LEGISLATIVE COUNCIL

Thursday 26 February 1987

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

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

PETITION: BOTANIC PARK

A petition signed by eight residents of South Australia praying that the Council request the immediate return of the area designated for a car park, located in the south east corner of the Botanic Gardens, and that the Council urge the Government to introduce legislation to protect the parklands and ensure that no further alienation would occur before the enactment of this legislation was presented by the Hon. I. Gilfillan.

Petition received.

PETITION: PROSTITUTION

A petition signed by 296 residents of South Australia praying that the Council reject the private member's Bill dealing with prostitution was presented by the Hon. K.T. Griffin.

Petition received.

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Commissioner of Police—Report, 1985-86.

MINISTERIAL STATEMENT: BURNSIDE COUNCIL

The Hon. BARBARA WIESE (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: This morning His Excellency the Governor in Executive Council approved the issue of a proclamation giving effect to a recommendation of the Local Government Advisory Commission supporting a proposal from the City of Burnside that the position of Alderman be abolished. Since this matter has been the subject of public debate in the local community, I wish to take this opportunity to put the facts of the matter on the public record. On 15 December 1986, pursuant to section 26 of the Local Government Act, I referred to the commission 'for inquiry and recommendations' a proposal by the Corporation of the City of Burnside to abolish the office of Alderman. The commission caused public notice of the proposal to be given in the *South Australian Government Gazette* of 18 December 1986 and the *Advertiser* of 19 December 1986.

The commission held a public hearing on 23 January 1987 at the Burnside Town Hall and subsequently heard submissions in private on 4 February 1987. The council area was divided into six wards, each returning two members and in addition four aldermen and a Mayor were elected by the city as a whole, giving a total of 17 members. The council will now have a Mayor and 12 councillors. The current population of the city of Burnside is 38 440 and it has 28 457 electors, with the ratio of elected representative to electors being 1:2 261 under the previous structure. This ratio was lower than the average for councils of similar size.

The new ratio will be 1:2 956 which falls within the range established by a comparison with councils of similar size. The new level of representation will therefore be entirely adequate for the council's purposes. South Australia is unique in Australia and the Western democratic world in retaining the separate office of Alderman within the structure of council membership.

Of recent years there has been a trend for councils to remove this third level of representation and to move to a two tier model of Mayor and councillors. In this case the Burnside council by majority vote put a proposal to me that their Alderman positions be abolished. The proposal received extensive coverage, including at least one front page article in the eastern suburbs *Messenger*, which is delivered free to every household in the city of Burnside. The proposal was also the subject of letters to the Editor in both the *Sunday Mail* and the *Advertiser*. Those letters drew readers' attention to the proposal and the closing date for submissions.

The commission reported to me on 23 February 1987. The commission has acted to ensure that the local community has been adequately consulted on this matter and that ample opportunity has been provided for interested people to make their views known. I would point out that the proposal was made by the democratically elected council, as is its right. Provided that the council meets all legal requirements, which I am advised it did, then it is up to the council to determine how it conducts its business in making this or any other decision. Provided there is an adequate level of representation, as recommended by the advisory commission, then I am willing to accede to council's proposals to remove the position of Alderman. There has been some suggestion that this proposal has been handled too quickly. I would point out to honourable members that it is my wish, and in fact the Act requires, that the Local Government Advisory Commission should act as expeditiously as possible.

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: When proposals are put by councils or electors to alter boundaries, structures or even amalgamate councils, then it is necessary to act as quickly as due process permits.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I think it is useful at this point for me to restate my belief as to the appropriate relationship between a Minister of Local Government and the councils to which he or she relates.

I believe that councils are full partners in government at the State and Federal levels and should be regarded as such. This partnership brings both the rights and responsibilities of government and as Minister of Local Government I am primarily responsible for the inter-governmental relationship between the State Government and local government. In this relationship I believe that councils should have the right to determine their own affairs within the provisions of the Local Government Act. Where councils disagree and wish to change their boundaries or structure there is the independent advisory commission to which all parties have recourse.

Of course, there are always issues to be resolved between different levels of government and we have our differences of opinion from time to time with the Federal Government. The same applies to local government, but in both cases it is always best to sit down around the negotiating table and

resolve the issue. A similar process of consultation has been occurring for six months now with respect to the review of the finance and rating powers of local government.

As I have stated previously, agreement has been reached on all issues except the minimum rate. A joint Local Government Association/Department of Local Government Committee is meeting to review the formal draft of the Bill and to discuss the minimum rate issue. It has always been my position that there are a number of alternatives open to us in addressing the issue of the minimum rate. This has been my position both publically and privately—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —and I would hope to have a resolution of this matter that meets both the requirements of State and local government before the Bill is introduced. In the event that agreement is not reached, I will consider my options at that time. The issue of the minimum rate is one of principle—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Owners of lower valued property—

The Hon. T.G. ROBERTS: On a point of order, I am very interested in the reply of the Minister but I just cannot hear what she is saying.

The PRESIDENT: I have called for order on several occasions.

The Hon. BARBARA WIESE: Owners of lower valued property should not pay more than their fair share of the rate burden. Within the broad principles of rating, local government should have the power to set rates as it sees fit. However, this power is conferred by this Parliament and this Parliament is ultimately responsible for setting the parameters in which local government, as well as the State Government, should operate. This is not a position which I will walk away from; the rating system must be fair and reasonable for all.

QUESTIONS

AIDS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Health a question on the subject of AIDS.

Leave granted.

The Hon. M.B. CAMERON: We are in grave danger of hiding our heads in the sand over the subject of AIDS. The Minister appears to have become paranoid about not saying anything about it, and whenever I raise the matter in the Chamber I attract his ire. By taking this attitude he is developing a situation where proper precautions are not widely discussed. The end result of that could well be that people, particularly health workers, will be unnecessarily exposed to infection.

