the vast majority of responsible, law-abiding gun owners and users who will be able to pursue their interests and activities under the proposed changes. The facts are that, despite the responsible behaviour of many firearm owners, firearms are stolen and used against members of the community. Across Australia in 1994, there were more than 520 deaths by firearms including 420 suicides, 79 assaults resulting in death and 20 accidental deaths.

Despite public claims by certain gun lobby groups that they support sensible, rational gun law reforms, some groups have attempted, and have indeed succeeded in the past, to undermine attempts to introduce sensible and necessary uniform gun controls. I draw Members' attention to a May 1996 edition of the *Australian Gun Sports* magazine, in which MLC, Mr John Tingle, of the Shooters' Party, openly boasts that one of the accomplishments of that organisation is that it:

> Helped persuade the NSW Police Minister to refuse to take part in uniform national firearms laws proposed by Keating's Government. These laws would have meant universal firearms registration. New South Wales staying out has made national gun laws impossible.

I urge members to resist the ongoing attempts of particular groups to derail the push for much needed national gun law reforms. South Australia must play its part in implementing effective, national gun controls for the benefit of all Australians. I commend the Bill to honourable members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Amendment of s. 5—Interpretation

Clause 3 amends section 5 of the principal Act which provides definitions and other provisions relating to interpretation of the principal Act.

Clause 4: Amendment of s. 5A—Crown not bound

Clause 4 amends section 5A of the principal Act to ensure that the Crown in right of other States and the Commonwealth is not bound.

Clause 5: Amendment of s. 11—Possession and use of firearms

Clause 5 amends section 11 of the principal Act. This section makes it an offence to possess or use a firearm without a licence and sets out exceptional circumstances in which class A, B and H firearms and class C and D firearms can be possessed and used without a licence.

Clause 6: Amendment of s. 12—Application for firearms licence

Clause 6 amends section 12 of the principal Act which provides for applications for firearms licences. Paragraph (c) amends subsection (6) by expanding the grounds on which the Registrar can refuse a licence.

Clause 7: Amendment of s. 13—Provisions relating to firearms licences

Clause 7 amends section 13 of the principal Act. New subsection (3a) provides that a licence does not authorise possession of a firearm if possession was transferred in contravention of new Division 2A. This is an additional way of enforcing the requirement that possession be transferred in the presence of a firearms dealer.

Clause 8: Substitution of heading

Clause 8 substitutes a heading.

Clause 9: Substitution of s. 14

Clause 9 replaces section 14 of the principal Act. The new section requires a permit to acquire a firearm by gift, borrowing or hiring as well as purchasing a firearm. The section also prohibits dealing in the actions of firearms separately from the firearm.

Clause 10: Amendment of s. 15—Application for permit

Clause 10 amends section 15 of the principal Act.

Clause 11: Insertion of s. 15A

Clause 11 inserts a new section that sets out the grounds on which the Registrar can refuse a permit to acquire a firearm. The Registrar may refuse a permit for a class B or H firearm if the applicant does not have a genuine reason for acquiring it. An example of this may be where the applicant already owns an identical firearm. Subsections (3) and (4) set out the reasons for refusing a class C or D firearm. The regulations may prescribe other circumstances in which class C or D firearms may be acquired.

Clause 12: Insertion of Division 2A of Part 3

Clause 12 inserts new Division 2A. New section 15B sets out the circumstances in which possession of a firearm may be transferred. Section 15C sets out the obligations of dealers, officers of clubs and police officers who witness the transfer of possession. Section 15D sets out circumstances that constitute possession of a firearm.

Clause 13: Substitution of s. 16

Clause 13 replaces section 16 of the principal Act with a provision that makes it clear that a person who deals in firearms or ammunition in this State must be licensed under the principal Act.

Clause 14: Amendment of s. 17—Application for dealer's licence

Clause 14 amends section 17 of the principal Act. A dealer cannot deal with class C or D firearms unless his or her licence is endorsed to that effect.

Clause 15: Amendment of s. 18—Records

Clause 15 provides a penalty for section 18 of the principal Act.

Clause 16: Amendment of s. 19—Term and renewal of licence

Clause 16 amends section 19 of the principal Act.

Clause 17: Insertion of s. 19A

Clause 17 inserts new section 19A which requires licences to include a photograph of the holder of the licence.

Clause 18: Amendment of s. 20—Cancellation, variation and suspension of licence

Clause 18 amends section 20 of the principal Act. The grounds on which a licence can be cancelled or varied are expanded. The amendment also gives the Registrar power to inform a licence holder's employer or club of the cancellation, suspension or variation of the licence.

Clause 19: Amendment of s. 20A—Reporting obligations of medical practitioners and clubs

Clause 19 amends section 20A of the principal Act to require a club as well as a medical practitioner, to report a member who cannot handle firearms safely.

Clause 20: Amendment of s. 21—Breach of conditions, etc.

Clause 21: Amendment of s. 21A—Notice of change of address

Clause 22: Amendment of s. 21AB—Return of licence to Registrar

Clauses 20, 21 and 22 provide penalties for sections 21, 21A and 21AB.

Clause 23: Amendment of s. 21B—Acquisition of ammunition

Clause 23 amends section 21B of the principal Act.

Clause 24: Insertion of ss. 21BA and 21BB

Clause 24 inserts new sections 21BA and 21BB into the principal Act. Section 21BA enables the Registrar to cancel an ammunition permit if the holder has contravened the Act or a condition of the permit or is no longer a fit and proper person to hold a permit. Section 21BB provides for the making of regulations that limit the rate at which ammunition is acquired or the quantity of ammunition that is held at any one time.

Clause 25: Repeal of s. 21C

Clause 25 repeals section 21C of the principal Act.

Clause 26: Amendment of s. 21D—Appeals

Clause 26 makes consequential amendments to section 21D of the principal Act.

Clause 27: Amendment of s. 22—Application of this Part

Clause 27 amends section 22 of the principal Act.

Clause 28: Amendment of s. 23—Duty to register firearms

Clause 28 provides a penalty for section 23 of the principal Act.

Clause 29: Amendment of s. 24—Registration of firearms

Clause 29 removes subsection (2) of section 24 of the principal Act.

Clause 30: Insertion of s. 24A

Clause 30 insets new section 24A which deals with the identification of firearms.

Clause 31: Amendment of s. 25—Notice by owner of registered firearm

Clause 31 amends section 25 of the principal Act.

Clause 32: Amendment of s. 26—Notice of change of address

Clause 32 provides a penalty for section 26 of the principal Act.

Clause 33: Insertion of s. 26BA

Clause 33 inserts a new section that provides for the recognition of commercial range operators.

Clause 34: Amendment of s. 26C—Approval of grounds of recognised firearms clubs or paint-ball operator

Clause 34 makes a consequential change to section 26C.

Clause 35: Insertion of s. 26D

Clause 35 inserts a new section that provides for the approval of the range of a recognised commercial range operator.

Clause 36: Amendment of s. 28—False information

Clause 36 makes it an offence under section 28 to provide false or misleading information under the Act.

Clause 37: Repeal of s. 29 and insertion of ss. 29, 29A, 29B and 29C

Clause 37 inserts four new sections into the principal Act. Section 29 makes it an offence to handle a firearm when under the influence of intoxicating liquor or a drug or to transfer possession of a firearm to a person who is under the influence.

New section 29A makes it an offence to have possession of a silencer and certain other fittings and mechanisms.

Section 29B makes it an offence to have possession of the action of a class C or D firearm separately from the firearm. New section 29C requires a person who is carrying a firearm to carry the licence that authorises possession of the firearm.

Clause 38: Amendment of s. 30—Information to be given to police officer

Clause 38 amends section 30 of the principal Act to enable police officers to require firearm owners to answer questions relating to the whereabouts of firearms.

Clause 39: Amendment of s. 31—Production of licence and certificate of registration

Clause 39 amends section 31 of the principal Act to enable a warden under the National Parks and Wildlife Act 1972 to require a person who is on a reserve under that Act and is in possession of a firearm to produce his or her licence.

Clause 40: Amendment of s. 31A—Period of grace on cancellation, suspension, etc., of licence

Clause 40 amends section 31A of the principal Act.

Clause 41: Amendment of s. 32—Power to seize firearms, etc.

Clause 41 extends the seizure provision of the principal Act to the actions and other mechanisms and fittings of a firearm and enables a police officer to inspect the means by which a person secures a firearm or the action of a firearm.

Clause 42: Amendment of s. 33—Obstruction of police officer

Clause 42 provides a penalty for section 33 of the principal Act.

Clause 43: Substitution of s. 34

Clause 43 replaces the forfeiture provision of the principal Act with an expanded provision.

Clause 44: Amendment of s. 34A—Forfeiture of firearms by court

Clause 44 amends section 34A of the principal Act.

Clause 45: Substitution of s. 35

Clause 45 replaces section 35 of the principal Act. The new section comprehends the substance of the old section and also provides that the Registrar may sell or dispose of surrendered firearms and, subject

to the order of a court, firearms confiscated to the custody of the Registrar.

Clause 46: Insertion of ss. 35A, 35B, 35C and 35D

Clause 46 inserts new sections 35A, 35B, 35C and 35D into the principal Act.

Clause 47: Amendment of s. 36—Evidentiary provisions

Clause 47 amends section 36 of the principal Act.

Clause 48: Insertion of ss. 36A and 36B

Clause 48 inserts a general defence and service provision into the principal Act.

Clause 49: Substitution of s. 37

Clause 49 replaces section 37 with a new section providing for the declaration of general amnesties from the provisions of the Act.

Clause 50: Amendment of s. 38—Commencement of proceedings for offences

Clause 50 removes subsection (1) of section 38 of the principal Act.

Clause 51: Amendment of s. 39—Regulations

Clause 51 amends the regulation making power of the principal Act.

Clause 52: Substitution of schedule

Clause 52 replaces the transitional schedule of the principal Act.

Mr ATKINSON secured the adjournment of the debate.

NATURAL GAS (INTERIM SUPPLY) (MISCELLANEOUS) BILL

The Hon. S.J. BAKER (Minister for Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Natural Gas (Interim Supply) Act 1985. 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.

This Bill will amend the *Natural Gas (Interim Supply) Act 1985*.

The Natural Gas (Interim Supply) Act was enacted to put into place gas supply arrangements that replaced the gas sales contracts at that time, voided the PASA Future Requirements Agreement (which provided for a continuation of gas supply to the State) and reserved 546 PJ of gas for use in South Australia.

