LEGISLATIVE COUNCIL

Thursday 18 September 1986

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

MILLION MINUTES OF PEACE

The Council observed one minute's silence in acknowledgement of the International Year of Peace.

PETITION: PETROL PRICING

A petition signed by 53 residents of South Australia praying that the Council urge the Government to make all possible efforts to remove the iniquitous position in relation to petrol pricing and asking it to strongly consider intervention to achieve realistic wholesale prices as a means of achieving equity for the country petrol consumer was presented by the Hon. Peter Dunn.

Petition received.

TELEMETRY SYSTEM

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Engineering and Water Supply Department—upgrading of metropolitan region telemetry system.

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the Ombudsman's Report for 1985-86.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

S.A. Totalizator Agency Board—Report, 1986.

QUESTIONS

PSYCHIATRIC NURSING

The Hon. M.B. CAMERON: I seek leave to make an explanation before asking the Minister of Health a question about psychiatric nursing.

Leave granted.

The Hon. M.B. CAMERON: My question concerns an advisory committee that has been set up to look at psychiatric nursing in South Australia and to examine matters such as future education and career structures. I am told that the committee includes representatives of the RANF, the FMWU and representatives of the Drug and Alcohol Services Council. I was also told it was intended that there would be representatives of all levels of nursing staff at Glenside and Hillcrest hospitals on the committee. However, I am informed that because of union bans no meetings were ever held to elect representatives of the nurses. I am informed that the committee has been formed regardless, and the nurses at these hospitals are represented by the FMWU members who were never elected to the position on the committee. I am told also that the nurses will be writing to the Chairperson of the committee, Miss Judy Porter of the Health Commission, to express their dissatisfaction at the way in which no elections were held to gain true representation of nurses at Glenside and Hillcrest.

Will the Minister take steps to rectify this unfair and unsatisfactory situation, so that the so-called advisory committee has proper representatives and does not end up in a farce?

The Hon. J.R. CORNWALL: The old superlative man is at it again. He has never done anything constructive in his political career.

The Hon. C.M. Hill: Answer the question. That is what you are on your feet for.

The Hon. J.R. CORNWALL: That is what I am on my feet for and that is what I shall do. Perhaps you should counsel your Leader against his persistent sledging and dredging. Those are his tools of trade, and his instruments are the slur and slander. Knocking the trade union movement is his favourite sport. He does it for relaxation, and he does that a fair bit.

An honourable member: I would hate to have you as a father.

The Hon. J.R. CORNWALL: And I would hate to have you as a son. The Psychiatric Nursing Advisory Committee was established recently. It is perfectly true that at that time there was a series of bans in force at Glenside. I am happy to say that all the bans have been removed. I am sure that the Hon. Mr Cameron would be disappointed, because he likes to see trouble in the system. The bans were removed last week. The committee has met on only one occasion, which was last week. It is doing preliminary work in a number of areas, including psychiatric nurse education. At the moment, it has no greater status than simply a committee that is producing discussion material within the Health Commission. This morning I discussed the perceived difficulties with the RANF. I had my monthly meeting with the executive of the South Australian division of the RANF at 11.45 a.m. today. Some of these matters were raised and are being addressed. So, the Hon. Mr Cameron has nothing to concern himself about. Everybody is approaching the matter positively. I do not intend to say anything more which might provoke any of the bodies involved. I take a responsible attitude always. It is my business to see that we do not have industrial disputes or trouble in the health system and we have an outstanding record over the past 3 1/2 years because we have had the support of all the major trade unions in the health area, including the RANF and the Miscellaneous Workers Union. Inevitably, in such a complex area as the hospital sector, potential problems arise. We have always been able to overcome the problem by sitting around a table with the people concerned and talking with them; we shall do that in this matter.

APPEAL AGAINST SENTENCE

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Health, representing the Attorney-General, a question about an appeal against sentence.

Leave granted.

The Hon. K.T. GRIFFIN: A weekend report indicated that a person aged 51 years convicted of two counts of

assault involving an 11 year old girl and an eight year old girl was fined in the Mount Barker Magistrates Court the sum of $2 220 and placed on a 12 month good behaviour bond. The facts as reported indicated that the offences were serious but, on the face of it, the penalty appears to be extremely lenient. The report indicated that the man exposed himself to the two young girls on separate occasions, that he patted one on the bottom and slapped the other. I ask the Minister to refer the following question to the Attorney for an answer: will the Attorney-General be appealing against this sentence?

The Hon. J.R. CORNWALL: A member opposite, as recently as yesterday, accused the Government and members on this side of abusing the forms of the Council during Question Time. I suggest that we have just seen a classic example. The Hon. Mr Griffin knows very well that today the Attorney-General is attending an interstate meeting of Consumer Affairs Ministers. He is away from the Council on completely legitimate Government business. There is no degree of urgency in the question to prevent the Hon. Mr Griffin from waiting to ask it on Tuesday—five days away. The Hon. Mr Griffin has used the forms of the Council to try and score a political point. The Attorney-General will be back on Tuesday. I will see that the question is drawn to the Attorney's attention and, no doubt, he will answer it on Tuesday—no sooner or no later than Tuesday, just as he would have done if the Hon. Mr Griffin had acted responsibly and waited until Tuesday to ask this question.

The PRESIDENT: I call the Hon. Mr Roberts.

The Hon. Diana Laidlaw: Oh!

The PRESIDENT: Order! The Hon. Mr Roberts rose at the same time as the Hon. Mr Griffin.

The Hon. Diana Laidlaw: So did I.

The PRESIDENT: I have indicated previously that I will call members alternately from each side of the Council. The Hon. Mr Roberts.

AFFORESTATION INVESTMENT SCHEMES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Corporate Affairs—

The Hon. K.T. Griffin: You can ask your question on Tuesday, when he is back.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I had my question ready yesterday but other members abused the forms of the Council and I could not ask my question then.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: I went through the right channels. My question is on afforestation investment schemes.

Leave granted.

The Hon. T.G. ROBERTS: It is a fairly important question and cannot wait to be asked on Tuesday. It refers to a newspaper article yesterday which has serious implications for South Australian investors. We have a viable, responsible timber industry in South Australia. Many small investors in South Australia would be feeling a little nervous, I suppose, about their investments. Many investment schemes are operating at the moment, some having more credibility than others. Yesterday's newspaper article mentions a Western Australian company collapsing and the fact that money was milked out of the principal company into other operations such as nut farming. That point may be of interest to Riverland investors, as well (but I do not think that the Hon. Mr Elliott is listening).

In view of the investigations being carried out in Western Australia into the failed investment scheme operating in the afforestation area, could the Western Australian situation arise in South Australia whereby individual investors in the timber and afforestation industries in South Australia could be defrauded in the same way?

The Hon. J.R. CORNWALL: Ms President, the Hon. Mr Roberts did raise this matter with the Attorney-General yesterday. There was some prior discussion and, because of that, I have been provided with some details.

Members interjecting:

The Hon. J.R. CORNWALL: It is a matter on which I am able to provide an intelligent answer, and it is a matter—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —concerning consumer protection. I thank the Hon. Mr Roberts for his question and I am sure many investors in South Australia will thank him for his question when the answer is reported.

Investment in afforestation schemes, as for any other investment decision, requires the potential investor to carefully consider the merits of the proposal being offered (that is to state the obvious). Where interests in an afforestation scheme are offered to the public, companies and securities legislation applies to ensure that the potential investor has adequate information upon which the investment decision may be based.

Afforestation schemes offered to the public will therefore require a prospectus to be registered by the Corporate Affairs Commission and for a trust deed establishing the structure of the scheme to be approved by the commission as well. Companies and securities legislation imposes other requirements which are designed to meet the Government's concern about investor protection. Whilst the investment decision is ultimately one for the potential investor concerned, the process of registration of the prospectus is designed to ensure that all relevant and factually correct information is placed before the investor prior to the payment of money over to the promoter of the scheme.

It is a measure of the Government's concern that investment schemes be offered to the public only on the basis of a registered prospectus, that the companies legislation carries a penalty of $20 000 or imprisonment for five years or both in respect of a breach of the appropriate provisions of the legislation.

It is understood that interests in the pine tree plantations located in Western Australia were offered to potential investors in Western Australia and other States of Australia, including South Australia, late in the 1970s and these offers were not made pursuant to a registered prospectus. Indeed, during 1980, W.A. Pines Pty Ltd was convicted in Western Australia of offering interests to the public without a registered prospectus. On 29 August 1986, a special investigator was appointed to investigate the affairs of W.A. Pines Pty Ltd. Until the appointment of the special investigator a number of persons had complained to the Western Australian Corporate Affairs Commission, which was investigating the activities of this company. The South Australian Corporate Affairs Commission has assisted, and will provide whatever further assistance may be necessary to the Western Australian Commission in the investigation of the activities of this company.

TOURISM APPOINTMENT

The Hon. DIANA LAIDLAW: I seek leave to make a short statement before asking the Minister of Tourism a question about a tourism appointment.

Leave granted.

The Hon. DIANA LAIDLAW: Final interviews are currently being conducted for the position of Assistant Director for the Regions within the Department of Tourism, and I understand the position has attracted a wide field of well qualified applicants. Members of the South Australian Association of Regional Tourism Organisations regard the position of Assistant Director for the Regions as being critically important, especially as the sucessful applicant will have prime responsibility for the implementation of recommendations of the recent review of regional tourism. A number of SAARTO delegates and regional operators have expressed their deep concern that the member for Mawson in another place, who is a member of the caucus tourism committee, recently openly indicated her support for a particular applicant.

The applicant in question is a public servant who has had no first hand experience in the tourism industry. Regional delegates are fearful that the influence of the member for Mawson on the interviewing panel—which comprises senior Government officials, including the Director of Local Government—will result in an appointment which I am advised would be regarded with very deep concern by the tourism regions in South Australia.

Can the Minister assure the Council that there has been and will be no political influence brought to bear on the appointment of Assistant Director for the Regions within the Department of Tourism, and that section 39 of the Government Management and Employment Act—which prohibits Ministerial direction in relation to appointments—will be upheld in respect of this appointment?

The Hon. BARBARA WIESE: I can give that assurance categorically, Ms President. As Minister of Tourism I have absolutely no role to play whatsoever in the appointment of the new Assistant Director, Regions, within the Department of Tourism. That is a matter which is to be determined within the Public Service under those sections of the Act which the Hon. Ms Laidlaw has quoted. I do not know what she is suggesting would be the case other than that. I think I also heard the Hon. Ms Laidlaw suggest that the member for Mawson was a member of the interviewing panel. Is that what she said? I think she did, and that is not so, either. The member for Mawson is not a member of any interviewing panel which has been set up within the Department of Tourism.

The Director of the Department of Tourism has constituted an interviewing panel to fill that position, which panel he chairs. It has representation on it from two tourism organisations—the South Australian Tourism Industry Council and the South Australian Association of Regional Tourist Associations. Also on the panel is Anne Dunn, the Director of the Department of Local Government, and a representative from the new Department of Public Employment.

It is a panel of five people who are in the process today, as I understand it, of interviewing applicants for that position. My only contact with the panel or representatives of it has been to receive a report as a matter of courtesy on the part of the Director of my Department of Tourism—who is not obliged to consult with me about this under the Public Service regulations but has done so as a matter of courtesy—to let me know that a certain number of applications were received; that he has constituted an interviewing panel; that there was a short list determined, and that suitable people are being interviewed during the course of today.