It is all very well to run programs advising on the necessity for great care to be taken with sexual intercourse (for example, promoting the use of condoms). However, there is the danger that health workers will treat a patient, unaware that he or she is at risk of infecting them. Further, a person who is treated by a health worker immediately after someone in the at-risk category, has no way of knowing, and should be able to be assured that there is absolutely no risk of accidental infection, and that every possible precaution has been taken.

When AIDS first became the subject of public discussion, the Minister would be fully aware that the Opposition took the view that it would be unwise to create or exacerbate panic in the community, and so the subject was not raised at a level of political debate; nor is it now. However, there is now wide public discussion in the media about the effects of AIDS and the potential for the growth of AIDS infection throughout the world, so it seems to us that the time has passed when the matter can remain just swept under the carpet.

I appreciate the work of the AIDS Task Force, but there is a real danger of proper precautions not being taken. I am informed that, for instance, in Canada dentists are now required to use disposable gloves for every patient. I am also told that the majority of dentists in countries where AIDS is now present use cheap plastic heads on their equipment, which are disposable, and tubes are reaspirated between patients for 20 to 30 seconds before any equipment is to be placed in the mouth. AIDS is a very serious communicable disease which has low incidence in South Australia so far; however, there should be absolutely no risk taken. We should be cleaning up our operations now and not waiting for AIDS to strike by some completely unnecessary means. As is well known, every person who is infected can create a domino effect through infecting other people.

What guidelines have been given to dentists in South Australia regarding precautions against AIDS? Are precautions taken by dentists? Is there any supervision of those precautions? Are there any moves towards requiring dentists to operate in a similar way to surgeons, with gloves, disposable equipment and full sterilisation? Similarly, would the Minister inform the Council what guidelines are laid down for tattooists, acupuncturists and barbers, and what supervision there is for operations conducted by these people? If the Minister does not have the answers to these questions, would he obtain them and inform the Council on some future day?

The Hon. J.R. CORNWALL: A number of matters raised in the so-called explanation require significantly more comment than the questions. It was the Hon. Mr Cameron who came into this Chamber last week seeking guidelines for surgeons in 1987. The response to that from Dr Mike Ross, who is the coordinator of the AIDS program in South Australia, was that such guidelines—

The Hon. M.B. Cameron: He's a psychologist.

The Hon. J.R. CORNWALL: He is a psychiatrist and a registered medical practitioner.

The Hon. M.B. Cameron: He's not a surgeon.

The Hon. J.R. CORNWALL: That is the way in which Mr Cameron likes to carry on in this debate. Mike Ross is a qualified medical practitioner. He is a specialist psychiatrist and is involved full time as the senior coordinator of the AIDS program in this State. He is a specialist in the field. As I have said on a number of occasions, when he was based at the Flinders Medical Centre, he did prospective studies some time before the AIDS virus had even been isolated. He is very well known in this country for the excellent work which he has done and which he initiated concerning AIDS control. If Mr Cameron wants to try to denigrate either the qualifications or the *bona fides* of Mike Ross, let him be aware of the consequences. The honourable member is showing his usual irresponsibility. He is trying to attack the confidentiality of patients, which to date has been the basis in this country (not only in this State) on which we have sought and obtained the cooperation of the

at-risk groups. Perhaps Mr Cameron would like to support the Queensland campaign instead.

By his remarks, the honourable member implies that we ought to identify all AIDS positives, that is, those who return a positive blood test and that we should issue lists of the names and addresses of anybody who presents so that they can not only be identified within a hospital situation but, presumably by the community at large, because Mr Cameron is a great one for freedom of information. Once you start to compile comprehensive lists of people who return a blood positive for AIDS, it is only a matter of time until, one way or another, that comes into the public domain. That is what Mr Cameron is suggesting. As I have constantly said (and this is the unanimous advice from the experts who are involved in AIDS control), that would drive underground the sorts of people with whom it is essential that we maintain contact. That is the sort of thing that Mr Cameron is on about.

In Queensland, they refuse to change the criminal law with regard to homosexuality in any way. What is the result of that? When I was there over Christmas and New Year a middle-aged doctor from the public health service was running radio ads saying that the way to avoid AIDS is not to become involved in any sort of sexual activity. Simultaneously, there were 375 arrests on the Gold Coast alone on New Year's Eve, mostly among young males who were intoxicated—in some cases, severely intoxicated.

So there is a situation where they pretend that they can overcome the AIDS problem by preaching the simple doctrine of abstinence and, of course, that is the only really safe way to go. However, in practice we know very well that that is not practical. So if we are serious about tackling AIDS as the great public health problem of the latter half of this century (and, dare I say it, unquestionably one of the great public health problems facing us in the 21st century), we have to approach the problem intelligently and without moral judgment. We must also approach it in such a way that we are prepared where necessary to effect very significant changes in the law. For example, one area that will have to be addressed is the control of AIDS in prisons.

In the prison system there is classically a group of people who involve themselves in what is known as institutional sex; in other words, homosexual behaviour which the majority of those persons would not involve themselves in if they were in the general community. Despite the most stringent policing there is always a possibility of the introduction of narcotics or amphetamines into prisons. Although it may be only once in a matter of months, there is a very real risk of 10, 12 or even 15 prisoners sharing the one syringe. What does the Hon. Mr Cameron suggest that we should do about that? At the moment homosexual acts in prisons are outlawed and illegal; and obviously the distribution of any instruments for drug administration is outlawed in prisons. I do not know what the Hon. Mr Cameron's response would be to this. Presumably it would be to pretend that it does not exist and that it ought to go away.

Far from sweeping matters under the carpet I have consistently raised them whenever it was appropriate for me to do so as Minister of Health. However, it is not appropriate for us to raise the question of the control of this dreadful disease in the context of the bear pit politics of the Legislative Council. I am not sweeping anything under the carpet. We do indeed have a low incidence, relatively, of AIDS in the South Australian community at this time for a number of reasons. However, let us not kid ourselves, because on the advice I am given the number of clinical cases will double every six to nine months. That will occur even if there were no spread of infection in the next five years. There are people in the community who are incubating AIDS today and who will not show up as category A AIDS clinical cases for up to five years. So of course we have a problem and of course we must do everything possible to control it.