At the time of the enactment, South Australia was facing a gas supply crisis. The existing contracts expired in 1987 and there were insufficient supplies to meet the requirements of the PASA Future Requirements Agreement.

In addition to reserving gas supplies for the State, the Act provides the Minister with powers to restrict the production and sale of natural gas from outside the Cooper Basin region. In particular, the Act provides for the Minister to determine the use of ethane from the Cooper Basin and restricts the Natural Gas Authority of South Australia (NGASA) from interstate trading in gas.

The current known reserves of ethane in the Cooper Basin region have been fully committed—part has been allocated for mixture with methane to form part of the sales gas stream, part has been injected to assist with second order oil recovery and the remainder has been sold to ICI in NSW. However, if further ethane is discovered in any new reserves of petroleum in the Cooper Basin it will become subject to the obligation provided by the Act requiring Ministerial approval for its use.

Although it is the Government's intention to remove itself from the gas contractual stream, the restriction the Act places on NGASA to only allow it to sell gas to South Australian customers is anti-competitive.

In its current form the Act prohibits the production of gas in South Australia outside of the South Australian portion of the Cooper Basin without the specific approval of the Minister. The Act required the developers of the Katnook gas fields to seek additional Ministerial approval prior to production commencing. This need for Ministerial approval is seen by the ACCC as an impediment to a competitive market.

The Natural Gas (Interim Supply) Act is viewed by the Commonwealth and a number of the other States as a significant impediment to free and fair trade in gas. Under the Council of Australian Governments' Agreement of February 1994, repeal of anti-competitive legislation is expected prior to the introduction of gas reform.

Review of the Act is also required under the Competition Principles Agreement 'Legislation Review' obligation.

Currently the State has contracts for the supply of gas to the end of 2005. The South Australian Cooper Basin Producers are currently negotiating with South Australian gas end users for the sale of up to 300 PJ of natural gas from the Cooper Basin. Once these negotiations have been completed, expected by the end of 1996, and the Government is satisfied there is no longer the need to identify "reserved" gas as provided for by the Act, the *Natural Gas (Interim Supply) Act 1985* will be repealed.

In summary, the amendments proposed conclude all of the responsibilities of the South Australian Government under the February 1994 CoAG Agreement to repeal anti-competitive legislation by mid-1996.

I commend the Bill to honourable members.

Clause 1: Short title

Clause 2: Amendment of s. 3—Interpretation

This clause is consequential to the repeal of sections 10 and 11. The expressions deleted are only used in those sections.

Clause 3: Repeal of s. 6

Section 6 discharged the Gas Sales Contract. The clause has done its work and is repealed.

Clause 4: Repeal of ss. 8 to 11

In repealing sections 8, 9 and 11, the anti-competitive provisions of the Act are removed.

Section 8 generally reserves ethane in the reserves of petroleum in the Cooper Basin for the needs of industrial, commercial and domestic consumers in this State.

Section 9 requires the Authority to apply gas received under the Act to satisfy the needs of industrial, commercial and domestic consumers in this State.

Section 11 prohibits the production of natural gas under a petroleum production licence except—

- from the Cooper Basin region;
- for the purpose of supplying petroleum in pursuance of contractual obligations that existed at the commencement of the Act;
- where the production is an unavoidable consequence of production of crude oil;
- during the drilling or testing of a well;
- for a purpose approved by the Minister;
- for a purpose incidental to any of those referred to above.

Section 10 made the P.A.S.A Future Requirements Agreement void. The clause has done its work and is repealed.

Clause 5: Insertion of s. 16—Expiry of Act

New section 16 provides that the Act will expire on a date to be proclaimed.

Ms HURLEY secured the adjournment of the debate.

STATUTES AMENDMENT (UNIVERSITY COUNCILS) BILL

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education) obtained leave and introduced a Bill for an Act to amend The Flinders University of South Australia Act 1966, the University of Adelaide Act 1971 and the University of South Australia Act 1990. Read a first time.

The Hon. R.B. SUCH: 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.

An independent review of University Governance was commissioned in July 1995 to be chaired by Mr Alan McGregor AO, with the review group including four other members with extensive business and University experience.

The review was initiated in response to a need to consider the issue of University governance which had been subject to little change for many years. It was considered critical to ensure that University governance arrangements are appropriate for the present and the future to guarantee that the contribution of the three Universities to South Australia through excellence in teaching and research are not constrained for the want of effective governing structures.

Following extensive consultation including the invitation of public submissions, the report of the Review group was delivered in February 1996.

The report reiterated the need for University Councils to function as a governing body, and not a managerial body.

The report clearly indicated that councils should be smaller, more cohesive bodies, which concentrate on policy, strategy, review and management performance and capacity.

The report made specific recommendations regarding the membership and size of councils, in particular that a council should be comprised of not more than 20 members.

Concurrent with this review the Commonwealth Government was conducting a Higher Education Management Review which also stressed the need for smaller governing bodies which had ultimate responsibility for strategic direction and development as well as accountability and monitoring and review of institutional strategic performance.

This Bill aims to reinforce the role of the Councils of the three Universities in South Australia as the governing body of the Universities by clearly establishing that their major responsibilities are for oversight, establishment of strategic directions and review.

This will ensure that a Council does not become preoccupied with minor issues but that its expertise is used to consider medium and long term issues of significance to its University and to oversee the operations of the University and its management.

The Bill establishes a common maximum size of 20, with similar membership provisions for the three bodies which provide for seven internal members and up to 13 external members.

Some external members will be recommended to the Governor for appointment by a selection committee comprising the Chancellor and six others appointed by the Chancellor in accordance with guidelines determined by the Chancellor and approved by the Minister.

A small number of external members will be co-opted and appointed by the Council to allow it to determine the final balance of composition while five members will be elected by the Adelaide University Senate for that particular Council.

The internal members will include staff and students, with minor variations between the three universities to reflect their individual organisational structures.

PART 1
PRELIMINARY

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides that the proposed Bill is to come into operation 12 months from the date of assent.

Clause 3: Interpretation

Clause 3 provides that a reference in the proposed Bill to a principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2
AMENDMENT OF THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT 1966

Clause 4: Amendment of s. 2—Interpretation

Clause 4 inserts a definition of Academic Senate into the principal Act. The Academic Senate is the body known as the Academic Senate of the University, or if another body is prescribed by the regulations of the University for the purposes of the definition, that other body.

Clause 5: Amendment of s. 5—Council

Clause 5 amends section 5 of the principal Act by inserting into the Act the principal responsibilities of the Council. These are overseeing the management and development of the University, devising or approving strategic plans and major policies for the University and monitoring and reviewing the operation of the University. It also amends the subsection that lists the people who are to be members of the Council. It proposes that the council consist of the following members:

1. the Chancellor and the Vice-Chancellor who will be members of the Council *ex officio*;

2. the presiding member of the Academic Senate who will be a member of the Council *ex officio* or, if the Vice-Chancellor is the presiding member of the Academic Senate, a member of the Academic Senate elected by the Academic Senate (but that person cannot be a student of the University);

3. the General Secretary of the Students Association of the University who will be a member of the Council *ex officio*;

4. ten persons appointed by the Governor, on the recommendation of a selection committee (which consists of the Chancellor and six other persons appointed by the Chancellor in accordance with guidelines determined by the Chancellor and approved by the Minister);

5. such number of persons (if any), but not exceeding two, as the Council may co-opt and appoint as members of the Council;

6. one member of the academic staff, elected by the academic staff;

7. two members of the general staff, elected by the general staff;

8. one student of the University (not being a person in the full time employment of the University), appointed or elected in a manner determined by the Vice-Chancellor after consultation with the General Secretary of the Students Association of the University (if the General Secretary of the Students Association is an undergraduate student it must be a postgraduate student and if the General Secretary of the Students Association is a postgraduate student it must be an undergraduate student).

This differs to the members who previously constituted the Council. It removes from the Council the Pro-Chancellors, the Pro-Vice-Chancellor or Deputy Vice-Chancellor, five members of Parliament and four members of the Convocation and includes as a member of the Council the presiding member of the Academic Senate. It increases the number of members appointed by the Governor from three to ten and the number of general staff from one to two and decreases the number of academic staff from eight to one, the number of students (other than the General Secretary of the Students Association) from four to one and the number of members that may be co-opted by the Council from three to two.

The proposed section also provides that the Council is, as far as practicable, to be constituted of equal numbers of men and women and that at least one member must have qualifications and experience in financial management. An employee or student of the University is not eligible to be appointed to the Council by the Governor or the Council.

Clause 6: Substitution of ss. 6 to 15

Clause 6 repeals the sections of the principal Act that provided the terms of office of the members of the Council and inserts one section setting out the terms for the proposed new members of the Council. It provides that a member appointed to the Council by the Governor or the Council will be appointed for either two or four years, that a person elected by the Academic Senate will be elected for two years, that a member of the academic or general staff of the University will be elected for two years and that a student of the University will be appointed or elected for one year. At the expiration of a term of office, a member appointed or elected to the Council is eligible for reappointment or re-election for up to a maximum of eight years.

The proposed section also provides the grounds on which the Governor may remove an appointed or elected member of the Council from office and details the circumstances under which the office of a member of the Council becomes vacant. If the office of an appointed or elected member of the Council becomes vacant a person must be appointed or elected to the vacant office and such a person will hold office for the balance of the term of his or her predecessor.

Clause 7: Amendment of s. 16—Appointment of Chancellor, Vice-Chancellor, etc.

Clause 7 amends section 16 by changing the term of office of the Chancellor from five years to four years and providing that an employee or student of the University is not eligible to be appointed to the office of Chancellor.

Clause 8: Amendment of s. 18—Conduct of business in Council

Clause 8 amends section 18 by changing the quorum of the Council from twelve members to nine members.

Clause 9: Repeal of s. 19

Clause 9 repeals section 19 as the responsibilities of the Council are contained in the proposed section 5(2).

PART 3
AMENDMENT OF UNIVERSITY OF ADELAIDE ACT 1971

Clause 10: Amendment of s. 3—Interpretation

Clause 10 amends section 3 by striking out definitions which are now obsolete.

Clause 11: Amendment of s. 7—Chancellor and Deputy Chancellors

Clause 11 amends section 7 to provide that the Chancellor is to be appointed for a term of four years and is eligible for reappointment and that an employee or student is not eligible to be appointed to the office of Chancellor.