I do not know what the Hon. Ms Laidlaw is suggesting about any political interference. I have not been approached by Ms Lenehan or any other person in this country about the position of Assistant Director, Regions, and I would suggest that the Hon. Ms Laidlaw and other members of the Liberal Party should check their facts before they come into this place with grubby stories and rumours about individuals in this Parliament.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: There is absolutely no basis for the suggestion that there is any political influence of any kind in this appointment, and I think that the suggestion is outrageous.

TOBACCO USE AND HEALTH

The Hon. CAROLYN PICKLES: I seek leave to make a brief statement before asking a question of the Minister of Health regarding tobacco use and health.

Leave granted.

The Hon. CAROLYN PICKLES: As members are probably aware, the Australian Medical Writers Association is holding its third annual conference at the Hilton International Hotel at this very time. The honourable member opposite may well laugh: perhaps he should go along and listen to what they have to say.

The Hon. M.B. Cameron: I have just been!

The Hon. CAROLYN PICKLES: Good. I hope you learn something.

Members interjecting:

The Hon. CAROLYN PICKLES: No, I did not go, unfortunately. However, I do know what—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis: Let's listen to the Minister's question.

The PRESIDENT: Order! When I say 'Order!' that includes the Hon. Mr Davis.

The Hon. CAROLYN PICKLES: The association was formed in 1983 and now consists of 100 members from all over Australia. The members are all members of the Australian Journalists Association and are considered to be eminent writers in their field. Does the Minister know whether the association has discussed tobacco use, health and advertising, and has the association declared an attitude on this matter?

The Hon. J.R. CORNWALL: Yes, I do happen to know that. The annual general meeting of the Medical Writers Association was held prior to the conference at 9.30 this morning. At that annual general meeting there was a specific motion on policy put forward for consideration by the membership of the Australian Medical Writers Association. I am very pleased to say, in fact I am delighted to say, that a resolution was adopted in the following terms:

(i) That the Australian Medical Writers Association opposes all cigarette and tobacco advertisements in the media and the direct or indirect use of the media to promote cigarette and tobacco usage.

These are working journalists, many of whom are working for proprietors. The resolution continues:

(ii) That the Australian Medical Writers Association call on all publishers to exert a leadership and exemplary role by introducing an immediate ban on such cigarette and tobacco advertisements.

(iii) That the association call on State and Federal Governments to ensure that a uniform policy banning tobacco advertising and the direct or indirect use of the media to promote cigarette and tobacco usage exists for the print, radio and televisioon media.

(iv) That this policy be referred to the Australian Journalists Association for adoption as AJA policy.

(v) That this policy be communicated to media proprietors, editors, and State and Federal Governments, and be drawn to the attention of the community.

I am delighted at this quite positive—

Members interjecting:

The Hon. J.R. CORNWALL: The sultan of smirk seems to think it is funny: there sits Mr Cameron, the sultan of smirk, giggling away about tobacco and its promotion; he who would be Minister of Health; he who, incidentally, would be Premier, according to what we read only three weeks ago. He will have to become a smidgeon more responsible. There was an incident that we have heard about: the full truth of the Evans incident has never been reported in this Parliament. In fact, what happened was that Stan, Martin's old friend, Stan tells us—stayed in his home, was invited to his 50th birthday party—was actually in Mr Cameron's office looking for Mr Cameron's credibility, but is was a fruitless exercise because he found nothing.

The Hon. Peter Dunn: What a child you are.

The Hon. J.R CORNWALL: There is one of—

The Hon. L.H. Davis: Is it true that you are called the Minister for Relevance?

The Hon. J.R. CORNWALL: As I said yesterday, the honourable member is still trying, but he is only half way. The largely irrelevant input from the landed gentry over there does not turn me on, I might say, but I will have more to say about that at another time. I go on the record as saying that I am delighted that I find this particular motion and the manner in which it is worded very very positive, very constructive and in my view, coming as it does from senior journalists who are all medical writers, a very significant breakthrough in the fight against tobacco smoking, which, as I have repeatedly said, makes me extremely angry because I know that it is killing 16 000 Australians prematurely every year.

CONSUMERS ASSOCIATION

The Hon. I. GILFILLAN: I seek leave to ask the Minister of Health, representing the Government, a question about Consumers Association of South Australia funding.

Leave granted.

The Hon. I. GILFILLAN: I received a letter (and I assume other members did also) which starkly identified the crisis that has occurred in the Consumers Association of South Australia as a result of dramatic cuts in funding by the Government to that body. A copy of the letter was sent to the Minister of Consumer Affairs. It contained detailed and substantial support for not only continued funding at the current level but for an increase.

I am sure that my concern is shared by all South Australians. The Consumers Association of South Australia has protected the interests of consumers in a singularly effective way. It has been steadfastly non-partisan and has not been daunted by large adversaries which it has criticised, and from time to time that has included the Government. I would not like to suspect that the Government's meanness in relation to funds in any way reflects that it does not like a critical voice, but that is the unfortunate conclusion of the writer of the letter, the President (Mr Gary Mason). It states:

> Although CASA is non-partisan and sometimes exercises its independence to disagree with the Government of the day, in doing so it usually only serves to balance other pressures on the Government from industry and business groups. I am very worried about the pressures that will build up on Governments if responsible views like those of this association are no longer expressed in this State. Although CASA is by no means anti-business, it is clear to me that many arguments advanced by increasingly vocal business extremists will prevail by default if CASA goes.

I am convinced that CASA operates on a very lean budget. Its requests are minimal in relation to the requirements of an organisation with such a big responsibility to protect consumers in South Australia. One clerical officer in that organisation is about to approach her majority and will require an increase in salary, and may be dismissed because of that. This is an iniquitous situation and we would criticise it in any other area of employment. It would be a tragic situation if, because of Government funding cuts, someone working in the organisation was dismissed in those circumstances. There are a vast array of reasons for supporting CASA and this dramatic reduction in funding is a sorry indictment of the Government's attitude to it. My questions are:

1. Does the Government consider that the Consumers Association of South Australia fulfils a useful purpose?

2. Does the Government believe that CASA can do its job on the reduced budget of $20 000? In other words, does the Government regard that as adequate funding, bearing in mind the effective reduction of $8 600 from last year's allocation, which is approximately a 30 per cent reduction in real terms?

3. In light of the plea for extra funding and its importance to the South Australian consuming public, will the Government reconsider the funding allocation to CASA to enable it to operate effectively?

4. Does the Government recognise that it has made a commitment to support CASA in its continuing work in South Australia?

The Hon. J.R. CORNWALL: I am not aware of the details of funding for CASA in 1986-87. It is certainly true that in general terms the Government has been a supporter of the Consumers Association of South Australia. It regards it as a legitimate and responsible body. With regard to the specific question of funding and a reduction in funding, I am not able to comment. I would have to pass that question on to my colleague and ask that he reply to it in the very near future. It would be foolish for me to attempt to discuss matters involving specific amounts of money. I repeat: in general terms we regard CASA as a responsible and legitimate voice for consumers in this State.

SPANISH AND PORTUGUESE

The Hon. M.S. FELEPPA: Has the Minister of Tourism a reply to a question I asked on 13 August about Spanish and Portuguese?

The Hon. BARBARA WIESE: I am advised by the Minister of Employment and Further Education that there is no proposal within the Flinders University at this stage to disestablish the Chair of Spanish and Portuguese. However, if the Chair of Spanish and Portuguese were to fall vacant, I have been assured that the university would give full consideration to all relevant circumstances in considering whether the position should be maintained. Contingent upon conditions applying at the time, the Government would certainly maintain its support for the continuation of the Chair if its future is in question at some later time.

ADELAIDE WEEK IN PENANG

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about Adelaide week in Penang.

Leave granted.

The Hon. L.H. DAVIS: In the week beginning Monday 25 August the Minister was granted a pair to represent the South Australian Government during Adelaide week in Penang. There were approximately 240 people in the South Australian contingent which celebrated this event in our sister city. These 240 people represented local government, business and community interests. I have heard from two sources that the Minister did not attend all official functions during this week. Will the Minister advise the Council as to the accuracy of these allegations and indicate whether there were any official functions that she did not attend?

The Hon. BARBARA WIESE: I find this line of questioning by members opposite absolutely extraordinary. During Adelaide week in Penang there were a number of functions, some of which required my attendance and some of which did not. Before we left Australia I, with the Chairman of the Sister Cities Committee and various officials from the Adelaide City Council, discussed who would play which particular roles at particular functions during the week. A number of functions were designated as appropriate for me to perform; a number of functions were designated as appropriate for the Lord Mayor of Adelaide to perform; and likewise for representatives of various other organisations, including the Chairman of the Sister Cities Committee itself. I performed the functions that I was asked to perform as part of the official program in Penang. I believe that it was, overall, a very successful week and a very successful opportunity for South Australia to promote itself in Penang and Malaysia.

The timing of the visit was particularly significant and important in light of the foreign relations problems that we had just prior to that period of time with respect to the hanging of two Australians in Malaysia. I think the fact that there was a large group of South Australians in Penang at that time encouraging people from Penang to come along to various functions and to meet and talk with Australians was very useful in restoring good relations between our two peoples. During that week we enjoyed very good publicity in all the newspapers and on some television programs. By and large it was a very useful exercise and was enjoyed by all those who participated.

WOMEN'S SHELTERS

The Hon. C.M. HILL: Can the Minister of Health say whether he has obtained signatures from the controllers of women's shelters as he was attempting to do and was so confident of doing some weeks ago, and have the differences been resolved to his and their complete satisfaction?

The Hon. J.R. CORNWALL: Yes, I am pleased to say that the differences have been resolved and that a draft agreement has been prepared which appears to have the support of all the people who have been involved in the negotiations. The negotiations have been handled very amicably. The upshot of it, basically, is that under the agreements it will be possible for individual shelters in any given quarter to move $1 000 from one line to another without the prior or formal approval of the Department for Community Welfare. If there are amounts in excess of that which they wish to move from one line to another then under the agreement it will be necessary for them to seek formal approval. Basically it has been settled, as I said, amicably, and as soon as I became involved in the negotiations they were really solved within a matter of 30 minutes. That only goes to prove, as I said to the honourable member a few weeks ago, that I have superb skills as a negotiator.

Members interjecting:

The PRESIDENT: Order!

WARSHIP VISITS

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking a question of the Minister of Health, as the most senior Minister present, about warship visits.

Leave granted.

The Hon. M.J. ELLIOTT: Seven weeks ago I placed Questions on Notice concerning the proposed warships visit to Adelaide late in October and about the same time I placed on notice further questions regarding any existing plans for incidents that might occur involving nuclear armed or powered ships. Despite the simple factual nature of the answers—yes, no or some numbers would have done—no answers have been forthcoming.

I had been led to believe that answers to Questions on Notice would come within two weeks. About 14 ships, of which at least six are probably carrying nuclear arms, are due in five weeks, so I am disappointed that the answers have not been given. Nuclear accidents, while they do not happen too often, are considered sufficiently likely that Perth has a comprehensive plan to cope with any emergency. There have already been several hundred incidents involving both nuclear armed and powered ships throughout the world, and I hope that no such thing will ever occur here. It is apparent that the Government has no preparations for such a contingency. This has been enforced by correspondence from various instrumentalities, both Government and non-government, and a telephone conversation with a member of the Premier's staff. It appears that the Government's safety plan involves prayer and nothing else.