Having said that, I repeat what I said the other day: there is just as great a danger that, if we do bring the subject of AIDS control into the bear pit politics which the Hon. Mr Cameron and some of his less responsible colleagues like to play in this Chamber, it will do absolutely nothing and make absolutely no effective contribution towards the control of what is undoubtedly the greatest threat facing us in the 1980s; and, on the advice that I have been given, it will continue to be the greatest threat facing us for perhaps at least another generation.

With regard to the specific questions about dentists, if the Hon. Mr Cameron had wanted to know what guidelines exist, of course, he could have telephoned Dr Scott Cameron or any of his colleagues in the Communicable Diseases Control Unit. I suggest that in future, if he wants to act just a little bit responsibly in these matters, he should adopt that course. There have been guidelines for dentists for quite some considerable time. They are similar, if not identical, to the guidelines which have been issued to dentists in relation to the control of hepatitis B (which in most respects is spread in the same way). The guidelines are readily and easily available to the Hon. Mr Cameron and to anyone else who cares to spend 20c on a telephone call to the Communicable Diseases Control Unit.

MINISTER OF TOURISM

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about her gaffe.

Leave granted.

The PRESIDENT: Order! I trust that no opinions will be expressed.

The Hon. L.H. DAVIS: In recent days the Hon. Ms Cashmore has made a series of allegations about the Minister of Tourism's lack of leadership and problems of both marketing and morale within the Department of Tourism. The accuracy of those comments has been confirmed by the witch-hunt which took place in the department yesterday—apparently the only things missing were the searchlights and guard dogs.

In the past few days yet another example of the Minister's capacity for gaffe-making has been drawn to my attention by a well respected member of the tourism industry. Last week the Minister opened Talkabout, a major national tourist-trade fair, at the Hilton International Hotel. Talkabout provided 50 to 60 national tourist operators with an opportunity to present their product to local travel agents and persons engaged in the tourism industry. The national tourist operators are top representatives from national hotel chains, resorts and travel companies.

Talkabout is an annual event which tours the capital cities of Australia each February. It is a major event on the tourism industry calendar providing a valuable opportunity both to promote product and to exchange information. It was in Adelaide for just one day. About 150 people were present when the Minister opened Talkabout. The inaugural Talkabout in Adelaide had been held at the Hotel Adelaide in February of last year. In her remarks the Minister said:

When Talkabout was held last year at the Oberoi Hotel or whatever it was called then.

The fact is that there is no Hotel Oberoi in Adelaide in February 1987 nor was there a Hotel Oberoi in February

1986 when the first Talkabout was conducted. The Hotel Oberoi was renamed the Hotel Adelaide in October 1985—16 months ago. The Hotel Adelaide was a participant at this Talkabout. The Sales Manager was present and was appalled by the Minister's remarks—and not surprisingly. He was there to promote the Hotel Adelaide. In fact, he is at the Talkabout in Perth this week promoting the Hotel Adelaide. The fact is that the Interwest Group took over the hotel in 1985. The Interwest Group has seven hotels in its national chain, including Lennons Hotel in Brisbane and the recently acquired Southern Cross Hotels in both Melbourne and Sydney. I contacted Mr Terry McKay, the Manager of the Hotel Adelaide, and he was angry and far from amused at the Minister's put-down of the Hotel Adelaide which was offensive and harmful to the hotel's reputation. It was an insult to management, which is part of a rapidly developing and successful national hotel network. In fact, by September this year Interwest will have spent $4 million upgrading the Hotel Adelaide.

I checked further by talking to people who were present at the Talkabout. Several national tour operators who were in Adelaide were startled at the Minister's slap-happy language. Local tourism leaders confirmed that the Minister's inept comment was a big talking point at the Talkabout. They were surprised that the Minister of Tourism did not know the name of one of Adelaide's leading hotels. They regarded her comment as inappropriate, sloppy and unprofessional. However, one person I spoke to said, 'Sadly it did not come as a surprise to those who have watched her performance as Minister of Tourism.' Does the Minister accept that her remark has been widely condemned as being inappropriate and inept by key people in the travel industry? Will she apologise to the management of the Hotel Adelaide, which is spending $4 million to upgrade the hotel and is doing its bit for tourism in this State and which, as participants in the Talkabout in Adelaide last week, and in Perth this week, suffered the ignominy of her incredible public put-down?

The Hon. BARBARA WIESE: The calibre of the attack on me in this place is as competent as the one that took place during the last couple of days in the other Chamber. I find it absolutely extraordinary; it is barely worth my commenting on. I have never heard of anything quite so ridiculous.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! You have asked your question, Mr Davis.

The Hon. BARBARA WIESE: What I would say to Mr McKay is what I would say to Mr Davis: that I made a little joke at the opening of Talkabout which anyone with a sense of humour in the place acknowledged, recognised and agreed with.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It was a joke and a comment on the fact that the hotel sitting up there on the hill had changed its name on a number of occasions during the past few years. There would not have been a single person in that room, other than someone who might have been a card carrying member of the Liberal Party, who would have been offended or who would have felt that the comment—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! Mr Davis, you have asked your question. Will you cease interjecting while you receive your answer.

The Hon. BARBARA WIESE: Perhaps, Ms President, I could give a little information about some of the feedback that I have had in the last 24 hours or so about the appalling behaviour of members of the Opposition Party in the absolutely unreasonable attacks—personal attacks, I might say—that have been made upon me during the last two days. Certainly, I would not mind if they were attacks based on anything that was of any substance. Instead, they were personal attacks on me which were quite unnecessary. Just let me tell the Council the sorts of things that people have been saying to me in the last 24 hours: they think that the Opposition is quite inept, that the timing of any such attack is totally inappropriate, and that they do not know what the Opposition could possibly be up to. That is what they are saying out there. People are saying, 'When tourism is doing so well in this State, what is all this about? The Government is doing a great job. The Government is promoting tourism in South Australia. The Government has been able to get very many projects and facilities off the ground in this State. They are doing it too well. Perhaps the Opposition feels that it is important to give the Government a bucket in order to try to cover up the fact that things are going so well in this State in the tourism industry.'