Clause 12: Amendment of s. 8—Vice-Chancellor
Clause 12 is a drafting amendment.

Clause 13: Substitution of s. 9
Clause 13 replaces section 9 so that rather than the Council having the entire management and superintendence of the affairs of the University, it is to be the governing body of the University and have as its principal responsibilities overseeing the management and development of the University, devising or approving strategic plans and major policies for the University and monitoring and reviewing the operation of the University.

Clause 14: Substitution of ss. 11 to 13
Clause 14 makes changes to the sections of the principal Act that deal with the conduct of business of the Council, the constitution of the Council and casual vacancies. Under the proposed sections, nine rather than eight members of the Council will constitute a quorum and the Council will be constituted of the following members:

1. the Chancellor and the Vice-Chancellor who will be members of the Council *ex officio*;
2. seven persons appointed by the Governor, on the recommendation of a selection committee (which consists of the Chancellor and six other persons appointed by the Chancellor in accordance with guidelines determined by the Council);
3. three persons elected by the Senate;
4. such number of persons (if any), but not exceeding two, as the Council may co-opt and appoint as members of the Council;
5. two members of the academic staff, elected by the academic staff;
6. two members of the ancillary staff, elected by the ancillary staff;
7. two students of the University, one of whom must be a postgraduate student and one of whom must be an undergraduate student, appointed or elected in a manner determined by the Council after consultation with the presiding member of the Students Association of the University.

The proposed section also provides that the Council is, as far as practicable, to be constituted of equal numbers of men and women and that at least one must have qualifications and experience in financial management. There are restrictions placed on who may be appointed to the Council by the Governor, the Senate and the Council and an undergraduate student is not eligible for appointment or election to the Council unless he or she has been enrolled as an undergraduate for the two academic terms last preceding the date of the appointment or election.

The proposed section sets out the terms of office of members appointed to the Council. A member appointed by the Governor or the Council will be appointed for either two or four years, a person elected by the Senate to the Council will be elected for two years, a member of the academic or ancillary staff of the University will be elected for two years and a student of the University will be appointed or elected for one year. At the expiration of a term of office, a member appointed or elected to the Council is eligible for reappointment or re-election for up to a maximum of eight years.

The proposed section dealing with casual vacancies provides the grounds on which the Governor may remove an appointed or elected member of the Council from office and the circumstances under which the office of an appointed or elected member becomes vacant. If the office of an appointed or elected member of the Council becomes vacant a person must be appointed or elected to the vacant office and such a person will hold office for the balance of the term of his or her predecessor.

Clause 15: Repeal of ss. 15 to 17
Clause 15 repeals sections of the principal Act which are no longer required due to the changed membership of the Council.

Clause 16: Further amendments to principal Act
Clause 16 indicates that the principal Act is further amended by a Statute Law Revision schedule.

PART 4
AMENDMENT OF UNIVERSITY OF SOUTH AUSTRALIA ACT 1990

Clause 17: Amendment of s. 3—Interpretation
Clause 17 amends the definition of the Academic Board.

Clause 18: Substitution of s. 10 to 11a
Clause 18 repeals sections 10, 11 and 11a of the principal Act and inserts new sections dealing with the establishment of the Council and the term of office of the members of the Council. The proposed section 10 provides that rather than the Council having the entire management and superintendence of the affairs of the University it is to be the governing body of the University with its principal responsibilities being overseeing the management and development of the University, devising or approving strategic plans and major policies for the University and monitoring and reviewing the operation of the University.

Under the proposed new section the Council will be constituted of the following members:

1. the Chancellor and the Vice-Chancellor who will be members of the Council *ex officio*;
2. the presiding member of the Academic Board who will be a member of the Council *ex officio* or, if the Vice-Chancellor is the presiding member of the Academic Board, a member of the Academic Board elected by the Academic Board (but that person cannot be a student of the University);
3. the presiding member of the Students Association of the University who will be a member of the Council *ex officio*;
4. ten persons appointed by the Governor, on the recommendation of a selection committee (which consists of the Chancellor and six other persons appointed by the Chancellor in accordance with guidelines determined by the Chancellor and approved by the Minster);
5. such number of persons (if any), but not exceeding two, as the Council may co-opt and appoint as members of the Council;
6. one member of the academic staff, elected by the academic staff;
7. two members of the general staff, elected by the general staff;
8. one student of the University appointed or elected in a manner determined by the Vice-Chancellor after consultation with the presiding member of the Students Association of the University (if the presiding member of the Students Association is an undergraduate student it must be a postgraduate student and if the presiding member of the Students Association is a postgraduate student it must be an undergraduate student).

This differs to the members who previously constituted the Council. It removes the two members of Parliament and the two members of the association of the graduates of the University and increases the number of members appointed by the Governor from six to ten. It decreases the number of academic staff from four to one and the number of students (other than the presiding member of the Students Association) from two to one.

The proposed section also provides that the Council is, as far as practicable, to be constituted of equal numbers of men and women and that at least one member must have qualifications and experience in financial management. An employee or student of the University is not eligible to be appointed to the Council by the Governor or the Council.

The proposed section 11 sets out the terms of office of members appointed to the Council. A member appointed by the Governor or the Council will be appointed for either two or four years, a person elected by the Academic Board to the Council will be elected for two years, a member of the academic or general staff of the University will be elected for two years and a student of the University will be appointed or elected for one year. At the expiration of a term of office, a member appointed or elected to the Council is eligible for reappointment or re-election for up to a maximum of eight years.

The proposed section also provides the grounds on which the Governor may remove an appointed or elected member of the Council from office and the circumstances under which the office of an appointed or elected member becomes vacant. If the office of an appointed or elected member of the Council becomes vacant a person must be appointed or elected to the vacant office and such a person will hold office for the balance of the term of his or her predecessor. These subsections are substantially the same as in the current Act.

Clause 19: Amendment of s. 12—Chancellor and Deputy Chancellor
Clause 19 removes references in section 12 to Parliamentary members and allows co-opted members of Council to be appointed to the office of Chancellor or Deputy Chancellor.

Clause 20: Amendment of s. 13—Procedure at meetings of the Council
Clause 20 amends section 13 of the principal Act by changing the quorum of the Council from one half of the members of the Council to nine members of the Council.

SCHEDULE 1
Transitional Provisions

Schedule 1 provides that on the commencement of the proposed Bill the offices of the appointed and elected members of the Councils of the Universities are vacated.

SCHEDULE 2
Further amendments to the University of Adelaide Act 1971

Schedule 2 contains statute law revision amendments to the *University of Adelaide Act 1971*.

Ms HURLEY secured the adjournment of the debate.

POULTRY MEAT INDUSTRY REPEAL BILL

The Hon. R.G. KERIN (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to repeal the Poultry Meat Industry Act 1969. Read a first time.

The Hon. R.G. KERIN: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill provides for the repeal of the *Poultry Meat Industry Act 1969*.

In June 1995 the then Minister made a statement informing chicken meat processors and growers in South Australia of the Government's intention to repeal the Act and that deregulation of the chicken meat industry should take effect from 1 July 1996.

The decision to repeal the legislation followed a long period of consultation with the industry which included the release of a green paper in 1991 and a white paper in 1994 as well as many discussions with both processors and growers.

The amendments to the *Poultry Processing Act 1969*, which established the Poultry Meat Industry Committee and renamed the Act to be the *Poultry Meat Industry Act*, were enacted in 1976. These amendments which relate only to chicken meat production and the relationships between chicken meat processors and contract growers were enacted at a time following a period of instability in the industry. At the time all states except Tasmania enacted similar legislation as there was a concern that processors would act in an oppressive manner which could disadvantage growers. At the present time there are two major processors (Inghams Enterprises Pty Ltd and Steggles Ltd) and 77 contract growers. A third processing company Joe's Poultry Processors has indicated that it intends to sign contracts with growers for the supply of live chickens for processing.

When the legislation was enacted the conditions under which growers grew chickens and the prices they received were determined on a batch by batch basis. The *Poultry Meat Industry Act* has been in place for almost 20 years and contracts between processors and growers are now an established feature of the industry in South Australia. It is worth noting that contract chicken production is well established in Tasmania and New Zealand without specific legislation relating to the arrangements between chicken processors and their contract growers.

South Australia supports the National Competition Policy and will be required to review all legislation which restricts competition. There are aspects of the *Poultry Meat Industry Act* which could be used to restrict entry of new growers into the industry and prevent processors from increasing their production as well as authorising exclusive dealing which could be viewed as anti-competitive. This could also apply to the way the Committee operates in regard to growing fee determination and preparation of contracts. The Act could operate to restrict interstate trade in live chickens contrary to section 92 of the *Commonwealth Constitution Act*.

In making the decision to repeal the Act, the Government has been mindful of the implications arising from National Competition Policy and also that reviews in Queensland and New South Wales during 1991/92 recommended that similar legislation in those States should be repealed. In any event, under National Competition Policy, the Act would have to be reviewed by the Government by the year 2000.

Growers have expressed concern that they will be disadvantaged because they consider themselves to be in a relatively weak bargaining position compared with the processors who could use their market power to reduce growing fees, alter contract conditions and increase the proportion of chickens grown on company farms. They are also concerned that there will be no legislative barriers to entry into the industry and that new growers will then be able to enter the industry which could result in the under utilisation of specialised growing facilities which may not be readily adapted for other purposes.

In the Government's view efficient growers are not at risk of being replaced. Growers are and will remain important participants in this industry as they own the specialised facilities which are required to grow the numbers of chickens for the modern chicken meat industry. The costs of establishing farms are very high. Industry estimates that it costs at least $500 000 to build two sheds capable of growing 60 000 birds a batch and this cost is a considerable barrier to new entrants and to companies wishing to establish their own growing farms. Processors have invested heavily in highly specialised breeding, hatching and processing facilities and depend on contract growers for a regular supply of the required numbers of good quality birds of the right size.

Chicken meat industries in other countries have developed without this type of legislation. In New Zealand the industry operates on a similar manner to the Australian industry without legislation and it is understood there is no shortage of people wishing to enter the industry which is an indication that the industry is successful enough to attract new entrants wishing to obtain contracts with the processing companies.