A number of United States ports, including New York and Boston, have taken this matter so seriously that they have become nuclear free. The New Zealand Prime Minister has shown a great deal of courage in doing what I think is the right thing in declaring the country nuclear free.

The Hon. B.A. CHATTERTON: On a point of order, Ms President, I think that the honourable member is debating the issue rather than asking a question.

The PRESIDENT: The Standing Order states that 'no argument, opinion or hypothetical case shall be offered, nor inference or imputation'. I think that the Hon. Mr Elliott is getting close to opinions as opposed to facts. I ask him to remember Standing Orders when asking his question.

The Hon. M.J. ELLIOTT: I had finished what I was going to say but I am sure that many members of the Labor Party at least think that what I am saying is a fact. My questions are:

1. Does the Minister consider the importance of safety plans to be inconsequential?

2. Will the Minister of Health ask the Minister to whom I referred those questions to answer them soon?

The Hon. J.R. CORNWALL: The first question is a gratuitous insult. I do not consider the matter to be inconsequential, and the Hon. Mr Elliott is normally better than that. With regard to the second question, that is not within my portfolio area or knowledge. I shall refer it to my colleague and ask him to bring back a reply as quickly as possible.

REPLIES TO QUESTIONS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for the Arts a question on replies to questions.

Leave granted.

The Hon. PETER DUNN: On 14 August, I asked a question regarding the use of labour in the Festival Centre and whether it was necessary to have union labour to erect displays in that area. It was a simple and plain question that required just a yes or no. On 28 August I had a phone call from the Adelaide Festival Trust asking for details. I have also had a number of Questions on Notice which have been there since late in July and I have had no answer. I have not had one answer to a question that has been referred to another source in the entire time that we have been sitting in the session. My questions are:

1. How soon after 14 August did the Minister instruct her staff to process my question?

2. Does the Minister intend to speed up the replies to honourable members' questions?

The Hon. BARBARA WIESE: I shall ask my office when the information was requested. Normally it would be the practice for such requests to be made within 24 hours of the question being asked. I am not sure what the situation was in this case but I will check that for the honourable member. We try, at least in my office, to get replies to questions that are asked through me of other Ministers as quickly as we can and in many cases if, after what seems a reasonable time, another Minister has not provided the information that has been requested, we usually follow that up with a reminder asking that the information be made available as quickly as possible. I am not sure what more I can do. With respect to the questions that the honourable member has referred to, I shall seek replies as soon as I can.

SCHOOL COUNCILS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking a question of the Minister of Tourism, representing the Minister of Education, about the leadership positions paper.

Leave granted.

The Hon. R.I. LUCAS: This morning, on page 8 of the *Advertiser*, under the heading 'Axe Education Minister, say school associations', an article states:

> Sweeping Government changes to the way schools will operate, including parents having a say in choosing principals, 'is a conspiracy to short-circuit decision making bodies such as school councils', the State's major parent organisation says. The President of the South Australian Organisation of State School Organisations, Mr L.S. Wilson, said yesterday he was 'alarmed' at the proposals . . .
>
> Mr Wilson attacked Mr Crafter for releasing all details of the proposals to the media before consulting parents and principals . . . 'Seeking responses to the report by 17 October was "ludicrous" and nowhere were school councils—the coordinating body for schools—mentioned', he said.

My questions to the Minister are as follows:

1. Why did not the Minister consult parent groups such as SAOSSO before releasing his leadership positions paper?

2. Why does not the paper refer to the important role of school councils?

3. What will be the role of school councils in the Minister's new system?

4. Will the Minister extend the deadline for submissions beyond 17 October to allow school councils and other interested bodies a reasonable time to prepare a submission?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring down a reply.

MINISTERIAL RESPONSIBILITY

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about ministerial responsibility.

Leave granted.

The Hon. J.C. IRWIN: I have asked the Minister a number of questions relating to waste management and fees. One question related to a letter from the Director of the Waste Management Commission which says in part:

> I remind you of the commission Chairman's remarks at the meeting regarding the statutory nature of the fees and the possible personal liability of the clerk and/or council members if payment is withheld.

I acknowledge and thank the Minister for making a ministerial statement and clearing up any doubts about the personal liability aspect. However, contained in an answer to a question from the Hon. Terry Roberts about waste management the Minister said:

> I asked the Chairman and Director of the Waste Management Commission to make themselves available for meetings throughout the State, which they did, over a period of a couple of months.

In a further question from me about the lack of consultation and confidentiality I noted that the Chairman of the commission was at a public meeting in Mount Gambier on 24 June. At that meeting the Chairman made the remarks about the personal liability to pay the fees. Contained in the Minister's answer was the statement:

> I cannot answer for statements made by people at public meetings.

In other words, the Chairman and the Director of the Waste Management Commission can be asked to attend meetings but you cannot answer for what that person says at such a meeting. I refer to section 8 (3) of the South Australian Waste Management Act which provides that the commission shall be subject to the control and direction of the Minister. My questions are as follows:

1. Has the Minister reprimanded the commission Chairman for his misleading advice to local government?

2. Does the Minister believe in the Westminster tradition of ministerial responsibility?

3. Will the Minister defend the commission Chairman, as do others, or will she abandon him, as she has done, in the case that I have cited?

The Hon. BARBARA WIESE: Yes, I do believe in the Westminster tradition. When I read the *Hansard* of my reply to the question mentioned by the honourable member, I was a little concerned about it myself. Really, I think I did not express myself in quite the way that I intended. I really intended to say that I was not aware of the statements that had been made by the Chairman or exactly what the Chairman had said at those meetings. However, as I have also indicated since that time (or at least around the same time), it is my view and it is the legal position that the information that was given, as I understand it, by representatives of the Waste Management Commission concerning legal liability for the payment of Waste Management Commission fees was inaccurate. I have raised that issue with the Director of the commission and have indicated to him that the information that he and the Chairman gave to some people in South Australia was incorrect. Where that information was given to people by way of letter, I have asked that follow-up letters be sent to those people explaining exactly the accurate situation. I hope that that resolves the problem that has been created by passing on inaccurate information.

HANDOVER CENTRES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about supervised access in handover centres.

Leave granted.

The Hon. DIANA LAIDLAW: As the Minister has rightly determined that one of the Department for Community Welfare's priorities will include child protection measures, I trust that he is aware of concern that one of the less obvious consequences of the Federal Government's budget stringency is that some children may be at risk of abuse by their separated parents. Following representations that I have received on this matter I have been able to confirm that submissions to the Federal Attorney-General over the past 18 months have been unsuccessful in obtaining support to establish supervised access at handover centres.

The need for independent and professionally run centres is deemed to be urgent by numerous Family Court judges, the Institute of Family Studies, welfare workers and others to deal with a range of current access problems, including violence or abuse between parents at the point of handover, fear of abduction and the threat of physical abuse of children during access. I am aware that an access handover centre operated successfully in Adelaide during 1984, but, while this service protected women from the risk of assault when children were handed over, it did not cater, however, for children at risk of abuse.

In view of the Federal Government's decision not to fund one or more supervised handover centres in South Australia, is the Minister prepared to follow the lead of his Victorian counterpart, the Minister of Community Services, who has stated that her department is endeavouring to seek to share the cost of running such centres in that State? Does the Minister accept that the projected cost of running such a centre in this State could be reduced by using existing facilities such as churches, voluntary agencies or even Department of Community Welfare offices?

The Hon. J.R. CORNWALL: With regard to the second question, I have not looked at the matter in fine enough detail to express a firm opinion. I would be happy to have alternatives looked at if the Hon. Ms Laidlaw cares to put them up. With regard to the handover access scheme generally, it was federally funded. I believe that it was a very successful scheme, on all the information that I have been given. The federal funding for the scheme was discontinued, from memory, in the 1985-86 budget. So it has not been funded now for something in excess of 12 months.

Initially, my predecessor the Hon. Greg Crafter, who was then Minister of Community Welfare, protested about the withdrawal of funding and as a Government we made interim funding available while this matter was pressed with the Federal Government. However, the Federal Government remained firm in its resolve not to reinstitute funding.

It is not possible for us to pick up the funding in perpetuity. We cannot have a situation where the Federal Government can withdraw from any service area as it deems fit and then simply expect the State Government to pick up the tab. The whole notion of federalism would fall apart if we tried to operate in that way. It is also true, as everyone knows, that the 1986-87 financial year is very difficult indeed. The funding generally made available by the Commonwealth has been reduced. We have just been able to introduce a very responsible budget but one which has caused some tightening around the edges. Despite that, a very significant amount of additional funding was made available for child protection, as the Hon. Ms Laidlaw said. However, there is a limit to the amount of funding that can be found, even for such a vital area as child protection.

I submit that, in the circumstances, the Government in making an additional 23 places available for child protection—fully funded places—has done an excellent and very responsible thing. However, you cannot have it both ways: you cannot have members of Ms Laidlaw's Party, such as Andrew Hay, calling for the Government to get out of the way, calling for total deregulation and for Government cuts in the order of 10, 20 and 30 per cent and calling for funding cuts in the health and welfare areas of the same sort of magnitude that we saw under the Reagan Administration.

That is what Mr Howard and the New Right and Ms Laidlaw's colleagues and friends are calling for. That is the policy of the alternative Governments at both the State and the Federal level. They cannot call for those massive cuts in Government spending without realising the very real cost in human terms of small government.

Let us not have Ms Laidlaw's cant and hypocrisy: this phoney small 'l' liberalism, when all of her colleagues have joined forces with the New Right, and have joined forces with that strange society—the Australian equivalent of the John Birch society, the industrial wing of the Ku Klux Klan. Let us not have this hypocrisy. The fact is that there is a high cost to small government and one starts to see it when one gets inevitable cutbacks in areas like this.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 September. Page 851.)

The Hon. C.M. HILL: I support the Bill, and I take the opportunity to commend the members of the select committee from both sides of this Council who sat and heard evidence from people in Coober Pedy and elsewhere and who finally brought down their report upon which this legislation is based. As honourable members have already indicated, the Bill provides for a further form of transitional local government in Coober Pedy and its surrounding area.

I say that it is a further form of transitional local government because there has existed for about five years a restricted form of local government in that area. Within the Bill the normal October elections of this year are being suspended: the new council will come into effect from 1 January 1987, and the current membership of the Coober Pedy Progress and Miners Association will continue in office until the first election in May next year.

I note with pleasure that the rights of employees of the existing council have been protected. In all matters where amalgamations and alterations of boundaries and such issues are involved with local government the rights of employees should always be adquately protected. The assets and liabilities of the existing council will pass over to the new council; the existing bylaws will flow on and rates that have been levied will be collected in the normal way by the new council.

I want to spend a few moments, Madam President, on stressing that the present Government should not overlook the benefits of the select committee process in matters of local government of this kind. I have always supported very strongly select committees from within this House of Review relative to local government matters pertaining to such issues as the change of local government boundaries, amalgamation of local governments and so forth.

During the time of the Tonkin Government between 1979 and 1982 it was my honour to hold the local government portfolio, and we had much experience in applying the select committee system with great success: success from the point of view of local communities affected by change in particular. We introduced a plan to endeavour to expand the boundaries of regional cities in this State so that further commercial and industrial expansion within those cities could take place in the future without the disadvantages of having two local government bodies affected by such commercial and industrial growth.