Ms President, I must say that I totally agree with them. There is absolutely no other possible reason why members of the Liberal Party should be carrying on in the way that they are. As I indicated yesterday, Ms President, every issue that was raised by Ms Cashmore in another place was an issue, if not of total inconsequence, that could be responded to easily. We saw a series of inaccuracies and half truths and I certainly tried to set the record straight on most of those things. I would just like to repeat that the tourism industry in this State in the past year or more has been working in close cooperation with my department and with me in the development of the Tourism Development Plan, which was launched earlier this week. There could not have been more consultation on something of such importance to the tourism industry: we spoke with the industry and we worked closely with the industry in drawing up that plan.

It is a blueprint for tourism development in this State for the next three years. It is the most coherent and comprehensive policy for the development of tourism that we have ever had in South Australia. It has been endorsed by all of the leading bodies within the tourism industry and I think it is not insignificant and certainly not coincidental that members of the Liberal Party at this time have decided to try to raise other issues and draw attention away from the tourism plan because they know that it is so good and they know that there has been close cooperation between the industry and the Government in its development, and they do not like it.

The Hon. L.H. DAVIS: I desire to ask a supplementary question. Will the Minister of Tourism indicate whether she will apologise to the Manager of the Hotel Adelaide for her remarks?

The Hon. BARBARA WIESE: There is absolutely no need whatsoever to apologise to the management of the Hotel Adelaide. Anyone who was there from the Hotel Adelaide and who took offence at anything I might have said at the 'talkabout' conference is someone with no sense of humour. He must have a very similar sort of personality to that of the Hon. Mr Davis.

MARIJUANA

The Hon. K.T. GRIFFIN: I have three questions for the Minister of Health:

1. Has the Government yet prepared its regulations relating to the controversial legislation for on-the-spot fines for marijuana use?

2. What consultation has occurred and with whom?

3. When does the Government propose promulgating the regulations?

The Hon. J.R. CORNWALL: The regulations are being prepared. Consultation has occurred with all interested parties, particularly the South Australian Police Department, and I anticipate that they will be promulgated on 30 March.

ROXBY DOWNS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Mines and Energy, a question relating to the issuing of contracts at Roxby Downs.

Leave granted.

The Hon. I. GILFILLAN: Members will remember that not long ago I asked that the Government inquire of the joint venturers—Roxby Management—what procedure they went through in allocating the catering and cleaning services contract to a French company. The Parliamentary Library had run up against a complete brick wall of silence and there was a refusal to answer any questions put through that channel. I am still awaiting an answer to that. However, unfortunately in the meantime I have been informed that Roxby Management Services—Western Mining—has engaged a Western Australian architect—Hannell Architects—to design its office buildings at Roxby Downs.

I also believe that the Mines Department is certainly very unhappy about that appointment believing, as I am sure honourable members do, that this appointment is in contravention of one of the sections of the Roxby Downs (Indenture Ratification) Act. Was the Minister aware that there had been an appointment of an interstate architect instead of a South Australian architect for the design work for the office buildings? Is the Minister satisfied that there were no competent or available South Australian architects to do the work? If he is dissatisfied with the appointment, what action does the Minister intend to take to ensure that the joint venturers at Roxby Downs comply with the section in the indenture to engage South Australian services and professionals in the work done at Roxby Downs?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

HUMAN SERVICES PLANNING GROUP

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

Leave granted.

The Hon. J.C. IRWIN: In the Minister's November 1986 statement on human services and local government she made mention of a proposal to establish a Human Services Planning Group. Indeed, the Minister has made mention of this group in this Council. I thank the Minister for furnishing a full report of the Task Force on Human Services and Local Government.

That task force report leads me to draw attention to a difference between the term 'task force' and a Human Services Planning Group. My question is referring to a planning task force involving local government and the Government. This planning group proposal is set out on pages 10 and 11 of the statement issued by the Minister last year, and I quote from it briefly, as follows:

> The guiding principle for this task force is to see the range of separate services funded by separate grant funds as part of a single integrated local service package. Joint planning of service arrangements and coordinated allocation of funds will be encouraged. This planning group will consist of representatives of the Department of Local Government, Community Welfare, Arts, Recreation and Sport, South Australian Health Commission, Youth Bureau, Commissioner of Ageing, Women's Adviser and the Disability Adviser to the Premier.

Tacked on to the end is this statement:

> Appropriate arrangements for participation by local government will be made.

If we look at the statement made by the Minister we see many instances of a desire of the Government to develop a partnership between the State Government and local government, including support for a more significant role for local government based on cooperation, etc.

With the desire of partnership made very clear in the statement and, indeed, by the Minister in the Chamber previously, we should be able to assume that any planning group or task force set up to achieve cooperation between the State Government and local government would reflect adequate representation on that planning group. There is no escaping the fact that part of the cooperative deal will undoubtedly mean funding raised from rates and grants being provided by local government. As this group or task force will prepare detailed recommendations on all the administration of grants focusing on the means of encouraging coordination, my questions to the Minister are:

1. Has the task force been formed?
2. What are the names of those so far appointed?
3. Who will be the Chair?
4. What arrangements have been made for at least nine representatives from the Local Government Association? I say nine representatives because urban and rural local government have problems in each of the nine areas to which I referred. They are speciality areas for local government, as well as for government. If no arrangements have been made yet, when will they be made?