The intention to repeal the Act on 1 July 1996 was announced in June 1995 with the aim of providing a transition period to enable the industry, and particularly the contract growers, to prepare for deregulation. During the period since the announcement the Government has held a number of discussions with processors and growers, has arranged for a meeting of processors and growers with representatives from the Australian Competition and Consumer Commission and has commissioned a report on the industry at the growers' request.

Growers were concerned that following the repeal of the Act they would no longer be able to negotiate growing fees collectively with processors as such action could be in breach of trades practices legislation. Growers have been encouraged to seek an appropriate authorisation from the Australian Competition and Consumer Commission. This initiative has also been supported by the processors. Growers were initially reluctant to apply for authorisation due to concerns about the likely costs involved. However, both processors have indicated that they are prepared to submit the necessary applications and to provide the necessary financial support.

The Government, at the request of the growers, appointed Mr Des Cain, who has considerable experience in the Western Australian chicken meat industry to report on the South Australian chicken meat industry with the aim of providing a basis for a voluntary chicken meat industry code of practice. It is anticipated that the code of practice will address areas in the relationship between processors and growers not covered by contract and establish procedures to reduce the likelihood of disagreements occurring and proposing ways to deal with them should they arise.

Mr Cain's report did identify inefficiencies in the South Australian industry and recommended measures to increase overall efficiency but his report did not indicate that any benefits could be gained from continuing with the legislation.

Growers are concerned that they will be disadvantaged by deregulation but the Government's view is that the legislation has achieved its purpose and has supported the development of a modern chicken meat industry in South Australia.

Growers will have the same protections as are available to other business people who are required to enter into contractual relations. These protections include the provisions of the *Trade Practices Act*, the rules against misrepresentation, and the ability of a contracting party to negotiate that particular terms are included, which might include terms allowing access to an arbitration process should disputes over the contract arise.

The Government does not consider that there is a need for it to be involved in the commercial activities between processors and growers nor does it consider that the *Poultry Meat Industry Act* is still necessary for a mature industry.

I commend the Bill to honourable members.

Ms HURLEY secured the adjournment of the debate.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill makes minor, uncontroversial amendments to several Acts which can conveniently be dealt with in the one Bill.

Bail Act 1985

Section 5(2) of the *Bail Act* provides that where a warrant for the arrest of any person is issued, the court or justice issuing the warrant may, by endorsement on the warrant, authorise or require a specified person, or a person of a specified class, to release the arrested person on bail. This provision has the effect that unless the warrant is endorsed to allow the police to grant bail a person cannot be granted police bail. The amendments to section 5 provide that a person is eligible for bail unless the warrant is endorsed to the contrary. Unless the person issuing the warrant makes a deliberate decision that the arrested person is not to be eligible for police bail then the person will be eligible for police bail. The chance of a person not being eligible for police bail through oversight will be eliminated by these amendments.

Bills of Sale Act, 1886

Section 28(1) of the *Bills of Sale Act 1886* provides that bills of sale, which have not been registered, are void against certain persons. Section 28(2) provides that a consumer mortgage within the meaning of the *Consumer Transactions Act 1972* is not rendered void by reason of the fact that it is not registered. This amendment places consumer mortgages to which the *Consumer Credit (South Australian) Code* applies on the same footing as consumer mortgages under the *Consumer Transactions Act 1972* that is, consumer mortgages within the meaning of the *Consumer Credit (South Australian) Code* are not rendered void by reason of the fact that they are not registered under the *Bills of Sale Act*.

Classification (Publications, Films and Computer Games) Act 1995

This amendment inserts a new provision into the Act to allow the Classification Council or the Minister, when classifying an issue or instalment of a regular publication, to classify future publications forming part of the same series on the basis of the publication under consideration. A similar provision was included in the now repealed *Classification of Publications Act*. The provision was omitted from the new Act.

The new provision will enable periodicals to be classified without requiring the Council or Minister to consider each instalment.

Criminal Law Consolidation Act 1935

The recent amendments to the case stated and appeal provisions of the *Criminal Law Consolidation Act* defined, in section 348, a "question of law" as including a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised. This definition was inserted to make it clear that a question about the exercise of a judge's discretion was a question of law for the purpose of stating a case to allow Court of Criminal Appeal to rule about the correctness of the exercise of that discretion.

The placing of the definition in section 348 has made it of general application and allows an appeal as of right in a wide variety of circumstances where leave was formerly required, such as the refusal to exercise the discretion to exclude confessions, the discretionary admission or rejection of many other categories of evidence and even the exercise of discretions such as the granting of adjournments and views. This amendment removes the definition of "question of law" and restores the status quo in relation to leave to appeal. The amendment also ensures that the provisions relating to reservation of questions extend to questions about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

Development Act, 1993 and Environment, Resources and Development Court Act 1993

The Environment, Resources and Development Court is not a court in which, generally speaking, costs follow the event. Under section 29 of the *Environment, Resources and Development Court Act* the court has power to award costs in limited circumstances, for example, where proceedings are frivolous or vexatious or have been instituted to be obstructive. The court can also award costs if another Act provides for the awarding of costs.

There is a need for the Court to be given power to award costs in other limited circumstances.

Under Section 84 of the *Development Act* a relevant authority can issue an enforcement notice to a person who it believes has breached the Act. The person issued with the notice has the right of appeal against the notice to the Environment, Resources and Development Court. There is no power for the court to award costs in relation to the proceedings.

Section 85 of the *Development Act* provides that any person may apply to the court for an order to remedy or restrain a breach of the Act. It is not clear whether the court can make an order for costs under this section in favour of a successful applicant. Section 85(16) refers to any order for costs but this may only refer to the costs of a person who has been found not to be in breach of the Act.

Development authorities are using the contempt mechanism in section 38 of the *Environment, Resources and Development Court Act* to enforce orders made under section 85 of the *Development Act.* The court has no power to award costs where the contempt charge is proved.

Enforcement is an important part of the planning system. Enforcement is also expensive and an authority which succeeds in an enforcement action should be able to recover costs of the action. Similarly a person who successfully defends an action brought by an authority should be able to recover costs. The amendments to the *Development Act* and the *Environment, Resources and Development Court Act* will enable the Court to award the costs it thinks just and reasonable in proceedings under sections 84 and 85 of the *Development Act* and in contempt proceedings under section 38 of the *Environment, Resources and Development Court Act*.

Domestic Violence Act

The amendments to the *Domestic Violence Act* seek to clarify the relationship between domestic violence restraining orders and Family Court contact orders.

In 1993, the Standing Committee of Attorneys-General agreed to amendments to the *Family Law Act 1975* and State and Territory domestic violence legislation to resolve potential inconsistencies between Family Court contact orders and domestic violence restraining orders and restraining orders.

Problems can arise, for example, when there is a Family Court contact order which allows a non custodial parent to collect children from a residence but a Magistrate has made an order that the non custodial parent not approach the premises.

The *Family Law Act 1975* was amended in 1995, as agreed by the Standing Committee of Attorneys-General, to allow Magistrates to make domestic violence restraining orders and restraining orders which make, revive, vary, discharge or suspend Family Court contact orders. The amendments will allow a Magistrate to vary the Family Court contact order in the example just given to provide that the child is to be collected from a place other than the child's place of residence.

The Standing Committee of Attorneys-General agreed that there should be State and Territory legislation to complement the amendments to the *Family Law Act* and the amendments in this bill to the *Domestic Violence Act* and the similar amendments to the *Summary Procedure Act* implement that agreement.

The *Domestic Violence Act* is amended to provide that applicants for domestic violence restraining orders are required to inform the court of any relevant contact orders under the *Family Law Act*. This will help to ensure that a Magistrate when making a domestic violence restraining order is aware of any relevant orders made by the Family Court. A magistrate, when making a domestic violence restraining order, will need to consider the issue of contact and have regard to any relevant contact order.

The amendments will help to ensure that the rights of all the members of a family are given proper consideration at the time domestic violence restraining orders are made.

Enforcement of Judgments Act 1991

Section 5 of the *Enforcement of Judgments Act 1991* provides for the enforcement of judgments debts. If the judgment debtor does not pay the ultimate remedy is for the court to commit the judgment debtor to prison for not more than 40 days. Section 5(7) provides that, if the order for enforcement of the judgment debt is for payment by instalments, an order for imprisonment cannot be made unless at least 2 instalments are in arrears. Section 5(8) provides that if payment of "the instalments" is made the judgment debtor must be discharged from custody. These provisions have been interpreted as meaning that if payment of two instalments is made a warrant of commitment is unenforceable, even though there may be more outstanding instalments. This is obviously not what was intended. What was intended was that an order for commitment could not be made unless at least two instalments were outstanding and the warrant could be enforced unless all the outstanding instalments are paid.

Law of Property Act 1936

A person who wants to, for example, construct a pipeline across the land of another can enter into an agreement with the owner of the land to construct the pipe line across the land. Such an agreement is regarded as personal and does not bind successors in title to the land. However, if there is land belonging to the pipe line owner which will benefit from the pipe line (a dominant tenement) an easement may be created which inheres in the land and is binding on successors in title.

This aspect of the law created difficulties for public utilities and the law was amended in 1981 to provide that public utilities have and always have been able to acquire easements even though there was no dominant tenement.

The 1981 amendment applies only to public or local authorities constituted by an Act. The Gas Company, for example, can no longer take advantage of section 41A. Statutory easements were created in favour of the owners of the Moomba-Adelaide and Katnook pipelines by the *Pipelines Authority (Sale of Pipelines) Amendment Act 1995*.

Utilities need to be able to acquire easements, regardless of whether or not they are public or local authorities constituted by Act of Parliament, and this amendment will allow the Governor, by proclamation, to declare that a body can acquire an easement despite the fact that there is no dominant tenement.

This amendment does not give anybody the right to acquire such easements. The acquisition of the easements will still need to be negotiated with the owner of the land, unless there is some other piece of legislation which gives the body a right to acquire land or interests in land compulsorily.

Oaths Act 1936

The *Oaths Act 1936* requires that Judges, Masters of the Supreme Court, Special Magistrates and justices of the peace shall, as soon as practicable after acceptance of office, take the oath of allegiance and the judicial oath. The oaths to be taken by the Chief Justice and puisne judges of the Supreme Court must be tendered by the Clerk of the Executive Council and taken before the Governor in Council. The oaths to be taken by District Court Judges and Magistrates are taken by a Supreme Court Judge in either open court or chambers. The Chief Justice has suggested that the Act should be amended to allow all judicial oaths to be taken on the bench on presentation of the judicial commission.