As a result, select committees from this Council sat in readjusting and expanding boundaries at Port Augusta, Port Lincoln and Port Pirie. Time did not allow for select committees to look into the same question in the Mount Gambier area, but of course that would have been the next regional city affected. I believe that that initiative was worth while and it proved to me then how members of this Council who do become skilled in the process of review can carry out this kind of work effectively. During the period to which I referred we also looked into the expansion of local government in new areas, because we thought it was always necessary to be reviewing that question. I recall that we went to Hawker and examined the possibility of local government being expanded north from Hawker to the Flinders Ranges region generally.

As a result of that hearing the committee recommended that there be no change, and the *status quo* continued. It was along that same approach of endeavouring to establish local government wherever it might better serve the local community that this Council decided in 1981 to establish the select committee to look into bringing local government to Coober Pedy. That was the start of the process concerning this Bill. Then there was the question of amalgamation of councils, and a committee sat in regard to the establishment of the new council of Wakefield Plains, which absorbed the old councils of Port Wakefield, Balaklava and Owen.

I can also recall that we established a select committee and, as a result of that committee, Mount Remarkable council was established. That new council took in the old councils of Melrose and Port Germein. During the term of the last Labor Government two select committees of this Council looked into these questions and as a result the algamation of Kadina, Wallaroo and Moonta was investigated. The recommendation was brought down that the district councils of Kadina and Moonta (it might have been the municipality of Moonta) be amalgamated, and it was recommended that Wallaroo remain untouched.

I can recall, Madam President, your very good work on the select committee dealing with the new boundaries for Gawler. History has proved, as a result of local government elections since then, the existence of a general feeling of satisfaction in the area. I certainly tested that question only a month or so ago at the opening of the new Gawler library, and I think the recommendations of that select committee were very successful and, as a result, local government has benefited considerably.

Those of us who have sat on those select committees or have been closely involved with their activities know that there are many delicate problems which are met and, hopefully, overcome during those select committee hearings. Such issues do cause very deep human feelings and emotions to arise, of course, and these must be overcome if at all possible. I have very vivid memories of about 400 people gathering in the street outside our hearing at Port Pirie when the select committee met up there. Despite these difficulties and challenges, again I stress that, ultimately, the findings and recommendations of our committees from this Council have been very successful indeed.

The Coober Pedy initial select committee, of course, was also successful, and that task was not easy. There was then, I think, even far greater volatility within the township of Coober Pedy on this question of bringing local government to the town than there was, probably, when the committee from this Council went up again five years later—only a few months ago. That initial recommendation, I think, was very sensitive in that, because of public feeling in the town, which was sensed by the select committee, and because of evidence presented in the town to that 1981 select committee, it did not recommend that local government be introduced overnight.

It recommended this first step towards local government, which has now been in existence for the past five years, and this current select committee again has recommended—and this Bill introduces—a transitional form of local government, going one step further. Of course, we see from the Bill and from the Local Government Act Amendment Bill which follows this on our Notice Paper that there is only a relatively small step which can be taken at some time in the future; then total local government as applying elsewhere in the State will come to Coober Pedy.

This is quite a major step in that process of transition, as I call it, with which we are dealing at the present time. The alternative approach to using the machinery of select committees of this Council to introduce these changes in local government is to use the advisory commission, which is now written into the Local Government Act by way of the rewritten portion of that Act passed in this Council in 1984. Previously, of course, there was also an advisory commission. I must be quite frank and say that I have very little faith in the ability of advisory commissions to settle these problems. The advisory commission which existed when I was Minister did not operate to my satisfaction: I want to simply leave that matter as part of history.

I am hearing many reports, from areas where the Minister's new commission is sitting and taking evidence, that there is concern amongst communities as to where these local government questions are going as a result of that advisory commission's activities. Indeed, in some parts there is great fear as to where local government is really going on these questions, as a result of the advisory commission's involvement.

I do not know all the areas of the State which are being looked into by the advisory commission, but I do know that in the Clare region generally—in that section of the Lower North which includes Snowtown, Blyth and other areas that are relatively close to Clare—there is movement. At Mount Gambier I have read in the local press of hearings on the question down there of alteration of the boundaries between the municipality and the district council.

What people fear with the involvement of the advisory commission is that the Act gives the Minister power to proclaim recommendations of that commission without any further reference back to Parliament and without any further reference back to the citizens affected within those local communities. Questions which are being asked in the country areas today are: what is the Minister going to do about this question? Is the Minister going to exercise the power given to her in this Act and make proclamations which, of course, do not come to Parliament at all; alternatively, is she going to exercise the right which she has in that same Act which states that she may call for indicative polls on the questions of the recommendations of the advisory commission?

In other words, the Act gives her the power to institute polls so that the people involved in those regions can have a direct say through the ballot box as to whether they want the changes which the advisory commission is going to recommend. I do ask whether she could perhaps reply in this debate to that very important question. I do not want to be unkind to the Minister, but my personal assessment is that she will tend to do nothing.

The reason for that is that the problem becomes so difficult for a Minister in that situation. The far better approach for the Minister is not to refer matters to that advisory commission but to appoint select committees from this Council to go and investigate these questions, because history has proved that that select committee method has been successful and, frankly, I do not know of any specific instance where the advisory commission approach has been successful. There may be, but I do not know any.

So, the weight of evidence indicates that the select committee of this Council is far better. The point basically is that local citizens would far rather speak to and give evidence to elected representatives of the people on these questions which are so vital to them than to speak to a commission of Government-appointed members. I am not being derogatory in any way in regard to the membership of the present commission nor, as I tried to say earlier, am I speaking in any derogatory way of the former commission members.

However, the plain fact of life is that the ultimate solution to these problems—the readjustment of boundaries, amalgamations and so forth—should take effect as a result of members of this Council going into the respective areas, calling for evidence, discussing problems with those people and hearing their points of view. I do not want to place too much play on the fact, but I believe it is a truth that people in this Council do become skilled in this process of review, and that skill can be applied in dealing with questions of this kind.

I use this debate to stress that the success of the measure before us I think is basically due to the way in which some of our members—and I was not one of them—went as a committee to Coober Pedy, sat down with the people, called evidence and came up with an excellent recommendation which will have the effect of law with the proclamation of this Bill.

I think that the Minister should have more committees of this nature working for her and for local government in this State rather than giving most of these matters to this advisory commission. While I support the Bill, I wonder whether in her reply the Minister will indicate whether she is intending to make any proclamations under the Act during her term of office following recommendations from the advisory commission directly to her. Secondly, will she consider the hiding of indicative polls, putting those recommendations of the commission to the people who will be affected by those proposed changes? If the Minister can give an indication of that, I can assure her that there are a lot of people in local government who will be very happy and pleased indeed. Lastly, I respectfully suggest to her that full consideration be given to using the machinery of Legislative Council select committees when questions like this affecting local government arise. I support the second reading.

The Hon. BARBARA WIESE (Minister of Local Government): I thank honourable members for their contributions during this debate. I am pleased that those members who have spoken support the select committee's recommendations, to which this Bill gives effect. I will respond to a few of the points made by the Hon. Mr Hill with respect to the operations of the Local Government Advisory Commission and whether or not that is a suitable forum for the consideration of amalgamations and other council matters as opposed to the select committee system, which has been used in this Council.

First, I agree entirely with the Hon. Mr Hill that the select committee process for dealing with local government questions, and particularly with the very delicate question of amalgamation, has been a very successful one indeed. I think that the fact that those committees have been made up of representatives of two and sometimes three political Parties has helped to take out some of the fire that might otherwise have been part of the sorts of community arguments that take place surrounding the amalgamation process; so I agree with the honourable member that it has been very successfully used as a mechanism for solving some of these local questions.

However, I think that the honourable member has not perhaps made himself fully aware of the work of the Local Government Advisory Commission since it was set up under the amendments to the Act in 1984, because had he done so he would find that in fact this, too, has proven to be a very successful way for some of these issues to be dealt with. I think that the beauty of the Local Government Advisory Commission process for dealing with some of these issues is that to some extent it performs the same sort of function as a select committee in the sense that it is an independent body. It has quite wide ranging powers for investigation of the issues that are of concern to local communities with respect to amalgamation and also (and I think that this is a very important point) it takes these issues outside the political arena altogether. That is very important, because very often in local communities there is a fear that there will be some form of political interference in the business of local councils. So I think that the fact that we have an independent commission dealing with these issues is very important in that respect.

The commission, over the time that it has been formed, has also, as members of this Council have, developed quite considerable skills and an understanding of local government and its concerns, which it has been able to bring to bear when considering amalgamation questions. I think that even the members of the commission themselves, as I am sure people in this place would agree, on occasions have perhaps felt that they could have dealt with issues a little better than they did; but you learn by trial and error, and I am sure that we have all done that on select committees, too. However, over time I think the commission is building up very appropriate procedures and practices for considering amalgamation questions.

With respect to my powers as Minister of Local Government on these issues, there are a couple of very important points that I want to make. First, I do not have the power to vary a recommendation of the commission. I do have the power to ask the commission to consider other matters, or to consider alternative proposals if it puts a recommendation to me that I consider is not reasonable. That is the first important point. The second important point to make, I think, is that it would negate the purpose of setting up a commission if the Minister were to become too involved in the process that it is engaged in when considering amalgamation questions. It is important to preserve the independence of the commission and for it to be seen that there is no political interference in the business of the commission when it is considering amalgamations of councils.

With respect to the question of indicative polls and whether or not local people have sufficient opportunity to put their

concerns and points of view about these issues, it seems to me that the process which is adopted by the Local Government Advisory Commission gives ample opportunity for any interested person to put a point of view about such matters when the issue of amalgamation is being considered by the commission. Very often I know that, in instances where the commission has felt that sufficient information on certain questions has not come forward in a voluntary way, it has made it its business to take appropriate steps to ensure that those people who might have information which would help to fill in the gaps have been given the opportunity to do so.

There have been occasions when the commission has been considering particular matters, and I think that the case of the McLaren Vale issue was one of those, when the commission went to extraordinary lengths to hear from local people about their views. It had at least two public meetings of which I am aware, as well as advertising on a number of occasions for information from local people. I think that by those means, which have been adopted on a number of occasions, the commission is able to hear from all those people who might have something useful to say about an amalgamation question.

With respect to my actions so far since I have been Minister in relation to dealing with recommendations from the commission, I cannot say exactly what number of recommendations have been made to me. A number of recommendations that have come to me have been about fairly minor issues, the usual periodical reviews, for example, most of which are not controversial issues, and I have seen no reason to question the recommendations that have been made to me by the commission in those instances. I cannot remember what number of recommendations have been made to me on more substantial questions of amalgamation.

However, I can say that in all cases but one so far I have agreed with the recommendations that have been made to me by the commission. The one case to which I am referring where I had reservations related to the McLaren Vale township and whether a portion of the Noarlunga council should be severed and incorporated in the Willunga council area in order to bring the township of McLaren Vale under the ambit of one council. I was concerned whether or not three issues had been or would be properly addressed in the event of that recommendation being adopted.

In that case I asked the commission to seek information to satisfy me that the interests of those local people would be addressed. I received the assurances that I was looking for from the Willunga council on each of those three issues, and for that reason I was then happy to accept the recommendation of the commission. In relation to what I might do in the future, I cannot say. That entirely depends on the recommendations that are put to me. The general philosophy that I would be pursuing with these matters is that I think it is very important for the commission to be independent and to be seen to be independent, and not be subject to political interference or direction. That is the general principle on which I will work.