The Hon. BARBARA WIESE: As I have indicated in this place before, the development of the State Government's policy involvement in local government in the delivery of human services is likely to be a lengthy process to implement. As I have also indicated in previous replies, the reason for that is that the issues we have to address are complicated indeed. We as a State Government must get our own house in order in respect of making decisions within each individual agency that has some responsibility for the delivery of human services as to which areas of service we believe are most appropriately delivered at the local level.

Within each agency we need to determine what style of delivery is considered appropriate and what the range of options might be for funding, etc. Once some of those issues have been worked on within individual agencies it will then be possible for those agencies to work more closely with local government authorities in having meaningful discussions with them about the way in which these services can best be delivered on the ground, so that we come to agreements and arrangements that are mutually satisfactory for the organisations involved at both levels of government.

Because those issues are complex and difficult to resolve, it will be some time before we are able to enter into detailed discussions with local government authorities. At this stage, we have asked individual agencies within the State Government to start examining their own areas of responsibility to identify those programs on which they might wish to have discussions with local government, and that is the first phase of this program on which we are working within the State Government in order to determine our own position on these issues.

It is very difficult for me at this stage to be able to indicate at what point it will be appropriate for those agen-

cies to have discussions with local government, but at an appropriate time those discussions will take place. It is virtually impossible for me to say whether that will be in three, six or nine months time. It is totally dependent on how quickly individual agencies can resolve their own problems and come together and develop a more comprehensive State Government strategy on the issue. Until we do that there is not much point in opening up serious dialogue with local government agencies. When we have reached that point local government will obviously be fully involved in the discussions which necessarily must take place.

I keep repeating myself, because there seems to be some feeling on the part of members opposite that somehow or other the State Government will try to impose schemes on local government. Nothing could be further from the truth. We recognise that, if we are to reach a satisfactory conclusion to these negotiations whereby some services are delivered at the local level, we cannot do it in isolation but must have the agreement, cooperation and commitment of local government to achieve that. Obviously, at the appropriate point there will be full discussions with the Local Government Association. I also expect that at appropriate times there will have to be discussions with individual councils because the nature of the services to be delivered and the style of delivery will necessarily, in some cases, differ depending on the needs of the particular local community.

As the honourable member would appreciate, each individual locality does have its own peculiar needs and interests that must be taken into account. Those issues will be addressed when these discussions take place. I would expect that, certainly during the next few months at least, the State Government will be addressing its own problems. I understand that parallel with this the Local Government Association is also having discussions within its organisation about questions of human service policy and what its attitude might be when we continue our discussions on a government to government level. By that time we should each, as a tier of government, be in a much better position to thrash out the necessary issues and reach some firm agreements. As for timing, it is virtually impossible for me to map it out at this stage, although I hope that by the end of the year we would have moved well down the track in reaching at least some preliminary agreements with local government as to how we might go about this process.

The Hon. J.C. IRWIN: I have a supplementary question. I understand that the task force is interdepartmental and was supposed to report by July, according to the statement put out in November last year. Will the Minister clarify the difference between that task force and the planning group that will include local government?

The Hon. BARBARA WIESE: The planning group is a separate committee from the task force. The task force to which the honourable member refers was the group of people who came together and produced the report to which the honourable member refers. That committee was disbanded as soon as it had fulfilled the task of writing the report. We are now working on the formation of a planning group whose responsibility it is to work through these issues to which I referred in my previous reply. I shall be happy to furnish the names of the individual members of that planning group for the honourable member's interest.

MINIMUM RATES

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the controversial issue of minimum rates for local government.

Leave granted.

The Hon. C.M. HILL: In October 1985, the Minister indicated to a meeting of the Local Government Association that she supported the principle of minimum rates for local government. In this Chamber in 1986 she very strongly opposed the principle of minimum rates being imposed by local government. In her ministerial statement today, she wavered and hoped that some form of compromise might be found for this major difference between her and the Local Government Association. My questions are:

1. Is it not a fact that a deal has already been struck with the Local Government Association upon this issue and the Bill that will shortly be introduced?

2. As we know her opinion in 1985 and we know her opinion in 1986, what is her clear opinion this year on this issue?

The Hon. BARBARA WIESE: Once again we have another instance of repetition in this place. I have already answered questions concerning the minimum rate and the statement that I made in 1985, but if we have to go through it again, I will go through it again. What I said in 1985 was that I did not anticipate that there would be a change to the minimum rate. I made that statement because I was advised by the Local Government Association at that time that it would be possible for it to produce evidence upon which we could base a reasonable administrative charge which would be fair and equitable and a reasonable part of the rating system.

When we opened negotiations last year on the rating and finance provisions of the amending Bill, and we started to run through the various issues, we were able to reach agreement on every single one, except this question of the minimum rate. The reason we were not able to reach an agreement on that issue was that the Local Government Association, which had been indicating to me prior to this that it would be possible for us to have the basis of a negotiation in the form of a range of services upon which we could make decisions for a basic charge which would be an equitable one, was never able to produce the information that it had indicated could be produced. Because it was not possible to reach that agreement and because the Local Government Association was not interested in negotiating any further on the issue, I had no alternative but to—

The Hon. L.H. Davis: Change your mind.

The Hon. BARBARA WIESE: Not to change my mind, but to make the decision that we would make no provision for the minimum rate because, as I have stated all the way through this discussion, this Government's responsibility is to make sure that there is a fair and equitable rating system. At the moment, there is a use of the minimum rate in some parts of this State which is neither fair nor equitable and there are people—generally people on low incomes—who have low valued properties and are paying way above the amounts of money that they should be paying in a system which was fair and reasonable. I have a responsibility as Minister of Local Government to see that that sort of situation does not continue. As I indicated last week, and I think the week before in this place—

The Hon. L.H. Davis: And last year and the year before.

The Hon. BARBARA WIESE: How many times do I have to go through it?

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: As I indicated at that time, the Local Government Association and I—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —have now been able to resume negotiations. The Local Government Association has indicated its willingness to resume negotiations on this issue. As I indicated in this place previously, those negotiations are still continuing and hopefully we will reach a compromise which satisfies both local government and the State Government in terms of the respective objectives that we are trying to fulfil. I do not intend to say any more about those negotiations because it would be quite improper and unreasonable to prejudice them when they are still in process. I certainly hope that we will be able to reach a resolution of this issue.