Clause 23 of the Bill provides that the Chief Justice and Justices of the Supreme Court should take the oath before the Governor, the Chief Justice or the most senior puisne judge of the Supreme Court who is available. The decision as to whom the oath is taken before in a particular case is to be made by the Governor in Executive Council. While in the case of District Court Judges and Magistrates, the oath should be taken before the Chief Justice or, if he or she is not available, the most senior puisne judge of the court who is available.

The amendment allows flexibility in both the person who administers the oath and the place where the oath is administered.

The *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* provides, inter alia, for retired judicial officers to be appointed to hold judicial office on an auxiliary basis. Such judges can be called upon to act in a judicial office as needed. It is not clear whether retired judges who have been appointed as auxiliaries need to take a further judicial oath. To put the matter beyond doubt section 7 of the *Oaths Act* is amended to provide that persons appointed to act as a judicial officers on an auxiliary basis, who have previously held judicial office in this State, are not required to take the oath of allegiance or judicial oath again.

Section 28 of the *Oaths Act* provides that Judges, Magistrates, and legal practitioners are Commissioners for taking affidavits and provides for other persons appointed by the Governor to be Commissioners. Registrars of the courts have traditionally been appointed by the Governor as Commissioners for taking affidavits. Court staff are called upon to witness documents as Commissioners and this is a service which it is appropriate for court staff to provide. As court staff change new appointments by the Governor need to be made from time to time. The need for appointments to be made by the Governor is eliminated by this amendment to section 28 which provides that persons holding the office of Registrar or Deputy Registrar of a court are Commissioners for taking affidavits.

Prisoners (Interstate Transfer) Act 1982

The amendments to the *Prisoners (Interstate Transfer) Act 1982* are consequential on the enactment by the Australian Capital Territory of the *Prisoners (Interstate Transfer) Act 1993* which provides for the Australian Capital Territory to be a participating State in the interstate transfer of prisoners scheme. The amendments will enable the ACT *Prisoners (Interstate Transfer) Act 1993* to be recognised as a corresponding law for the purposes of the South Australian Act.

Second Hand Vehicle Dealers Act

The *Second Hand Vehicle Dealers Act 1995* repealed and replaced the *Second Hand Motor Vehicles Act 1983*. Section 15 of the repealed Act provided that:

> *Where a person who is disqualified from holding a licence is employed or otherwise engaged in the business of a dealer, that person and the dealer are each guilty of an offence and liable to a penalty not exceeding $5 000.*

There is no equivalent provision in the new Act. Instead, Section 31(1)*(f)* provides that the District Court may make an order prohibiting a person against who there is proper cause for taking disciplinary action from being employed or otherwise engaged in the business of a dealer. In recent years a number of dealers employing sharp business practices have been disqualified from holding a licence. In some cases they have also been declared insolvent. Purchasers who had claims outstanding due to the behaviour turned to the compensation fund under the Act for relief.

It is arguable that the transitional provisions of the present Act do not provide for the continued application of the offence provision of Section 15 of the repealed Act under the new regime. It has come to notice that a number of dealers who were disqualified under the repealed Act now wish to return to the industry as employees, usually by organising for business associates or family members to obtain a licence by which a dealership can operate under their management.

Therefore an amendment is proposed to Schedule 4 of the *Second Hand Vehicle Dealers Act 1995* to make it an offence for any person disqualified from holding a licence under the repealed Act from being employed in any capacity in the second hand vehicle sales industry.

The Motor Trader Association is concerned that disqualified dealers may re-enter the industry and so supports the proposed amendment.

Sheriff's Act 1978

The sheriff is responsible for the enforcement of all civil or criminal processes directed to him by the court. "Court" is defined in section 4 of the Act. The Environment, Resources and Development Court is not included in this definition. The Environment, Resources and Development Court has had occasion to require the services of the sheriff, and he has provided his services, but he is not obliged to. The Environment, Resources and Development Court should be able to avail itself of the services of the sheriff in the same way as the Supreme, District and Magistrates Courts.

There is considerable anecdotal evidence and some documentary evidence which indicates that some private process servers purport to be sheriff's officers when serving or executing processes. The sheriff is an officer of the court and his authority is considerable. The office of sheriff may be brought into disrepute should people falsely represent themselves to be sheriff's officers. Accordingly a new subsection is added to section 11 of the Act making it an offence for a person by word or conduct to falsely represent himself to be the sheriff, a deputy sheriff or a sheriff's officer.

Section 16 of the *Sheriff's Act* provides that the Governor may make regulations for, inter alia, the payment of fees to the sheriff in respect of the execution of any process. There is no regulation making power to prescribe fees for the service of any documents by the sheriff. The sheriff is required to serve documents and should be able to charge a fee for this. Section 16 is amended to allow regulations to be made prescribing the fees the sheriff may charge in respect of the service of any documents.

Summary Procedure Act 1921

Section 53 of the act provides for the punishment of aiders and abettors. Provision was made for this in the *Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994* in identical terms but in modern language. Clause 31 of the Bill repeals Section 53.

The other amendments to the *Summary Procedure Act* mirror the amendments to the *Domestic Violence Act.*

Supreme Court Act 1935

The *Supreme Court Act* makes provision for circuit courts. Areas of the State are by proclamation declared to be circuit districts and from to time to time the Governor issues a Commission directing a Judge or a legal practitioner of at least seven years standing to hold circuit sessions of the Court at the time and place named in the commission. Circuit courts are criminal courts, although the court may deal with some civil matters when on circuit.

It is not necessary for the Government and the Governor to become involved in the paper work associated with the Supreme Court sitting outside Adelaide. The necessary administrative arrangements can be made by the court. However, the Government is concerned to ensure that the Supreme Court continues to sit in country areas and provision is made in new section 46B for the Governor, by proclamation, to require the sittings of the court (other than civil sittings) to be held with a specified frequency in specified parts of the State.

As a result of the abolition of circuit sessions of the Supreme Court a consequential amendment is made to repeal section 8(3) of the *Juries Act 1927*.

I commend this Bill to honourable members.

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause is standard for a Statutes Amendment Bill.

PART 2
AMENDMENT OF BAIL ACT 1985

Clause 4: Amendment of s. 5—Bail authorities

This clause amends section 4 of the *Bail Act* to provide that the police will be a bail authority in relation to persons arrested on a warrant, unless the warrant is endorsed to the contrary at the time it is issued.

Clause 5: Amendment of s. 13—Procedure on arrest

This clause amends the provision that sets out the procedure on arrest of a person to make it clear that, whilst subsection (1) applies to any arrested person (whether arrested on a warrant or on a charge of an offence) subsections (3) and (4) apply only to persons arrested on a charge of an offence.

PART 3
AMENDMENT OF BILLS OF SALE ACT 1886

Clause 6: Amendment of s. 28—Bills of sale to be void in certain circumstances

This clause amends section 28 of the *Bills of Sale Act* to exempt goods mortgages under the *Consumer Credit (South Australia) Code* from that section.

PART 4
AMENDMENT OF CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT 1995

Clause 7: Amendment of s. 352—Right of appeal in criminal cases

This clause inserts a new section 19A into the principal Act dealing with classification of publications forming part of a series.

PART 5
AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 8: Amendment of s. 348—Interpretation

This clause amends section 348 of the *Criminal Law Consolidation Act* by deleting the definition of "question of law". This definition currently provides that for the purposes of Part 11 of the Act a question of law includes a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

Clause 9: Amendment of s. 350—Reservation of relevant questions

This clause inserts a definition of "relevant question" into section 350 of the principal Act and amends that section so that where previously it referred to a "question of law" it would now refer to a "relevant question". A relevant question is defined to mean a question of law or (to the extent that it does not constitute a question of law) a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

Clause 10: Amendment of s. 351—Case to be stated by trial judge

Clause 11: Amendment of s. 351A—Powers of Full Court on reservation of question

Clause 12: Amendment of s. 351B—Costs

These clauses make consequential amendments to sections 351, 351A and 351B of the principal Act so that those sections would no longer refer to the reservation of a "question of law" but simply to the reservation of "a question".

PART 6
AMENDMENT OF DEVELOPMENT ACT 1993

Clause 13: Amendment of s. 84—Enforcement notices

This clause amends section 84 of the *Development Act* to allow the Environment, Resources and Development Court to award costs to a person who successfully appeals against the issue of a notice under that section.

Clause 14: Amendment of s. 85—Applications to the Court

This clause amends section 85 of the *Development Act* to allow the Environment, Resources and Development Court to award costs to a person who successfully applies to the Court for an enforcement order under that section.

PART 7
AMENDMENT OF DOMESTIC VIOLENCE ACT 1994

Clause 15: Amendment of s. 3—Interpretation

A new definition of relevant family contact order is inserted for the purposes of the amendments to sections 6 and 7 of the Act.

Clause 16: Amendment of s. 6—Factors to be considered by Court

Section 6 of the Act lists the factors to be considered by the Court in determining whether to make a restraining order or the terms of a restraining order.

The amendment extends those factors to—

- consideration of any relevant family contact order: an order under the *Family Law Act* of the Commonwealth relating to contact between the person for whose benefit, or against whom, a restraining order is made or sought and a child of, or in the care of, either of those persons; and
- general consideration of how the restraining order would be likely to affect contact between the person for whose benefit, or against whom, the order is sought and any child of, or in the care of, either of those persons.

Clause 17: Amendment of s. 7—Complaints

The amendment requires the complainant to inform the Court of any relevant family contact orders.

Clause 18: Amendment of s. 12—Variation or revocation of domestic violence restraining order

The amendment requires the Court in determining whether to vary or revoke a restraining order to have regard to the same factors (including any relevant family contact order) that the Court is required to have regard to in determining whether to make an order and the terms of an order.

PART 8
AMENDMENT OF ENFORCEMENT OF JUDGEMENTS ACT 1991

Clause 19: Amendment of s. 5—Order for payment of instalments, etc.

This clause amends section 5 of the *Enforcement of Judgements Act* to make it clear that a debtor who has been imprisoned for failure to pay instalments due in accordance with a court order cannot be released under subsection (8) until all arrears of instalments are paid.

PART 9
AMENDMENT OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

Clause 20: Insertion of s. 38A

This clause inserts a new section 38A into the *Environment, Resources and Development Court Act* to allow the Court to award costs against a person who has been found guilty of contempt arising from non-compliance with an order, direction, summons or other process of the Court.