In general terms I think that the Local Government Advisory Commission is working quite satisfactorily and that, in almost all cases, councils that have had some contact with that body would agree that the work it does is impartial, and very thorough, and that its recommendations are reasonable.

Bill read a second time.

The PRESIDENT: This Bill is a hybrid Bill and, pursuant to Standing Order No. 268, it should be referred to a select committee. However, as this Bill and the related Local Government Act Amendment Bill (No. 3) are the result of recommendations of the recent Select Committee on Local Government at Coober Pedy, it would appear expedient that the situation in this instance be met by suspending Standing Orders to enable these two Bills to be treated as public Bills.

The Hon. BARBARA WIESE: I move:

That Standing Order No. 268 be so far suspended as to enable the Coober Pedy (Local Government Extension) Act Amendment Bill and the Local Government Act Amendment Bill (No. 3) to be treated as public Bills.

The PRESIDENT: There being an absolute majority of members present and no dissenting voice, the absolute majority required for suspension of Standing Orders has been achieved.

Motion carried.

Bill taken through Committee without amendment; Committee's report adopted.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 16 September. Page 852.)

The Hon. C.M. HILL: This is a consequential Bill following the previous measure relating to the local government question in Coober Pedy. This Bill simply amends the Local Government Act so that in Coober Pedy, under the new local government arrangement, mining leases or precious stones claims will not be rateable property for the purposes of the Local Government Act; certain functions under the Food Act and the Health Act will not apply; and the area of the new council will be deemed to be an outer area under the Motor Vehicles Act, which means that residents will continue to pay only 50 per cent of motor vehicle registration fees. I support the second reading of the Bill. I have an amendment on file, which I will debate at the appropriate time.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Special provisions relating to the District Council of Coober Pedy.'

The Hon. C.M. HILL: I move:

Page 2, lines 5 and 6—Leave out subsection (4).

New section 883 (4) states:

This section, or specified subsections of this section, shall expire on a day or days to be fixed by proclamation.

This new subsection concerns the exemptions to which I referred a moment ago, namely, the exemption from rates for certain property, exemptions regarding the performance of some functions under the Food Act and the Health Act, and the question of outer area motor vehicle registration costs being the usual half normal charges. The Government proposes that alterations to those measures that the Bill will allow can be changed by way of proclamation. Members know that this means that the Government makes a proclamation through Executive Council which is noted in the *Government Gazette*, and the whole matter does not come before Parliament at all.

What does this mean? For example, the select committee recommended, and the Government proposed in its relevant Bill, that the residents of Coober Pedy should have special discounts on motor registration fees—that was the intention of the committee and Parliament. The insertion of this particular subclause means that by proclamation, the Government could change that and, overnight, the people

of Coober Pedy could find that they were paying the full motor vehicle registration fee. I am not saying that the Government would do that, but it could be done. That is bad law. The proper and correct procedure in such an instance would surely be that, if the Government decided that the township had developed to the point where special concessions should not be given to owners of motor cars, that should come through Local Government Act machinery by way of amendment to Parliament and the Government could put its view to Parliament and endeavour to effect change, with the final decision resting with Parliament. That is the democratic way to tackle such a question.

It cannot be said that the machinery for local government change is so cumbersome that a Government could never get such an issue before Parliament, because every year that we sit, several local government Bills are introduced. Most of them deal with such minor matters.

Therefore, I do not agree that the Government should be given the power of proclamation. My amendment simply deletes that subclause that I quoted. If the Government wanted to introduce such a change it would have to come to Parliament and we would inform the local residents, by one way or another. Their opinion would be sought and the general democratic process that applies to all matters that come before Parliament would apply. There are other matters, perhaps of less importance.

It is possible that, if a local governing body in Coober Pedy thought that the mining leases within the boundaries of the local government territory or the claims for precious stones should be rateable so that more revenue could be obtained by the council for public works, the Government could introduce that change without reference to Parliament. That is not right. The same point applies to the functions of the Food and Health Acts affected by the Bill. Changes in that case could be brought in if the Government so wished. That process is not democratic.

I exclude the question of what the local governing body might decide because it should be in touch with the local ratepayers. I press the point about motor registration fees. No Government, whether Liberal or Labor, should have the right, simply by proclamation, to make those people pay for the full registration fee. If a Government believes that those people should pay that fee, it should bring such a measure to the representatives of the people in this forum. Here, that matter could be debated by way of amending legislation. I have moved my amendment for all those reasons.

The Hon. M.J. ELLIOTT: The amendment does not change what the Bill is trying to achieve. I am happy to support the Bill. I have no reservation about it or the Coober Pedy Bill. The points made by the Hon. Mr Hill are valid. It is one thing to have a clause in a Bill that may be brought into an Act by proclamation but here we are saying that something can be taken out by proclamation. That is the reverse of the way in which Bills work. We can talk about something as a good thing and accept that it may have to be brought in, in the future, but, if we decide that something is good, it is not automatic that it should be taken out at whim. Parliament itself should make such decisions, and for that reason I will support the amendment.

The Hon. PETER DUNN: I support this amendment. As the Minister will know, I served on the select committee and I recall that we discussed this matter. There may have been some confusion as to the effect of it. I am pleased that the Hon. Mr Hill has brought this matter to the attention of the House, because should we pass the Bill as it is, it would negate all the work of the committee. We wanted an exemption in relation to paying for the health inspector. I understand the Minister has a reply to my question raised during the second reading stage. The Bill gives Coober Pedy residents a concession for running their cars on rough roads and quickly wearing out their cars. There is a restriction of the mining areas that can be rated in a specific area in Coober Pedy. There may be a change of members on the council, and they could quickly go the Minister of the day, of whatever political complexion, ask for the change and have it proclaimed. We looked at this matter at some length in the select committee and it is right and proper that we bring such matters back to the Chamber and discuss them in full before any changes were made.

The Hon. BARBARA WIESE: I am surprised. It is extraordinary that two of the members who have spoken so far were members of the select committee that agreed to the insertion of this provision in the Bill. They are now going back on the decision that they took then. I am also surprised at the lack of trust that seems to be felt about what this provision is intended to do.

I remind members that, in putting this provision in the Bill, the committee wanted to enable the local Coober Pedy community to take on those powers that it did not have and will not have under this legislation to suit its own pace, in accordance with their needs as it is convenient for them. The most convenient way, and one that wastes the least time, for the local community to have that right is for it to make the request to the Government of the day and for that to occur by way of proclamation.

The intention behind this provision is to ensure that Parliament's time is not wasted on minor or machinery matters. There are very few outstanding powers that the Coober Pedy community would have access to as a result of this legislation passing Parliament. As I have said, the remaining matters are fairly inconsequential. As I understood it, the committee's view was that the Coober Pedy community should be able to make the transition at their own pace, when they requested it and as quickly as possible. If that is not the wish of Parliament, and if Parliament wishes to interfere in the local government process and to hold up the transition to full local government, so be it. I have counted the numbers and obviously I do not have enough. I will not divide but, once again, I express my surprise.

The Hon. M.J. ELLIOTT: I, too, express some surprise. I am quite willing to admit that I did not comprehend the full significance of that last subclause. I suppose it takes the astute mind of someone like the Hon. Mr Hill to pick up these things. That subclause does not say 'At a council's request the Government may by proclamation': it says, 'The Government may by proclomation.' There is a significant difference. It is quite possible that this Government, or any other government, may decide to save a bit of money by no longer having to pay for a health inspector—as a cost cutting exercise similar to the position with the Waste Management Commission. That would immediately throw an expense on the council, an expense that it may not be able to bear. I am not saying that that will happen. I do not trust any government—not just this Government, but any government.

The Hon. Peter Dunn: What about the Democrats?

The Hon. M.J. ELLIOTT: When we are in government I may not trust us all the time, either. All governments must be accountable to Parliament. For that reason, and because the clause does not say 'At council's request' but instead simply says 'By proclamation', I cannot support clause 3 (4). Therefore, I support the amendment.

Amendment carried.

The Hon. BARBARA WIESE: There is an outstanding matter. During the second reading debate the Hon. Mr Dunn asked me a question which relates to this clause. If it is appropriate, I will now reply. The Hon. Mr Dunn was concerned about who would make future payment for the delivery of health services currently being provided by the South Australian Health Commission and whether in future the South Australian Health Commission would continue to provide those services once the Bill passes. The South Australian Health Commission will continue to meet the costs of health inspections and the other services that it provides in exactly the same way that it does now.

Clause as amended passed.

Title passed.

Bill read a third time and passed.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 682.)

The Hon. R.I. LUCAS: This is a bits and pieces Bill which has been portrayed by the Minister as essentially technical and administrative. The second reading explanation comprised one paragraph, as follows:

> This Bill contains a mixture of amendments most of which have arisen from departmental officers' considerations of legislative changes needed to enable more effective administration of the Education Act. The remaining amendments are intended to remedy deficiencies in the Act which were identified during reviews of departmental operations by groups such as the Committee of Inquiry on Rights of Persons with Handicaps (the Bright Report).

That is the sum total of the second reading explanation, apart from the explanation of clauses. During my brief time in Parliament—only four years—one of the lessons that the more experienced hands have taught us new chums has been to have a close look at Bills that are shunted through on the basis of being technical, administrative and bits and pieces Bills. On closer inspection I find that a number of significant changes are included in the Bill, changes which are being opposed by a number of significant education groups.

The history of this Bill has been sadly the history of this Minister of Education and the history of the Government: that is, there has been no consultation. As I have said, the history of this Minister has been quite sad in relation to a number of important decisions taken in education, without consultation. In fact, one need only look at the decision to abolish corporal punishment, the decision by the Minister to issue a directive to allow a 10 year old child not to have his or her parents present at a police interview at a school if the principal decided that the 10 year old was mature enough to make such a decision, the decision to not have parents on the original committee looking at tertiary entrance requirements and, of course, the decision taken by the Minister this week to release his controversial leadership positions paper without consultation with parent, principal and teacher groups.

As members would be aware, this was meant to be the year of PASS (Parents and Students in Schools). Sadly, PASS has eventuated as only a public relations or promotional exercise for the Minister, for the Government and for the department. On each and every occasion that a major and controversial decision has been taken by the Minister, parents have been ignored. Sadly, this Bill is another example where major education groups have been ignored and have not been consulted by the Minister of Education. When I first contacted him and asked for his comment in relation to this Bill, the President of the South Australian Association of State School Organisations, Mr Wilson, expressed some surprise that the Minister of Education had not even advised his organisation that he was introducing a major Bill to amend the Education Act. The President of the South Australian Primary Principal's Association, Mr Alec Talbot, expressed similar surprise when I asked him for comment. He indicated that he, too, had not been consulted by the Minister of Education in relation to this Bill.

The Hon. K.T. Griffin: That's typical.

The Hon. R.I. LUCAS: Sadly, it has been typical. I then spoke to the organisation which on most occasions tends to have been consulted most frequently by the Government—the South Australian Institute of Teachers. In response to my contact there I spoke initially to the President, Bob Jackson, who said that he had been contacted at a very late stage by a junior officer of the Minister—I presume it means a junior officer of the department—who outlined over the telephone that it was really just a few technical and administrative changes to the Act, and he quickly outlined them over the telephone to the President of the South Australian Institute of Teachers.