I must say that the nature of the questions that have been asked in this place by members opposite and the sorts of interjections that we have received on this issue would indicate that the Opposition has an interest in our not reaching agreement. Well, I am not in the business of doing anything to jeopardise the discussions currently taking place, but I certainly hope that we will be able to resolve the issue as quickly as possible so that the Bill can be introduced into the Parliament.

TEACHER RECRUITMENT

The Hon. M.J. ELLIOTT: I understand that the Minister of Tourism has an answer to a question I asked earlier this century on the subject of teacher recruitment.

The Hon. BARBARA WIESE: My colleague the Minister of Education has provided me with the following information in response to the specific questions:

1. A number of changes of rating are caused, not by down-grading of applications as such, but because applicants themselves have changed the nature of their application. For example, a person who was Highly Recommended/Highly Recommended (2 assessments) in 1985-86 and had applied for a general primary position may have applied in 1986-87 for a position such as teacher librarian—teaching English as a Second Language. In cases of this kind the rating for 1986-87 could be lower than that in 1985-86 because the applicant has changed his/her teaching field.

2. It is not possible to respond to allegations of anomalies arising from the introduction of the new scheme unless specific cases are identified for investigation. When teachers were advised of their ratings they were invited to write to a named officer if they desired further information. Any affected teachers should take this opportunity to clarify their concerns.

3. The rating and associated procedures have not been costed as a separate exercise. They are part of the total set of procedures relating to the annual staffing exercise.

PEACE MATERIAL IN SCHOOLS

The Hon. M.J. ELLIOTT: I understand that the Minister of Tourism has an answer to a question I asked previously on the subject of peace material in schools.

The Hon. BARBARA WIESE: My colleague the Minister of Education has provided me with the following information in response to the specific questions:

1. Yes.

2. No.

3. The Education Department did not endorse the meeting; nor does it endorse the materials previewed at the meeting. Unfortunately, Senator Teague's letter conveyed the false impression that the occasion had received departmental endorsement. Principals of schools will be advised that neither the letter nor the meeting is to be taken as any kind of Education Department endorsement of the materials at all.

AUDIOVISUAL TECHNOLOGY

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question on the subject of audiovisual technology.

Leave granted.

The Hon. R.J. RITSON: As the Minister would know, in various incorporated health units and in particular the major teaching hospitals, there is an increasing place for the use of audiovisual technology for the presentation of teaching materials, for the keeping of records and for servicing seminars and conferences, both regional and international. I am aware that at least one institution has put together a committee to look at further development of these resources within that institution, although I have not pried into the proceedings of the committee at all. The point is that one of the difficulties of modern government is the reduplication caused by departmentalisation, and I believe that the Government at the moment is working towards the winding down of the Education Department's educational technology centre. It does seem strange that we have this Government resource—

The PRESIDENT: I remind the honourable member that an explanation to a question must not contain statements of opinion.

The Hon. R.J. RITSON: It is a matter of fact that it is rather stupid to have an existing resource and be winding it down on the one hand of Government while the other hand of Government has committees trying to build it up. Surely a sharing arrangement would be sensible.

Will the Minister apprise himself of the audiovisual technological requirements of health institutions and have discussions with Cabinet or with his colleague the Minister of Education to see whether the needs of health institutions can be fulfilled by assistance from existing educational technology services?

The Hon. J.R. CORNWALL: Yes.

RURAL HOUSEHOLD SUPPORT

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Agriculture, a question on rural household support.

Leave granted.

The Hon. PETER DUNN: Concern was expressed in today's paper regarding the rural industry, and one of the avenues that the Government has at its disposal is household support for those people who can no longer borrow money. Throughout the State, a considerable number of people are in that position, and the numbers are increasing day by day. To emphasise my point, I say that it has come to my notice that the average peak debt in some areas of the State, and one in particular, has risen by $40 000 this year. If that trend continues, it will not be long before a much larger number of people will require household support.

Household support, as I understand it, is comparable with unemployment benefits and is paid by the Department of Agriculture to those people who are unable to obtain further credit. My questions are: what are the criteria for eligibility? What is the monetary limit and the period for which it will

be paid? Must it be repaid after the farmer leaves the industry, sells his property or is able to trade his way out of debt?

The Hon. J.R. CORNWALL: I will refer those questions to my colleague the Minister of Agriculture and bring back a reply.

BLACK BAN ON PARLIAMENT HOUSE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to directing a question to you, Ms President, about a leak from the President's office.

Leave granted.

The Hon. R.I. LUCAS: As you know, Ms President, your office in Parliament House is directly above mine and, in the early hours of last Friday morning, my office was the victim of a leak from your office. In fact, quite a large quantity of water descended through your floor and my ceiling on to, first, papers and then, after some quick handiwork by the caretaker, into a pan put there to collect the water that was leaking from your office. Upon making inquiries about what might be done about this unfortunate situation for my colleague Jamie Irwin and me, I was advised that there is a black ban on Parliament House because of a staffing dispute within the Department of Housing and Construction or some other Government department. Electricians and various other persons who would usually deal with such problems have black banned Parliament House and were not prepared to come along to fix this problem.

The Hon. M.J. Elliott: Get Davis to do it.

The Hon. R.I. LUCAS: No, he only does painting. This is skilled work. I understand that a representative of the appropriate union has said that the union has black banned us to place pressure on members of Parliament to treat seriously their particular complaint within the Department of Housing and Construction on staffing levels. As I indicated, the Hon. Jamie Irwin and I look to working in our office with fear and trepidation as to what might come from your office above, Ms President. We have an unsightly yellow stain which has covered about 6 to 8 feet of our ceiling and we do not know what to expect next. My questions simply are: could you ascertain, Ms President, the current status of the black ban on attending to the problem in your office? If it is true that there is a black ban from the electricians or whoever it is within the Department of Housing and Construction could you consider some other option—

The Hon. C.J. Sumner: What do the electricians have to do with the leak?