PART 10
AMENDMENT OF JURIES ACT 1927

Clause 21: Amendment of s. 8—Jury districts

This amendment is consequential to the amendments to the *Supreme Court Act* which abolish the concept of "circuit courts".

PART 11
AMENDMENT OF LAW OF PROPERTY ACT 1936

Clause 22: Amendment of s. 41A—Easements without dominant land to be validly created

This clause amends section 41A of the *Law of Property Act* to allow bodies declared by proclamation to hold easements without dominant land.

PART 12
AMENDMENT OF OATHS ACT 1936

Clause 23: Amendment of s. 7—Oaths to be taken by judicial officers

This clause amends section 7 of the *Oaths Act* to provide that—

- all judicial officers must take the relevant oaths before any official duties are discharged;
- the Chief Justice must take his or her oaths before the Governor or, if the Governor so determines, the most senior puisne judge of the Supreme Court available;

- other Supreme Court judges must take their oaths before the Governor or, if the Governor so determines, the Chief Justice;
- all other judicial officers (apart from justices of the peace, who are covered by the *Justices of the Peace Act 1991*) must take the oaths before the Chief Justice;
- if the Chief Justice is not available to hear an oath as required by the provision, the oath may instead be taken before the most senior puisne judge of the Supreme Court who is available;
- a person appointed to judicial office on an auxiliary basis who has previously taken the relevant oaths need not take the oaths again.

Clause 24: Amendment of s. 28—Commissioners for taking affidavits

This clause amends section 28 of the *Oaths Act* so that all court Registrars and Deputy Registrars will automatically be Commissioners for taking affidavits.

PART 13
AMENDMENT OF PRISONERS (INTERSTATE TRANSFER) ACT 1982

Clause 25: Amendment of s. 5—Interpretation

This clause amends section 5 of the *Prisoners (Interstate Transfer) Act 1982*. The principal Act regulates the transfer of prisoners between South Australia and those Australian States and Territories that have an Act in force that substantially corresponds to the principal Act. This clause amends the definition section of the principal Act to make it clear that the Australian Capital Territory can participate in that arrangement. In particular it amends the definition of "State" to include the ACT and defines the meaning of "Governor" in relation to that Territory. It also makes the necessary consequential amendments to the other definitions in section 5.

PART 14
AMENDMENT OF SECOND HAND VEHICLE DEALERS ACT 1995

Clause 26: Amendment of schedule 4

This clause amends schedule 4 of the principal Act, which deals with transitional matters. The offence created by the proposed provision ensures that the automatic prohibition on being employed or engaged in the business of a dealer that applied to people who were disqualified under the repealed legislation will continue to apply to those people under the new Act, for the remaining period of that disqualification. The proposed provision, like the provision in the repealed legislation, makes employment or engagement of a disqualified person by a dealer an offence for both the disqualified person and the dealer.

PART 15
AMENDMENT OF SHERIFF'S ACT 1978

Clause 27: Amendment of s. 4—Interpretation

This clause amends the definition of "court" in the interpretation provision in the *Sheriff's Act* to include the Environment, Resources and Development Court.

Clause 28: Amendment of s. 11—Offences

This clause inserts a new subsection in section 11 of the *Sheriff's Act* making it an offence to impersonate the sheriff or another person exercising powers under the Act. The penalty is a maximum fine of $2 500 or 6 months imprisonment.

The penalty for hindering a person exercising powers under the Act is also increased to match the penalty in the new offence.

Clause 29: Amendment of s. 16—Regulations

This clause amends section 16 to allow for regulations to be made prescribing fees in relation to duties imposed on the sheriff under this or any other Act.

PART 16
AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 30: Amendment of s. 4—Interpretation

A new definition of relevant family contact order is inserted for the purposes of the amendments to section 99 of the Act.

Clause 31: Repeal of s. 53

This clause repeals section 53 of the *Summary Procedure Act*.

Clause 32: Amendment of s. 99—Restraining orders

This amendment achieves the same end as the amendments to sections 6 and 7 of the *Domestic Violence Act 1994*. In determining whether to make a restraining order or the terms of a restraining order the Court is required to consider—

- any relevant family contact order; and
- how the restraining order would be likely to affect contact between the person for whose benefit, or against whom, the order is sought and any child of, or in the care of, either of those persons.

The amendment brings the wording of the requirements in this Act closer to those in the *Domestic Violence Act*.

The amendment also requires the complainant to inform the Court of any relevant family contact orders.

Clause 33: Amendment of s. 99F—Variation or revocation of restraining order

This amendment is equivalent to the amendment of section 12 of the *Domestic Violence Act*. It requires the Court, in determining whether to vary or revoke a restraining order, to have regard to the same factors (including any relevant family contact order) that the Court is required to have regard to in determining whether to make an order and the terms of an order.

PART 17
AMENDMENT OF SUPREME COURT ACT 1935

Clause 34: Insertion of s. 9A

This clause inserts a new section 9A in the *Supreme Court Act* which makes it clear that the Chief Justice is the principal judicial officer of the court and is responsible for the administration of the court. This parallels provisions relating to the Chief Magistrate in the *Magistrates Court Act* and the Chief Judge in the *District Court Act*.

Clause 35: Substitution of ss. 45 and 46

This clause substitutes new sections as follows:

45. Time and place of sittings

This clause parallels current section 21 of the *District Court Act* and provides that the court may sit at any time or place and must sit at the times and places that the Chief Justice directs. The provision also provides for registries of the court to be maintained at places determined by the Governor.

46. Adjournment from time to time and place to place

This clause parallels current section 22 of the *District Court Act* and provides for the adjournment and transfer of proceedings.

46A. Sittings in open court or in chambers

This clause parallels current section 23 of the *District Court Act* and provides that, subject to any provision of an Act or rule to the contrary, sittings are to be held in open court.

46B. Sittings required by proclamation

This provision would allow the Governor to issue proclamations requiring the court to sit in specified parts of the State with a specified frequency.

Clause 36: Repeal of ss. 52 to 62

This clause repeals sections 52 to 62 of the *Supreme Court Act*, which deal with circuit courts.

Mr ATKINSON secured the adjournment of the debate.

FAIR TRADING (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

These amendments arise as a result of the legislative review process implemented by me and are based on the recommendation of the Legislative Review Team. After reviewing the *Fair Trading Act 1987*, which is the key piece of empowering legislation for the Commissioner for Consumer Affairs, the Review Team recommended that there was no need for wholesale change to the Act. Instead the Review Team recommended a small series of amendments which improve the Act's effectiveness and clarify some of its terms.

Section 8 which sets out the powers and functions of the Commissioner for Consumer Affairs is amended to recognise the Commissioner's new role as a licensing authority and in order that his powers under the Fair Trading Act, such as his powers of investigation, are applicable with regard to those functions.

Section 14 which deals with door-to-door trading is amended to close a loop-hole whereby competition entry forms were being used to obtain lists of persons' names and addresses for the purposes of door-to-door trading. Persons entering a competition often unwittingly fill in an entry form which invites the trader to call at their home.

Part IX of the Act which deals with third-party trading stamps has been repealed and a new Part substituted to address issues relevant to technological changes in the trading stamps area, including the electronic transfer of points. Such schemes will be generally

permitted and may seek my specific approval to operate. I will have the right to prohibit undesirable schemes.

The Commissioner's power to accept assurances has also been amended, making the assurance a positive as well as a negative tool, by which the Commissioner can seek an undertaking from a trader to do certain things as well as to refrain from doing certain things.

An assurance will now also be able to be sought for action which would constitute disciplinary action. At present an assurance can only be accepted for specific breaches of the Fair Trading Act and related (i.e., licensing) Acts. Such a change will give the Commissioner greater flexibility when dealing with persons whose miscreant actions are of only a minor nature and where a full court action would not be appropriate.

Where either the Commissioner or the Minister issue a public warning no liability will lie against either of them personally or in their official capacities if the warning was given in good faith to warn the community of trading activities that may be dangerous or to the community's detriment.

The amendments to the door-to-door trading provisions have the strong support of the Legal Services Commission. Industry groups particularly welcome a more flexible assurance power as well as a power to seek assurances for conduct that would constitute grounds for taking disciplinary action.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 8—Functions of the Commissioner

This clause recognises the Commissioner's responsibility for the licensing and registration of traders under other legislation.

Clause 4: Amendment of s. 14—Application

The principal Act applies to door-to-door trading that occurs 'otherwise than at the unsolicited invitation of the consumer'. The effect of this amendment is to ensure that where an invitation results from the delivery or return of a ticket or form made available by or on behalf of the supplier and the delivery or return is a condition (or one of a number of conditions), compliance with which gives rise, or apparently gives rise, to an entitlement, chance or opportunity to receive a prize, gift or other benefit, the invitation will be regarded as having been solicited.

Clause 5: Substitution of Part IX

PART IX

THIRD-PARTY TRADING SCHEMES

44. Interpretation

An 'approved third-party trading scheme' is one in relation to which a notice has been given under section 45.

A 'prohibited third-party scheme' is one that is the subject of a declaration under section 45A.

A 'third-party trading scheme' is a scheme or arrangement under which the acquisition of goods or services by a consumer from a supplier is a condition, or one of a number of conditions, compliance with which gives rise, or apparently gives rise, to an entitlement to a benefit from a third party in the form of goods or services or some discount, concession or advantage in connection with the acquisition of goods or services.

45. Power of Minister to approve third-party trading schemes

Subsection (1) empowers the Minister, on application, to give notice in writing that a specified third-party trading scheme is an approved third-party trading scheme. Subsection (2) allows the Minister to give an approval subject to conditions. Subsection (3) provides that the Minister must not give an approval unless satisfied that the scheme is genuine, reasonable and not contrary to the interests of consumers.

45A. Power of Minister to prohibit third-party trading schemes

Subsection (1) empowers the Commissioner to recommend to the Minister that a third-party trading scheme be declared to be a prohibited third-party trading scheme if—

- the scheme is not an approved third-party trading scheme and the Commissioner is of the opinion that the scheme is not genuine and reasonable or is contrary to the interests of consumers; or
- in the case of an approved third-party trading scheme—a condition of the approval has been contravened or not complied with.

Subsection (2) empowers the Minister, on the recommendation of the Commissioner, by notice published in the *Gazette*, declare a third-party trading scheme to be a prohibited third-party trading scheme. Subsection (3) empowers the Minister to revoke a declaration making a scheme a prohibited third-party trading scheme.