In another place the Bill was introduced on a Thursday and was rammed through the House of Assembly by the following Wednesday, even though the Opposition in that House sought to delay the Bill's passage. In the two weeks since then SAIT has taken the opportunity to have a closer look at what it was informed was a technical and administrative Bill, or a Bill that only made technical and administrative changes to the Education Act. On a number of substantive points it has taken great exception to the changes proposed by the Government in this Bill. I refer to a submission that I have received from SAIT, signed by Adrian Carr, Coordinator, Research and Information, and subsequently backed up by a deputation comprising the President, a Vice President and Mr Carr. The submission states:

> On 21 August 1986 a Bill to amend the Education Act 1972 was presented to the State's House of Assembly. The institute was not consulted about these proposed amendments prior to the Bill being presented to Parliament. I am given to understand the reason for the lack of consultation was that the Education Department viewed the proposed amendments as 'administrative and non-controversial'. Their Bill contains some 36 clauses and, of these, six I would suggest are of some consequence to the Institute and are significant non-administrative matters having the potential to be controlversial.

Sadly, again, the Minister tried to sneak through Parliament without consultation even with the body with which he normally consults most closely—SAIT—and as indicated earlier, all the major associations—parents, principals and now teachers—are most upset and concerned that the Minister sought to change the Act without any degree of consultation with these principal education associations.

The Hon. R.J. Ritson: It's typical, though.

The Hon. R.I. LUCAS: Yes, sadly. The first matter upon which I want to touch is covered in clause 6, which provides for the payment of allowances to ministerial advisory committees to be effected upon determination by the Minister. The current situation is that amendments to payments of allowances for advisory committees are done by regulation. The Government has taken the view that this is a slow and cumbersome process and it wishes to speed it up by amending it to allow the Minister's individual determination to authorise changes to payments of allowances.

I interpose at this stage to indicate that I have had for some weeks a question on the Notice Paper directed to the Minister seeking a full list of committees, advisory committees, quangos or statutory authorities or whatever one calls them, formed under the Education Act. I have sought

a full list of their membership, the amount of fees and allowances payable to members and the number of meetings each year of those individual committees. Sadly, again, I have not received that information and I ask the Minister to provide it prior to the passage of this Bill through Committee next week.

I shall probably move amendments to adopt the procedure that is covered in the Education Act in regard to boards such as the Teachers Classification Board, the Teachers Registration Board, the Teachers Salaries Board, the Teachers Appeal Board and the Non-government Schools Registration Board. That will provide that the determination of the Governor is required, rather than the determination of the Minister or rather than by regulation.

The next matter I want to address is covered under clause 9, which amends section 17 of the Act, so that future employment options currently available to officers suffering from invalidity or incapacity of a permanent nature are extended to officers with temporary disabilities. It also provides for transfer to a position of different status rather than a position of reduced status. In essence, the amendment will provide greater flexibility to the Director-General and the Minister concerning persons with permanent or temporary disabilities. The Director-General will be able to transfer an officer to another position in the teaching service or, secondly, recommend to the Minister that the officer be transferred to some other Government area of employment or, thirdly, grant the officer leave of absence without pay or, fourthly, recommend that the officer be retired.

The Opposition supports the greater flexibility that is incorporated in the amendment and believes it will make in general terms for more efficient operation of the department. Clearly, if an officer is not capable of performing the duties of the office that he or she currently holds, something must be done: transfer, retirement, or leave of absence without pay. However, I wish to put a question to the Minister and I seek a response from him either at the end of this debate or in Committee about what assessment has been made by the Government of the possible cost of the changes envisaged by this amendment, in particular, the extension of the possibility of retirement from persons who are permanently disabled to persons who have some form of temporary disability. Clearly, there will be costs involved in that: costs by way of superannuation and the like, and I would hope that the Minister would have made some assessment of the cost increase that might result.

The next matter that I want to canvass is covered by clause 16, which provides the right for the relatively new Association of Teachers in Independent Schools to nominate a member for appointment to the Teachers Registration Board. It also contains a consequential amendment arising from the abolition of the Kindergarten Union of South Australia. This clause is the one to which SAIT has taken the most objection. Clearly, SAIT sees itself as the union representing teachers in South Australia and has taken a quite natural position from its point of view. Obviously, it does not want, as it sees it, a rival union, the Association of Teachers in Independent Schools, being recognised by a representative on the Teachers Registration Board. The submission from SAIT states, in part:

> The addition of a representative from ATIS has the effect of increasing the size of the Teachers Registration Board to 14 and if ATIS was to follow the employers interest, diminish the present situation where if SAIT elected persons (of which there are six) on the board vote as a block the chairperson's vote is a casting vote (assuming the employers vote as a block).

There is obviously some heat in relations between the two rival unions, ATIS and the SAIT, and I only want to quote very quickly from the latest edition of the *Independent Teacher*, which is produced by ATIS. Under the heading of 'Lies, damm lies and innuendoes attack ATIS' it says:

> It used to be lies, damn lies and statistics, but now it seems to be lies, damn lies and SAIT Non-Government Schools Area Council (formally SAISSA) innuendoes. With your vote at the recent elections you approved of our affiliation with ITFA (Independent Teachers Federation of Australia). We now need your help to divert an attack on our Federal position from a group within SAIT.
>
> Dear ATIS member, bear with me and read this article, as the integrity, reputation, ability of ATIS to represent members and even its membership numbers have been unjustifiably questioned in an application for membership to ITFA by Mr Michael Holdcroft on behalf of a small group of individuals who remained within SAIT after 7 May 1984.
>
> Mr Holdcroft's letter to ITFA makes a number of allegations, mostly unsubstantiated and the rest with the use of carefully edited documents. Allegations of ATIS being influenced by 'unknown persons'; 'collusion with employers'; 'that there are lines of communication between ATIS's executive and the South Australian representative of the NCC'; that 'the disaffiliation of ATIS was a move engineered by employer bodies and others unknown for political ends'; that ATIS has 'rebuffed' overtures to negotiate on the Teachers and Schools Assistants (Non-Government Schools) Awards; that 'ATIS's intentions with regard to the protection of its members have yet to be proved'. The list of allegations goes on.

I further quote:

> I guess some will clutch at any straws when they have to admit as part of their application that their membership totals 198 whereas ATIS has a membership in excess of 1300.

I quote that document from ATIS to indicate that, certainly, there is a depth of feeling between ATIS and the South Australian Institute of Teachers. I also quote it as ATIS has indicated that its membership is in excess of 1 300 and that the membership of SAIT coming from the non-government schools area has been admitted to be only 198.

If those figures are correct, quite clearly ATIS has substantial membership from the non government school sector. The South Australian Institute of Teachers retains some membership but, in relation to the membership of ATIS, that membership is not significant. I think those figures indicate that there is some justification for the fledgling union, ATIS, to be given some representation on the Teachers Registration Board.

On this occasion, therefore, I take a view different from the submission of the South Australian Institute of Teachers. I also believe that the new membership of 14, with each person on the board having one vote, will still leave the situation where there will be six representatives from SAIT plus one from ATIS, giving seven representatives from the unions, six representatives from what might be known as employer bodies, and the Chairman, who is nominated by the Minister.

There is the potential, I guess, with 14 members for deadlock on the Teachers Registration Board. One matter which could perhaps be looked at later—not in this amendment Bill—is the question of section 55 (2) *(c)*, which indicates that, of the six SAIT members who should be nominated, one should be a teacher from the non-government schools sector. That was obviously drafted at a time when there was not the association ATIS, and at some future stage if the membership of ATIS is to increase and if the membership within the SAIT of non-government schoolteachers decreases, then I would have thought that perhaps that provision might be amended so that SAIT would nominate six teachers of its own.

I might also add that the submission from the SAIT—which I will not go into at this stage—also argues that the position, which used to be nominated from the old Kindergarten Union and will now be nominated from the Children's Services Office, should be filled by a practising teacher from the early childhood service area, whereas the amend-

ment from the Government does not preclude that option but basically says that it will be on the nomination of the Director of the Children's Services Office.

I do not intend moving an amendment during the Committee stage, but I raise for the benefit of members the fact that the Institute of Teachers on that matter again took a very strong view that that particular position from the Children's Services Office should be filled by a practising teacher from the early childhood service area.

The next matter I wish to address is covered in clause 22, which provides for a severe penalty in the event that a governing authority operates an unregistered school. The Opposition accepts the need to ensure that there are appropriate standards in schools in South Australia, whether they be in the Government sector or in the non-government sector. The Opposition also accepts that there must be some form of licensing or registration of schools in order to achieve that.

Whether or not the present system of positive licensing is the best system is not a question which I intend addressing during debate on this Bill. I know that the Hon. Dr Ritson has some strong views on this matter and will address the Council at a subsequent stage. I will certainly listen to his suggestions for change with an open mind and with much interest.

Nevertheless, the law exists at the moment and we have a Non-government Schools Registration Board. We do need appropriate standards and we have a law which is set up to achieve those appropriate standards in schools and, whilst we have a law which exists, then the law must be observed. We cannot have a situation where people who object to that particular law for, I am sure in their own minds, quite genuine reasons, are able to flout the law of the State continually.

So, the Opposition supports the need for appropriate penalties which are provided in this clause. The next matter I wish to address is covered in clause 23, which provides that authorised panels may enter and inspect any premises which the Non-government Schools Registration Board reasonably suspects are being used as a non government school. This provision is aimed at tightening scrutiny of persons and organisations that seek to circumvent legal obligations. The submission from the South Australian Institute of Teachers supports that, and I quote:

> This extension of legal power gives the board obviously more 'teeth' to get around the existing situation where premises are already declared or approved as being sought for use as a non-government school. The amendment is intended to obviously cover those situations where premises are 'secretly' being used to carry out school instruction.

The Opposition believes that this is a sensible amendment and intends supporting it. I now turn to a clutch of clauses, 24 to 26 inclusive, on which I will spend a little time, because they raise a number of most important questions. Clause 24 deletes the reference to secondary school districts so that the amendments incorporated in clause 25 can operate more effectively. The present situation has been, on my understanding, that in primary schools in South Australia we have had virtually a deregulated system; that is, that there is nothing laid down in the Education Act, at least, with respect to zoning, whereas in the secondary school system we have had a form of zoning, a system where lines have been drawn on maps, and we have had secondary school districts.

Students within an area indicated by lines on a map relevant to a particular secondary school are zoned to a high school and have a right to attend that high school. This does not preclude students from outside that area seeking enrolment at that high school, but they cannot displace students from within that particular secondary school district or zone.

That was the situation until about the middle of this year, when in an edition of the *Education Gazette*, volume 14, number 16, week ending 27 June 1986, some changes are reported. Under the heading 'Restrictions of Enrolments at Designated Primary Schools' the Government, through administrative instruction, at least, instituted some controls on enrolment procedures at certain primary schools. In essence, what the Government did was as follows, and I quote:

> Requests have been received from a very limited number of primary schools for increased accommodation in terms of buildings and/or land, due solely to demands imposed by enrolment of students living outside what could be perceived as the natural neighbourhood catchment area for such schools. As, in all these cases, there is sufficient capacity in these students' neighbourhood schools, the Minister has determined that no such extra accommodation will be provided in these circumstances. The Minister has approved the following associated policy and procedures.