The Hon. R.I. LUCAS: I do not know. There is some suggestion that it might have something to do with the air-conditioner up there.

The Hon. T. Crothers: You can't have a black ban on a yellow stain.

The Hon. R.I. LUCAS: The honourable member said something about a black ban on a yellow stain. If there is still a black ban, would you, Ms President, consider other options by way of private contractors or something else to prevent a recurrence of this particular situation in Parliament House?

The PRESIDENT: I was totally unaware that there had been any leaking of fluid from my room to the honourable member's room. This is the first time that I have heard of such a thing and I do not know when it occurred. Being unaware of it, I am unable to say whether I can take measures to prevent it occurring in the future, not knowing the cause of it. Regarding a ban on Parliament House, I have had no official notification of that. However, I will be happy to make inquiries. I point out that the budget of the Legislative Council contains no provision for the payment of maintenance requirements within Parliament House by the Legislative Council itself. The budget for maintenance of Parliament House is contained within the line items of the Department of Housing and Construction.

DR M. HEMMERLING

The Hon. R.I. LUCAS: I understand that the Attorney-General has the answer to a question that I asked on 18 February concerning Dr Mal Hemmerling.

The Hon. C.J. SUMNER: I am pleased to provide the answers as follows:

1. No.
2. No.
3. No.

QUESTION ON NOTICE

GRENFELL ROAD

The Hon. J. C. BURDETT (on notice) asked the Minister of Health:

1. Is it intended to convert to a four lane road or otherwise widen any part of Grenfell Road in the area of the City of Tea Tree Gully, east of Hancock Road?
2. If so—
   (a) What is the scheduled date for commencement of the widening?
   (b) What is the proposed time schedule?
   (c) What is the extent of the widening?
   (d) How far east of Hancock Road will the widening extend?

The Hon. J.R. CORNWALL: The Minister of Transport has advised that the section of Grenfell Road referred to is not maintained by the Highways Department, but is the responsibility of the City of Tea Tree Gully, to which inquiries should be directed.

SUPPLY BILL (No. 1)

Second reading.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

Its purpose is to grant Supply for the early months of next financial year. As was the case last year, all the indications are that appropriation authority already granted by Parliament in respect of 1986-87 will be adequate to meet the financial requirements of the Government through to the end of the financial year. The Government will, of course, continue to monitor the situation very closely, but it is most unlikely that additional appropriation will prove to be necessary. While it would not be prudent to make precise forecasts at this stage, I can advise honourable members of some of the factors which will influence actual outcomes this financial year as compared with the budget estimates.

Recurrent Budget

The Government provided for a deficit of $7.3 million on recurrent transactions in 1986-87. Although there will naturally be variations on both sides of the budget, there is

no reason at present to suppose that the final outcome will be much different from the original estimate.

On the receipts side there are indications that receipts from payroll tax and stamp duties may come in slightly under budget. The delay in the national wage case decision is affecting payroll tax revenues, while the variation in stamp duty expectations is the product of a number of factors. In both cases, the extent of the shortfall is expected at this stage to be minor.

The contribution from the Casino was estimated on the basis of only a short period of operation and seems to have been a little optimistic. Once again, the shortfall will be minor. On the other hand, the budget estimate for revenues from royalties may have taken a view of gas and liquids prices which was too pessimistic. Our present expectations are that the figure included in the budget will be slightly exceeded.

The most significant variation is likely to occur in the financial assistance grant from the Commonwealth, where as a result of the revision upwards of the likely CPI outcome we expect to receive an extra $8 million. Following discussions with the State Bank on the timing of its tax and dividend payments, it seems likely that the amount received by the Government from this source will be greater than anticipated. Overall, the expectation is that receipts may be slightly above estimate.

On the expenditure side, the Government is maintaining its policy of tight control. As I stressed in my speech last year, the budget for 1986-87 is one of restraint, and agencies were given the task of achieving economies in order to live within their allocations. In some high priority areas, such as health, there are signs that not all those economies will be achievable, and actual expenditure may slightly exceed budget. Similarly, developments such as the need to keep the Adelaide Gaol fully operational to cope with higher prisoner numbers were not foreseen at the time the budget was introduced.

Housing is one of the Government's top priorities. Because of Commonwealth budgetary restrictions in this area, the Government has under consideration the provision of extra funds to the Housing Trust. It is our present expectation that payments will be marginally above estimate. At this stage, the likelihood is that the extent of that over-expenditure will roughly match our extra receipts.

Capital Budget

Honourable members are aware of the particular difficulties involved in making precise predictions about capital spending, as the amounts expended in a particular period can depend on variable factors such as the timing of payments to contractors, progress with construction projects which can be affected by the weather, planning processes, and so on. However, present indications are that outlays from the capital side of the budget will be somewhat above the budgeted level of $566 million. This stems mainly from the following items:

- Anticipated additional expenditure of about $7 million on the replacement of light motor vehicles as a consequence of the introduction by the Supply and Tender Board of a policy requiring earlier replacement of these vehicles (this policy was strongly supported by the Public Accounts Committee);
- The provision of an additional $6 million to the Woods and Forests Department to overcome problems caused by the sharp decline in demand for timber product; and
- Extra expenditure of $5 million by the Health Commission, principally for the purchase of the Payneham Rehabilitation Centre.

These increases are expected to be partly offset by a reduction of $9 million in the draw from Consolidated Account by the Highways Department as a result of increased receipts from the new five year drivers licences. This net additional expenditure of $9 million is expected to be matched by additional receipts of a similar amount. About $4 million will flow from additional sales of light motor vehicles and the balance from minor improvements in other areas such as property sales. The forecast result of a balance on capital account is expected to be achieved.