45B. Offences

If a third-party trading scheme is declared to be a prohibited third-party trading scheme, a person who acts as a promoter of the scheme, supplies goods or services as a party to the scheme, or publishes an advertisement relating to the scheme, is guilty of an offence. The maximum penalty is a $5 000 fine.

Clause 6: Substitution of heading to Part XI Division II

DIVISION II—ASSURANCES AND ENFORCEMENT ORDERS

Clause 7: Substitution of s. 79

79. Assurances

At present the Commissioner can seek an assurance from a trader only if it appears to the Commissioner that the trader has contravened, or failed to comply with, a provision of the principal Act or a related Act. The new section empowers the Commissioner to seek an assurance if it appears to the Commissioner that the trader has engaged in conduct that constitutes grounds for disciplinary action against the trader.

It also allows the Commissioner to accept a voluntary assurance given by a trader as to the trader's conduct. Such an assurance may be of a positive or negative nature, that is, an undertaking by the trader to take certain action or to refrain from certain conduct.

Clause 8: Substitution of s. 82

82. Enforcement orders

At present the Commissioner can seek an order prohibiting a trader from engaging in specified conduct if the trader has acted contrary to an assurance accepted by the Commissioner. The new section widens the powers of the District Court to make orders relating to the enforcement of assurances, based on the powers given to the courts by section 87B of the federal *Trade Practices Act 1974* in relation to undertakings given under that section. These additional powers include—

- an order that the trader refrain from specified conduct;
- an order that the trader take specified action to comply with an assurance;
- an order that the trader pay to the Crown an amount up to the amount of any financial benefit obtained by the person (directly or indirectly) that is reasonably attributable to the breach of, or non-compliance with, the assurance;
- an order that the trader compensate any person who has suffered loss or damage as a result of the breach of, or non-compliance with, the assurance;
- any other order that the Court considers appropriate.

Clause 9: Insertion of ss. 91A and 91B

91A. Public warning statements

The proposed section is based on section 86A of the New South Wales *Fair Trading Act 1987*. It empowers the Minister or the Commissioner, if satisfied that it is in the public interest to do so, to make a public statement that identifies and warns or informs of dangerous or unsatisfactory goods, services supplied in an unsatisfactory manner, unfair business practices and any other matter that adversely affects or may adversely affect the interests of consumers. Such statements may identify particular goods, services, business practices and traders.

91B. Immunity from liability

The proposed section is based on section 10 of the New South Wales Fair Trading Act. It includes a standard provision giving the Minister, the Commissioner and authorised officers immunity from personal liability for honest acts or omissions in the exercise or discharge or purported exercise or discharge of powers, functions and duties under the Act, and transfers such liability to the Crown. The proposed section also gives the Crown immunity from liability for a public warning statement made by the Minister or the Commissioner in good faith, and protects any person who, in good faith, publishes such a statement or a fair report or summary of such a statement.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 1702.)

Mr FOLEY (Hart): The Opposition has been provided with a briefing on this Bill, which deals with a number of

issues that need to be sorted out by way of legislation. The Bill simplifies the procedure for declaring water districts and drainage areas; the transfer from regulations to the Waterworks Act; the ability of the corporation to reduce the supply of water to consumers where adverse supply conditions prevail; to provide a clear power to reduce the water supply for non-payment of rates; and provides for the corporation to authorise entry on to its land subject to conditions. The Opposition has looked at each amendment as it relates to the SA Water Corporation and none causes the Opposition any concern at all. We support the Government's move to amend the Waterworks Act, to clean up a few anomalies and tidy up those areas where that is needed. I indicate the Opposition's support for the Bill.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I thank the Opposition for its support of the measure and its speedy passage. However, I would like to comment briefly on recent statements by the Democrats spokesperson in another place, the Hon. Sandra Kanck, in relation to this legislation. The Hon. Ms Kanck totally misunderstood the Bill and was placed in an embarrassing situation. She issued a press release and then, having checked it with the Bill, had to ring radio stations and withdraw her press release. The Democrats spokesperson claimed that this legislation was handing price setting mechanisms to United Water. That was totally inaccurate, a total misunderstanding, mischievous to say the least and demonstrated a lack of preparatory work prior to making statements of that nature.

It is such unfounded allegations put in the public arena that cause anxiety, uncertainty and concern in the wider community in an unjustifiable way. I am at least grateful that the Hon. Ms Kanck withdrew the statement publicly and, as a result, the matter did not receive further publicity. However, it demonstrates and clearly identifies the responsibility of all members of Parliament when making statements on major issues of this nature that accuracy is extremely important. Apart from that small blip, the matter has received the support of both Houses of Parliament, and I thank members for their support for this measure, which will bring about a more efficient and appropriate operation of the Act in the future.

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

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1827.)

Mr ATKINSON (Spence): The Opposition supports the Bill. Paradoxically, the Bill before us returns the position of Industrial Court judges to the same position they had before the enactment of the Government's Industrial and Employee Relations Act 1994. The Bill provides that Industrial Relations Court judges, including the senior judge, no longer need to be members of the District Court to work as Industrial Court judges. This was the position under the previous Labor Government's Industrial Relations Bill (South Australia) 1972. Besides the benefit of the flexibility it gives members of the Industrial Court, the Bill also recognises the specialist nature of the court in dealing with industrial relations disputes. They require a different approach than that which might be adopted in a normal court.

Judges of the Industrial Relations Court need to understand and have empathy with the way in which awards and agreements are made, often between lay people, representing both employee and employer organisations, and more likely than not conciliated or arbitrated by a lay industrial commissioner. In addition, judges of the Industrial Court serve on the Workers Compensation Appeals Tribunal. Workers compensation is an area of law subject to much litigation and is never far from political controversy because of the importance of workers compensation legislation for employees and employers alike.

The other part of the Bill deals with extending the time for the expiration of all industrial agreements certified under the former Labor Government's Industrial Relations Act. When the Government's new industrial relations legislation was passed in 1994, the Government determined that all industrial agreements under the former Labor Government's legislation ceased to have effect two years from the proclamation of the new Act, that is, from 8 August 1996. In the two year interim these industrial agreements were to be converted to enterprise agreements under the conditions of the current Act.

The Opposition said at the time that there would not be enough time for employer and employee organisations to be able to process all of that work in the time allowed. The Government's amendment now extends the deadline to 31 December 1996, which simply proves the correctness of the Opposition's original position. We predict that the Government will have to come back before the end of this year seeking a further extension of time.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: The Minister interjects that it is to be hoped not, but we shall see. In summary, the Bill could be titled, if the Opposition were churlish enough to say so, and of course it is not, the 'We Told You So Bill'. The Opposition supports the Bill.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I thank the Opposition for its productive comments. I note that the Opposition was correct. There have been some difficulties in the commission. It is not because of the independence of the commission but, because of the views I am aware of, I cannot comment on them in the House. They are issues that I hope we will be able to clear up in the next six months. I can assure the honourable member that, if the time has to be extended, we will extend it, but it is clearly an administrative exercise and we hope it can be resolved. I thank the Opposition for its support.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Substitution of division 4 of part 2.'

The Hon. G.A. INGERSON: I move:

Page 2, lines 1 to 5—Leave out subsection (4) and insert:

(4) Subject to any relevant determination by the Remuneration Tribunal, the Senior Judge of the court holds office on the same terms and conditions as a District Court judge.

Judges of the court are concerned that their existing status be maintained. The current wording did not clearly enable that. We have been back to get further advice, and the amendment resolves the position.

Mr ATKINSON: Will those Industrial Court judges who wish to remain District Court judges have their wish granted and their status saved under the Bill?

The Hon. G.A. INGERSON: The purpose of this drafting change is to make sure that the status of those who are currently in the court can remain, that they remain District Court judges and go into that arena in the future if they so wish. There was some confusion about our original wording.

Amendment carried.

The Hon. G.A. INGERSON: I move:

Page 2, lines 18 to 20—Leave out subsection (5) and insert:

(5) Subject to any relevant determination by the Remuneration Tribunal, a person appointed to the office of judge of the court holds office on the same terms and conditions as a District Court judge.

There is a slight difference under this amendment involving the removal of two words about remuneration. The purpose of extending the definition was to cover all the situations before the Remuneration Tribunal and not purely and simply the remuneration of judges.

Amendment carried; clause as amended passed.

Clause 3 passed.

New clause 4—'Transitional provision.'

The Hon. G.A. INGERSON: I move:

Page 3, after line 35 insert new clause as follows:

Transitional provision

4. An assignment made under the principal Act before the commencement of this Act—

(a) assigning a District Court judge to be the Senior Judge, or a judge, of the court; or

(b) assigning a magistrate to be an industrial magistrate,

continues in force, subject to the principal Act, as an assignment under the corresponding provision of the principal Act as amended by this Act.

This is a transitional provision. It has been proposed to clarify the position of the District Court judge, the senior judge, the judge of the court or an assigning magistrate. In essence, it guarantees the original conditions under which they were working.

New clause inserted.

Title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. G.A. INGERSON (Minister for Tourism): I move:

That the House do now adjourn.

Mr BROKENSHIRE (Mawson): Mr Speaker—

An honourable member interjecting:

Mr BROKENSHIRE: The member for Spence referred to me as 'Ankles'. I would much rather be called 'Conduit' than 'Ankles' in this Parliament.

Mr Atkinson interjecting:

Mr BROKENSHIRE: A conduit is someone who actually develops an opportunity between the backbench and the Minister: 'Ankles' implies a person who crawls, as the Opposition does to its current and temporary Leader Mr Rann.

I refer to the importance of main street programs. I would like recorded in *Hansard* how grateful I am as the local member for the work of Mr Trevor Sharp (the Chairman of the McLaren Vale Main Street Program), his committee and the coordinator (Jean Christine). In the past, prior to our coming to office, McLaren Vale had been treated rather shabbily by previous Governments, as had so much of the south. When it came to trying to enhance and develop the region, which strategically has so much to offer South Australia and in particular my electorate from the point of view of job creation and so on, it was always frustrating and annoying not only to me but to my community that things were not happening for the southern region, particularly from a tourism point of view and in terms of the opportunities that could have been developed in McLaren Vale.