Some procedures were set down, and in certain circumstances the Area Director or his delegate would negotiate with the Principal of the primary school a zone of right where entry to the school is automatic. The Area Director will negotiate an enrolment ceiling for the school, being the maximum enrolment that should occur at any time during the year. If there is any failure to reach agreement between the Area Director and the Principal together with the school council the matter will be referred to the Director-General and then to the Minister of Education. What is in effect introduced here is a concept of a zone of right for primary schools, which is shown in the *Education Gazette* and which is similar to the secondary school districts.

A number of questions arise as a result of some of these changes and I will put them to the Minister at this stage. It appears, certainly on a first reading, that the new sections introduced will place further restrictions on primary schools in relation to enrolment procedures. I seek a response from the Minister as to how he sees enrolment procedures for primary schools now operating after the amendments to the Education Act in relation to the way procedures were being adopted under the old Education Act.

I seek a response from the Minister in relation to what I understand is some arrangement with students from Hallett Cove to attend Brighton High School. I seek details as to what that arrangement is, how it eventuated under the old Education Act, and what will be the effect of the changes on that particular arrangement if this Bill passes.

I seek a response from the Minister in relation to special interest schools. The *Education Gazette*, volume 14, number 8, for week ending 11 April 1986, lists as special interest schools Brighton High School, Fremont High School, Marryatville High School and Woodville High School (all which are special music schools), Adelaide High School (which is a special language school) and Urrbrae Agricultural High School (which is a special agricultural school).

I seek a response from the Minister as to what is the effect of the new arrangements, if any, on enrolment procedures for special interest high schools. I seek a response from the Minister as to what will be the result of his new changes on the policy relating to the situation where a child has a brother or sister already at a particular school, and what will be the guidelines laid down by the Director-General in relation to enrolment of a brother or sister.

The next matter I will address is covered in clauses 25 and 26. In essence, those clauses introduce a requirement for the Director-General to consult parents in certain circumstances and also to establish appeal mechanisms for parents in certain circumstances should they wish to appeal against a decision of the Director-General. I have consulted

the association called Parents for Special Education, which has indicated to me its broad support for the proposition outlined in the Minister's Bill. However, they have raised one particular problem which I will address later.

The Parliamentary Library in the past 24 or 48 hours has prepared a comprehensive and informative research paper on this particular provision of the Education Act. I am not sure whether the Minister of Education and his officers are aware of this paper prepared by the Parliamentary Library. I hope that the Minister in this Chamber, when responding next week, will bring back a reply from the Minister and his officers to many of the important questions raised in that paper. Some of the questions that I want to address particularly are raised in that particular research paper and relate to the position of enrolment for severely disabled persons. Subsection (2) of new section 75 states:

A child—
(a) who is resident within the State;
and
(b) whose age and educational attainments are such that, under the regulations, the child should be enrolled at a primary school or a secondary school.

is entitled, subject to this Part and the conditions determined by the Director-General under subsection (3), to be enrolled at any Government primary school, or any Government secondary school, as the case may require.

The Parliamentary Library research paper raises the question of the definition of educational attainments. I note that the Minister, in his second reading explanation, refers to educational level. Therefore, I imagine that the Minister is interpreting that in the same way as I am, meaning an educational level or standard. However, the question that needs to be raised is that, if that is how it is to be interpreted, what is the position of a severely disabled child who has the educational level of a child less than five years old. A severely disabled child may be nine or 10 years of age, but have an educational attainment or standard or level of a three or four year old child (however one measures that attainment, standard or level).

Certainly, on one reading of this Bill that child would not have the educational attainment of a child who should be enrolled at a primary school, and certainly not a child who should be enrolled at a secondary school. The view has been put to me that this might be a way in which those severely disabled children might be precluded from even initial enrolment in a primary school. It is most important, particularly for parents of severely disabled children, that the Minister respond to this question during his second reading reply.

Presently the situation is that children have, in effect, automatic or compulsory enrolment and that, under certain conditions under regulations 154 (1) and 154 (2), there are circumstances where the severely disabled child may be exempted from attending a normal, as we would term it, Government school. How many children under regulation 154 (1) have not enrolled in schools? How many children come under regulation 154 (2), and they are children who are enrolled in school, are accepted and then suspended by the principal immediately because the principal believes that the child is suffering from such a handicap that the child is incapable of gaining reasonable benefit from the instruction at that school or would seriously interfere with the instruction of other children at the school.

I note, in relation to regulation 154 (2), that the following comment was made by Peter Johnston, the Principal of the James A. Nelson school, at a recent meeting I attended of Parents of Special Education:

From 1 July the Education Department appointed Education Department staff at Ru Rua. This is a big achievement for the department in these times of constraint. In the area of severely multiply disabled, South Australia is the first State that can claim to provide an education for all students.

If that is the case, I applaud the Education Department and the Government for that. Under section 77 of the Education Act the Minister has power to exempt children from attendance at school. Will the Minister say how many children have been exempted under that section? Clause 26 seeks to insert new sections 75a and 75b, and raises a number of questions. Let us consider the example of a severely disabled child who will be enrolled, under clause 25, at the local neighbourhood primary school. Let us assume that the parents of that child, for their own reasons, seek to have the child transferred from that school to a special school for severely disabled children. New section 75a (1) provides:

The Director-General may, after consulting the parents of a child, if satisfied that the child has disabilities or learning difficulties such that it would be in the best interests of the child to do so, direct that the child be enrolled at a special school or some other particular Government school nominated in the direction.

What happens in the circumstances where the parents petition the Director-General and ask for the child to be transferred, and the Director-General refuses to reply, respond, make a decision or direction in relation to the request from the parents? The appeal mechanism (new section 75c) will allow parents of a child in respect of whom a direction is given by the Director-General or the Minister to appeal against that decision to a local court of full jurisdiction. If the Director-General refuses to make a decision or to respond to the parents, what appeal provision will be provided for parents of that child against the refusal of the Director-General to make a decision rather than a particular direction that the Director-General may have made?

I will discuss this matter with Parliamentary Counsel to see whether I should move an amendment during the Committee stage to cover that possible anomaly. New section 75b provides:

(1) The Minister may, after consulting the parents of a child, if satisfied that the behaviour of the child has been such that it would be in the best interests of the child and the maintenance of proper discipline at Government schools to do so, direct that the child not be enrolled at any Government school.

(2) Where the Minister has given a direction under subsection (1) in respect of a child of compulsory school age the Minister may—

and I emphasise the word 'may'—

give further directions requiring the participation of the child in a program established by the Minister for the education of children outside the ordinary Government school system.

This matter was raised with me by the South Australian Institute of Teachers, which took some exception to the present drafting of this provision. Will the Minister explain the current powers of the Director-General and the Minister in relation to children with behavioural problems in South Australian Government schools? The problem in relation to the drafting of this Bill is that the Minister may well direct that that child with behavioural problems will not be enrolled at a particular school and leave it at that, so that one may well have a child of compulsory school age from six years to 15 years who is directed by the Minister, because of behavioural problems, not to be enrolled at any Government school. The Minister can then wash his or her hands of that child there and then because new subsection (2) only says that the Minister 'may' give further directions for some form of education outside the ordinary Government school system.

SAIT argued to me, and there seems to be some logic in its argument that, if a child is of compulsory school age, the Minister should not be able to wash his or her hands of the education of that child and there should be some requirement for the Minister to seek to provide further

education of some sort outside the ordinary Government school system.

New section 75c provides for the first time a mechanism of appeal for parents against the decision of the Director-General. I have had some representations about this provision from some of the parents within the parents for special education organisation. They have argued that it is a major step for parents of children with disabilities to take the Director-General or the Minister to the local court of full jurisdiction. They have asked me to look for a provision that might be less onerous on them and something that might not require an appeal to a court. Having addressed the situation at length, I have been unable to come up with a more suitable mechanism for parents aggrieved at the decision of the Minister and wanting to appeal against that decision. The paper submitted by the Parliamentary Library raises some important matters to which I hope the Minister will address himself. I am having some discussions with Parliamentary Council about possible amendments. The submission says:

> Thus a parent who appeals is at risk not only for his/her own legal costs if unsuccessful but also for the Crown's. As a matter of practice, this prospect constitutes a real and substantial disincentive and economic barrier to launching an appeal notwithstanding legal aid which may or may not be available. This is more so if one considers that persons who are likely to have to avail themselves of the appeal process may also already be bearing extraordinary costs, family tension, emotional strain and so on as a result of providing for, or attempting to obtain adequate care, education and assistance for the child.
>
> *Quaere* whether it might not be more equitable to provide that orders as to costs cannot be made against an appellant, either without qualification or qualified to the extent that an order can be made if it can be shown that the appeal was vexacious or frivolous (e.g. s.31 (Unfair dismissal) Industrial Conciliation and Arbitration Act). Again that is a question of policy and is raised only for consideration.

I will be discussing this with Parliamentary Counsel and looking for a possible amendment. On the surface, it would appear that the qualified option that the Parliamentary Library has suggested is sensible. Perhaps we could have a look along those lines in Committee.

The last matter that I want to raise is in relation to clause 31, which amends the Act to widen the money-lending sources for school councils. That is an entirely sensible amendment and provision and one with wich the Opposition wholeheartedly agrees.

The Minister has portrayed the Bill as essentially administrative and non-controversial. He used that as an excuse for not consulting the major education groups, parents, principals or the South Australian Institute of Teachers. However, it is neither non-controversial nor solely administrative. It raises a number of controversial and most important matters. I hope that the Minister of Education will respond through the Minister in charge of the Bill in this Chamber to the questions that I have raised, and to those that others will raise in this second reading debate.

The Hon. R.J. RITSON: The Bill contains many very sensible machinery clauses that deserve to pass, and for that reason the Opposition is supporting the second reading. I begin by echoing the sentiments of my colleague, the Hon. Mr Lucas. The Bill is not free of controversy. Consultation has not been properly conducted with some of the people most directly affected by the Bill. I can understand why Mr Wilson was moved to call for the resignation of the Minister of Education, as was reported today in the press.

I shall talk about the Bill not in a broad canvass, but concerning registration of non-government schools. This is the fourth occasion since 1980 on which the matter, in some form or another, has been before the Chamber. However, it is the third not the fourth occasion on which this matter has been debated. The first time the matter came before the Chamber was in the small hours of the morning. The second reading speech was incorporated without being read. Standing Orders were suspended to allow the Bill to pass without delay, but about the time that it was being declared passed a small note was circulated. It said that an amendment would be moved by the Hon. Dr Hopgood. It was only then that members realised that the Bill they had only just seen and been told was an agreed Bill had been amended in the other place. The amendment reduced the representation of the non-government sector on the board so that the initially agreed composition of the board, which would have left the non-government sector in control of the board, as a non-government peer review body authority, had been altered so that the Bill now placed the non-government sector under Government control.

The day after the passage of the Bill, representatives of the non-government sector, having discovered what had happened, were furious and members were lobbied intensively about it so that, when Parliament next sat in the New Year, the Bill was recommitted by the then Liberal Government and amendments were passed to bring it back to the original situation. However, the Tonkin Government fell and the new Labor Government did not waste much time bringing the legislation back and amending it to re-establish Government control. As I recall, the Hon. Mr Sumner, as Attorney-General, made the point that the intention of the Bill was never to produce a non-government peer group controlling authority but rather to establish firm Government control. The reason given was that that was a necessary consequence of funding—the Government should control that which it funded. There was also mention of the quality of teaching.

At that time I made the point that, while agreeing that the Government has a right to control where its funding goes, and while agreeing that in a system where schooling is compulsory there is a need to determine what is a school, it was never necessary to produce such a powerful QUANGO beyond Government and beyond the Minister. I will speak for a few moments about democracy, because a principle is involved here. *Quasi* autonomous non-government organisations come under frequent criticism from both sides of Parliament, but they continue to grow, they continue to be established and they are never really reviewed. Arguments in their favour are often that they are a way of devolving power to the people and a way of removing issues from politics. However, nothing could be further from the truth.

On one axis QUANGOs can be classified as, for example, business enterprises, *quasi* judicial bodies and administrative bodies. However, but they can be thought of in entirely different terms: one can talk about the 'responsibility shedding' QUANGOs—those established so that a Minister can wash his hands and say, 'Look, I have no power; the board has decided.' One can also think of them as 'friend rewarding' QUANGOs. People with an interest in politics continually point out that QUANGOs can be used to provide jobs for the boys. Another way of looking at them is in terms of 'policy perpetuating' QUANGOs—bodies whereby a Government, by appointing the right people and appointing them for a period longer than the life of the then Parliament, can ensure that its policy is perpetuated if the then Government loses power at the polls, probably until it can regain power at a subsequent election.

In broad and general terms, while we may talk about certain statutory authorities as being a devolution of power, a businesslike exercise or a way of bringing in expertise free from politics, I do not believe that that is always the case.

By giving a board or an authority such wide powers—whereby almost nothing it does is beyond its power—one separates that body from justice because it makes appeal against its decisions nigh on impossible. By making such a body entirely free from ministerial direction, one can separate it from democracy because when a constituent goes to his elected representative and says, 'Will you review the decision?', the Minister is free to say, 'I can do nothing because the board is autonomous.' So you can separate these instrumentalities from justice; you can separate them from democracy but never from politics because of the policy perpetuation effect which occurs when Governments appoint people to these bodies from groups who are of their own political philosophy.

When this Bill was first debated in this Chamber I made the point that, while accepting the need for control of funding and while accepting the need for some sort of review of the standards of schools, I thought that it ought to be an advisory body with the ultimate decisions to be made by the Minister so that at least if the decisions were unwise or offensive people in the community had recourse to the ballot box; and, if the decisions were made in areas beyond the powers of the Minister, there would still be recourse for appeal to the courts. I still hold that view. While believing that, if a Government funds a body, it should have control over funding conditions, and while believing in a situation where school is compulsory one must have some sort of yardstick as to what is a school, I believe that there are enormous dangers in giving this large grant of power—virtually universal discretionary power that does not have to be measured against the yardstick of a stated code of practice or a statutory list of criteria of curricula—to a body which is not subject to direction by the Minister and which is controlled by a majority of Government appointees. However, having said that I can count the numbers and I can see that there is not much that I can do about it at this stage.

I only hope that in government my own Party will reconsider the exact form in which non-government schools are controlled and will consider whether a formal code of practice—a formal core curriculum—can be enshrined in Statute or regulation to give courts something to consider when hearing appeals. I hope that my own Party will introduce sufficient changes to give a measure of ministerial responsibility to the decisions that are made.

I now turn specifically to clause 22 which, in a sense, is the 'get rid of Pastor Shriver' clause. I think it is important that honourable members see the clause for what it is, because there is a particular school which, on the advice I have, would receive registration if it applied for it. Incidentally, the school does not seek funding and does not apply for registration on a matter of philosophical principle. The principle on which the school wishes to stand is that the right to educate flows primarily from the parent: it is delegatable by the parent to a school and therefore the State should not be dispensing a right to education in the first instance. The State should recognise the parents' right to educate and then be prepared to assist as a delegated instrument of that right. Perhaps that is a fine point, but it is something that would be quite surmountable if the Government had not included clause 22, which amounts to hitting an ant with a sledgehammer.

I suspect that the Government may find that it is a very big ant because my information is that the person at whom it is aimed is quite prepared to be imprisoned rather than abandon his principles. It is rather foolish politics of the Government to bring in what appears to be a public Bill, but where there is the private intent to crush with increased penalties a particular person who has been lobbying the Government and appealing to the courts on behalf of his school.

Let me give an example of a way out of this. That would be to proceed to a system of negative licensing in which there was a general assumption that parents have a right to educate and then a series of regulations: for example, no-one could object to the fact that all teaching should be done by registered teachers; no-one could object to a regulation that described a core curriculum requiring a school to give entry of PEOs of the department to that school from time to time to check that the curriculum was being satisfactorily taught; no-one could object to a code of practice that required adherance to certain safety, health and welfare standards.

It would not be beyond the wit of any Government to establish such a code of practice and to give the Minister the right to declare that a school that is not observing the code of practice could by proclamation be closed. At least if a party was aggrieved at that decision, it could go to the Minister and ask him to reconsider his decision and he would not simply wash his hands Pontius Pilate fashion and say, 'I am sorry; the board is autonomous.' If the decision was based on some matter other than a breach of the code of practice and an appeal was made to the court, at least there would be specific matters that would be the subject of litigation and not simply the matter as to whether the board did or did not have the power to exercise global discretion, when it clearly does.

So, Madam President, it is a pity that the Government has decided, in effect, to martyr this pastor and his school to get him out of its hair—that is what this clause will do. Of course, where there is compulsory schooling (and I believe schooling should be compulsory), one has to determine what is a school for the purpose of that law. Of course, we cannot have illiterate parents or guardians claiming to educate their children when in fact they are keeping them away from school to scrub floors, so that every claim for a small school or for home education has to be assessed against proper education and social standards.

I wonder why on earth the Government wants to clash head on and wants to stand by and watch this man go to gaol and get all that publicity and make a martyr of him, rather than a simple acceptance of the other principle—that primarily parents have a right to determine the education, and then be subject to the code of practice. That is quite a different issue from the question of funding, but funding is determined by the same people who presently determine registration in a *de facto* way. Of course, if my proposal for a negative licensing system coupled with the code of practice were introduced, one would have those same people collecting the very same information about schools and giving that advice to the very same Minister.

It would only be a change in the principle as to where the authority lies. It would be a recognition of the democratic principle that a Minister, being the elected representative, ought to be finally responsible, and it would mean that court appeals could be based entirely on questions of the actual practices at the school and would not fall on the fact that the board virtually has global powers to refuse to register a school for no reason at all.

Madam President, in due course in Committee I will be moving to delete clause 22. I do not believe I have the support generally of the Council and, if it appears on the voices that I do not, I will not call for a division. However, I do believe it is appropriate to state and to place on the record the dangers in principle of Parliament's handing over great slabs of discretionary power to non-accountable statutory authorities, bypassing the Minister. Whether the Min-

ister in this case wants to be bypassed, whether it is really a 'responsibility shedding' QUANGO that he is delighted to have there as an excuse for making difficult decisions, I do not know.

Finally, I would like to make a few comments about liberal democracy and what sort of things ought to be permitted in a liberal democracy. I am informed that in Britain there is a communist school. No-one speaks out more about the dangers of communism than I do.

The Hon. C.M. Hill: It is in London.

The Hon. R.J. RITSON: Yes. However, I defend to the last the right for that school to exist and to teach communism, provided that in a State in which schooling is compulsory there is a core curriculum that taught literacy, numeracy and the various other subjects which from time to time might be determined as a core curriculum, and that the safety, health and welfare of the pupils was adequately catered for. Not only would I not want to see suppression of the teaching of communism in that school but also I would not want to see a statutory authority exist, even if all its members were terribly sympathetic to the school, and I would not want a law to exist that enabled someone to close that school because they did not like what was being taught and they did not have to say so.

One of the disturbing features is that several constituents have approached me and claimed that the present Non-government Schools Registration Board has one person on it who, in doing his rounds and in talking to people about this, is highly critical of Christianity and refers from time to time to the shameful indoctrination that is going on in some of the fundamentalist Christian schools. That does worry me. It does not indicate that the decisions of the board are influenced by that, but having a board with this much power virtually unappellable and that we have someone saying that does bother me.

I think the protection is to allow people to say what they like but make sure that there is enough in the Statute Books to give courts specific issues to address in hearing appeals and that in the end there is some power of direction by the Minister or, preferably, the whole responsibility held by the Minister, the board being advisory.

As I said earlier, if the board was advisory, one would still have the same people making the same assessments of the same schools, but democracy would prevail. My fear here is that democracy is eroded by this sort of QUANGO. Having said that, I still support the second reading, because the Bill has so many machinery clauses that need to be dealt with and I do not believe that the Government deserves to be denied those clauses. In due course I will move the appropriate amendment. I support the second reading.

The Hon. B.A. CHATTERTON secured the adjournment of the debate.

STATE SUPPLY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 737.)

The Hon. L.H. DAVIS: This Bill seeks to make two amendments to the State Supply Act, which has been in operation for nearly 12 months. The State Supply Act seeks to ensure that the purchase of goods and services by public authorities is carried out in an effective, efficient and coordinated fashion. It also aims to promote local industry and its role as a provider of goods and services to Government.

The principal Act provided in section 5 that certain statutory authorities should be exempt from the operation of the State Supply Act. Those statutory authorities were the Pipelines Authority of South Australia, the State Bank of South Australia and the State Government Insurance Commission. Local government bodies were also excluded from the operation of that Act. There were good reasons for the exclusion of those three primary statutory authorities. They had established financial operations, they operated independently of Government and they had developed skills in the purchase of goods and services. That also, of course, was true for local government bodies. So those bodies were specifically excluded from the operation of the State Supply Act. It meant that they were not subject to the direct control of the State Supply Board.

However, it appears that, through an oversight, Amdel was excluded from that list of exempt statutory authorities, and in the second reading explanation reason is given for this oversight. I accept the reason and the fact that it should now be included amongst those statutory authorities which are not subject to the operation of the State Supply Act.

In addition to Amdel, a number of tertiary institutions, until now, have been subject to the operation of the State Supply Act. Members will be well aware that tertiary institutions in South Australia enjoy considerable academic freedom and a good degree of financial autonomy. Moreover, tertiary institutions in South Australia receive their funding by and large from the Commonwealth Government, rather than the State Government. In that case, there is no real relevance to the State Supply Act, and for that reason the first amendment we have before us seeks to exclude the University of Adelaide, Flinders University, Roseworthy Agricultural College, the South Australian Institute of Technology and the South Australian College of Advanced Education from the operations of section 5. As a member of the Flinders University Council, I am well aware of the concern that was expressed—at least in that tertiary institution—at the fact that it was brought under the operation of the State Supply Act. I express on behalf of the Opposition the support for that particular amendment.

The second amendment relates to the existing section 16, which provides:

> The State Supply Board may, if it thinks fit:
>
> *(a)* with the approval of the Minister undertake or provide for the acquisition of goods for a body other than a public authority or a prescribed public authority.

However, the Act makes no provision for the board to dispose of goods for a body other than a public authority or a prescribed public authority, and it would seem sensible that not only can Governments acquire goods but they should also have the power to dispose of goods. For that reason, I indicate support for this second amendment. However, Madam President, that is not to say that those State statutory bodies should not be subject to scrutiny. It is important, as I am sure all members would recognise, that those statutory authorities are subject to as much parliamentary and public scrutiny as departments of government. I indicate that the Opposition has no reservations with the Bill now before us.

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

ADJOURNMENT

At 5.32 p.m. the Council adjourned until Tuesday 23 September at 2.15 p.m.