Very soon after coming to office, our Government saw the wisdom in establishing a main street program for McLaren Vale—and we have heard the Minister talk about the economic benefits of main street programs. As with a lot of programs, it takes time to work through the process before we see results on the board. I know at times that can be a bit annoying for constituents. However, the planning, foresight and integration with other organisations in the region involved the McLaren Vale Region Tourism Association, the McLaren Vale Residents Association, the McLaren Vale and Fleurieu Regional Visitors Centre and the Main Street Program of Willunga. The McLaren Vale Main Street Program Committee worked with those organisations before coming up with its final plan.

If you, Mr Speaker, get a chance on the weekend to come down our way with your dear wife and enjoy the great wine, food and hospitality that we have to offer, I am sure you will be impressed by what the Main Street Program is doing. It has started from the beginning, as is the way a main street program should start; that is, it is starting to enhance the entrance into McLaren Vale. The selection of trees, the signage, the original fencing that is being erected around the playground and the information bay, the commitment to the undergrounding of power supply in the town, and enhancement of the new visitors centre that is being built by support for the undergrounding power supply in the main street in the first instance are all initiatives that need to be commended in this House.

I understand that stage 1 of the Southern Expressway to Panalatinga Road will be open by September 1997, and that will bring McLaren Vale and the southern region 20 minutes closer to Adelaide. It will be completed through to Old Noarlunga by 1999 to 2000. Thus the southern region is now poised to blitz areas such as the Barossa Valley in terms of short, mid and long term visitor stays. Committees such as that which is chaired by Mr Sharp in McLaren Vale and which is developing the Main Street Program are well aware of that. Businesses are also aware of that aspect, although sometimes people ask, 'Why don't businesses get behind projects to a greater extent?'

That is easy to say, but it is not always easy to make a profit in business these days. However, the businesses in McLaren Vale should be highly commended because they have got behind the Main Street Program. They realise that they need to put money into the program, because the money that the Government supplies is really seeding money to develop studies and coordinated positions and other money has to be sourced to do the capital works. Together with the council and other funding opportunities that will occur for this development, the business community of McLaren Vale is getting stuck into funding projects in the main street. They have shown initiatives such as coordinated colour schemes. One paint company is to supply the paint throughout the main street so that people will get the same message irrespective of what the business is. It will be clean and pristine and customers who come into the town will be well looked after. Again, I commend the initiatives that they are developing.

I should also like to record my appreciation of the volunteers on the McLaren Vale and Fleurieu Visitors Centre Board. We have broad representation looking after business

interests right along the coast from Christies Beach and O'Sullivan Beach to Cape Jervis, Goolwa and Victor Harbor. There are 10 people on the board. In many instances they did not know each other before coming together, but the initiative, drive and energy that they are showing to see this visitors centre project finished as soon as possible is fantastic.

Wherever I go in the south, whether the beginning of the wine area at BRL Hardy at Reynella or as far down as Goolwa, I find that people realise how important this infrastructure that the Government is putting into the south will be to overcome the high youth unemployment problem that we have had in the past and to enhance the general amenity of our locality so that people living there can enjoy better environs.

I also commend the teachers and students at Wirreanda High School for their foresight in realising that not all students want to go to university. If everyone wanted to do that, there would not be enough jobs in other areas. Between TAFE and the vocational, education and training links that have been developed with the Department for Education and Children's Services, we are seeing opportunities for young people to start their apprenticeships in years 11 and 12. It is high time that happened. Irrespective of what previous Ministers like Simon Crean might have said about 15-year-olds not knowing what they want to do, the fact is that many 15-year-olds do know what they want to do. Many of the students at Wirreanda High School want to get into hospitality and tourism.

We have seen an $11.2 million expansion of the TAFE facilities opened recently at Noarlunga with a magnificent faculty for hospitality development, but the high school was lacking. In the last budget $800 000 was made available to Wirreanda High School to ensure that the best practice performance that the teachers want to put into Wirreanda when it comes to academic, sports and now hospitality and tourism objectives will be achieved. I look forward to the development of that $800 000 infrastructure into Wirreanda High School, because it has led the way in this State in curriculum and sports. It is the first specialist sports school in South Australia. The local member, the Minister for Education and Children's Services and the Government realised that Wirreanda was already well on the way, so it was clearly the first choice to become a specialist sports school.

Wirreanda is not only about sport: it is about getting excellent academic results. We have seen students, year in, year out, do very well at university when they finish at that school. We have also seen students do well in the trade skills and other areas. This injection of funding will enhance Wirreanda when it comes to home economics. I encourage the students to work with the Government, the teachers and the southern community to understand that there will be many job opportunities in future in hospitality and tourism and in the trade skills area. I also ask them, when they are in years 9 and 10, with their parents to go along and see the work experience opportunities which are available to give them a good feel as to the direction in which they want to go and then to work with their teachers to sort out the subjects to which they are best suited and capitalise on those opportunities.

Whilst things might have been tough in the south in the past—and they will not be corrected in 10 minutes—the fact is that things are happening. Many people are saying to me on a daily basis, 'Isn't it good to see projects and infrastructure coming in?' It is unbelievable how fast the Lonsdale area is developing from a commercial and industrial point of view. Clearly, there are opportunities for young people. As the local member, I am delighted to work with them and look forward to a good future for them.

Ms STEVENS (Elizabeth): Today in the Supreme Court Justice Debelle brought down a judgment in relation to the Julia Farr Centre. I want to read excerpts from that judgment and then to make comments. The judgment in the case of *Corporation of the City of Unley v. State of South Australia and Another* states:

> Julia Farr Services operates what used to be known as the Home for Incurables. On 28 September 1995, the Minister for Housing, Urban Development and Local Government Relations granted development consent to Julia Farr Services to use two former nursing homes to provide accommodation for university students. In this action the Corporation of the City of Unley challenges the validity of the development consent on the ground that the correct procedure has not been followed. It also says that Julia Farr Services does not have power to provide the student accommodation. There are two main questions for determination. They are:
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> 1. whether the second defendant Julia Farr Services is a State agency for the purpose of section 49 of the Development Act 1993; and
> 2. whether Julia Farr Services is acting *ultra vires* in permitting some of its buildings to be used for accommodation for students.

At page 19 of the judgment it is stated:

> The issues are finely balanced. In the result, I exercise my discretion against setting aside the grant of development consent. I am persuaded to do so by the fact that the council had a report from an experienced firm of town planners which did not point to any substantial defect in the planning merits of the proposal and which said that the proposed use was substantially in accord with the existing use.

On page 21 we come to the other issue:

> The advantage in deriving revenue from buildings which would otherwise remain empty is apparent. Nevertheless, it cannot be overlooked that it was necessary for the centre to expend in excess of $500 000 to enable that undertaking. That investment and the interest forgone on that sum will not be recovered for some four years. But it is not for this court to examine the commercial prudence or reasonableness of the investment. The issue is not whether the centre is acting reasonably but whether it is acting within its objects and powers, that is to say, whether it is acting in accordance with the objects and powers as provided as in section 49 and in its constitution.
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> Although the centre has not itself undertaken the provision of student accommodation, it has, nevertheless, expended funds and leased its buildings to enable that undertaking. Nowhere in either the Health Commission Act or in the centre's constitution is there express power to engage in such an enterprise. The use of the centre's buildings to provide student accommodation will be lawful only if it is incidental or conducive to the attainment of the objects of the centre. I do not think it is. It does not assist in any way the provision of health care to the patients at the centre . . . This enterprise is an exercise in land development quite unrelated to the provision of health care. It is an attempt to put to the best possible advantage buildings which are now surplus to the requirements of the centre. Although one might sympathise with the motives of the centre and its board, it is not possible to conclude other than that the provision of student accommodation is not in any respect incidental or conducive to the operations of the centre. It is a separate and distinct enterprise.
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> For these reasons, the centre has acted *ultra vires* in expending its funds for the undertaking. It is appropriate, therefore, to order a declaration to that effect. However, for at least two reasons, I do not think it appropriate at this stage to order an injunction. First, the order will affect third parties. Accommodation has already been let to approximately 160 students of whom about 60 per cent are ordinarily domiciled outside Australia. I infer that the leases are for the period of the academic year of which about one-half has now passed. There will be an obvious hardship to the students, in particular those from overseas, if an order is made requiring the centre forthwith to cease the use. Secondly, the centre has already incurred the expenditure in fitting out the buildings for the use of

student accommodation. That expenditure is irrevocable. Nothing can be done to recover it. In all the circumstances, the most appropriate course is to order the declaration.

I asked the Minister a question about this matter in Parliament today to which, in part, he responded:

> The Julia Farr Services Board indicated to me that it believed this was a perfectly legitimate and valid attempt to increase income and I believe the majority of taxpayers would agree that anything that enabled income to accrue to taxpayers was a valid attempt.

It might have been a valid attempt, but the fact is that it is illegal. The Minister for Health has a good deal of explaining to do to this House and to the South Australian community in relation to this matter. First, what advice did the board of Julia Farr Centre and the Minister seek and obtain in relation to this venture in the first place? Clearly, if they sought advice, the advice was incorrect. Precisely what advice did they take before deciding to proceed with this venture? Secondly, the result of this is that Julia Farr Centre has spent in excess of $500 000 on improving vacant accommodation for student hostel use. The fact is that that accommodation is now illegal and, at the end of the year, cannot be used for that purpose. I want to know—and I am sure the people of South Australia want to know—why the board, in effect, wasted over $500 000 on a venture outside its purview. The sum of $500 000 is a lot money; it is a lot of health care. To see that, through the decision of the board with the knowledge of the Minister, more than $500 000 has been wasted is a disgrace.

Thirdly, I refer to the effect that this has on South Australia's reputation as a place of residence for overseas students. I wonder how this fiasco looks, in that these students, 160 of whom are now in this accommodation, at the end of this year will have to find somewhere else to live. What message does this give about South Australia as a place which is into attracting overseas students and providing excellent courses and excellent support services? It says that we do not have our act together. As a result of these revelations today I believe that at least two things need to happen. First, we need a full explanation from the Minister for Health about how on earth this happened. How could a board allow itself to overspend by $500 000 and have no way of getting the money back? We need a full explanation of how this happened.

Secondly, we require that those students be given some commitment in the future about where they will stay. The students from overseas who have come to South Australia to study need appropriate accommodation that replaces what was provided in Julia Farr Centre. I look forward to the Minister's full response, hopefully, tomorrow.

Motion carried.

At 4.30 p.m. the House adjourned until Thursday 11 July at 10.30 a.m.