Overall Budget Result

At this stage of the year, the Government has no reason to suppose that the overall outcome on Consolidated Account will depart from estimate. While it is far too early to make predictions about next financial year, there has been nothing to indicate that the Government will be able to relax its policy of maintaining firm control over expenditures.

Supply Provisions

Turning now to the legislation before us, this Bill provides for the appropriation of $645 million to enable the Public Service of the State to be carried on during the early part of 1987-88. In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for appropriations required between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriation Bill becoming law. That practice will be followed again this year. However, the Government is taking steps to update its financial administration practices without altering the basic principles of parliamentary control over the public purse. In that context, we are reviewing the need for two Supply Bills each year.

Honourable members will note that the authority sought this year of $645 million is well in excess of the $475 million sought for the first two months of 1986-87. The necessity for this increase springs directly from the Government's efforts to improve parliamentary scrutiny of public sector finances. Under the proposed new public finance and audit legislation, Commonwealth grants previously passed on to recipients via a trust account will now be taken through Consolidated Account and subjected to parliamentary scrutiny. In order to provide authority for the payment of these amounts in the first two months of the new financial year, it is necessary to increase the amount of this Bill. It is anticipated that about $120 million will be required to cover these Commonwealth payments, leaving $525 million to meet the costs of Government operations traditionally handled through the Consolidated Account. I seek leave to have the detailed explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides a newer and simpler definition of the financial agreement.

Clause 3 provides for the issue and application of up to $645 million.

Clause 4 imposes limitations on the issue and application of this amount.

Clause 5 provides the Treasurer with the normal power to borrow during the Supply period.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL

In Committee.

(Continued from 25 November. Page 2236.)

Clauses 1 to 5 passed.

New clause 5a—'Membership of trust.'

The Hon. J.C. BURDETT: I move:

Page 1, after clause 5, insert new clause as follows:

5a. Section 5 of the principal Act is amended—

(a) by striking out from paragraph *(d)* of subsection (1) 'the Church of England' and substituting 'the Anglican Church of Australia';

and

(b) by striking out from paragraph *(a)* of subsection (3) 'the Church of England in Australia' and substituting 'the Anglican Church of Australia'.

This proposed new clause refers to section 5 of the principal Act. It is purely a verbal amendment to tidy up the principal Act while it is before the Parliament. Section 5 of the Act sets out the constitution of the trust and provides who its members shall be. Section 5 (1) *(d)* provides:

One member appointed by the Governor upon the nomination of the person for the time being administering the Diocese of Adelaide of the Church of England.

Section 5 (3) *(a)* contains a further reference to the person for the time being administering the Diocese of Adelaide of the Church of England in Australia. As members are probably aware, the name of that church has since been changed, and it is now the Anglican Church of Australia. This amendment simply brings the Act up to date and uses, in both places, the current title of the church, namely, the Anglican Church of Australia.

This is a small amendment. I do not suggest for a moment that it changes the law, because of the way in which the Act presently stands and the fact that the Anglican Church of Australia is clearly the legal successor to the Church of England in Australia. There is no legal problem. However, it seems to me to be wise, while this Bill is before Parliament, to update the organisations to which it refers. It may well be that at some time there will be statutes amendment legislation which would cover it anyway. However, going on past experience, that might be in five or 10 years time.

The reason why this matter was not dealt with by the select committee was that it was beyond the competence of the select committee. The select committee simply had to consider the Bill and could not deal with other matters in the principal Act. I raised this matter when asking questions of witnesses during the select committee hearings. In particular, I raised it with the people who gave evidence on behalf of the Enfield General Cemetery Trust and the Chairman (Mr Noblet), in particular. No objection was raised and there was agreement that it would be wise to update the nomenclature, and that is all this amendment does. I ask for the support of all members in this Chamber and hope that my colleagues on the select committee will support this amendment to the principal Act.

The Hon. BARBARA WIESE: The Government supports this amendment. As the Hon. Mr Burdett indicated, it was discussed by members of the select committee and I think there was unanimous agreement that this amendment was an appropriate one to make. The Hon. Mr Burdett has described the procedure that has been followed in order to give effect to the amendment that he has suggested. While I am on my feet I take this opportunity to thank members of the select committee for their hard work and diligence in addressing the issues that they had to deal with.

New clause inserted.

Clauses 6 and 7 passed.

Clause 8—'Functions of the trust.'

The Hon. J.C. BURDETT: This clause is, in a sense, the heart of the Bill. As the Minister said in her second reading explanation, the Enfield General Cemetery Trust had previously simply administered that cemetery which, I suppose, is what one would expect. Clause 8 (2) provides:

The trust may, subject to the written approval of the Minister, establish, acquire or dispose of any other cemetery.

As the Minister said in her second reading explanation, the real purpose of this Bill (although it is not mentioned in it) is to enable the trust to administer the Cheltenham cemetery, which had previously been administered by the Corporation of the City of Port Adelaide (although, with changes of boundaries, the cemetery now comes under the Corporation of the City of Woodville).

Of course, there is the ability, once the Bill is passed, for not only Cheltenham but any other cemetery to be acquired and administered by the Enfield General Cemetery Trust. This is referred to in the select committee report but I just raise it in this Chamber, as I did during the select committee's deliberations. It seemed to me to be somewhat of an anomaly that, once the Bill is passed and becomes part of the principal Act, section 5 of the principal Act (to which I referred previously and which was amended in relation to the name of the church) provides, among other things, that members of the trust will include one member appointed by the Governor on the nomination of the Minister (and that is fine) and two members appointed by the Governor on the nomination of the Corporation of the City of Enfield. Of course, while all the trust was doing was administering a cemetery within the area of the Corporation of the City of Enfield, that was fine.

It did seem to me to be somewhat anomalous that now there will be a cemetery in the area of the Corporation of the City of Woodville previously administered by the Corporation of the City of Port Adelaide and now to be operated by that trust. However, the two local government members will still come from the Corporation of the City of Enfield. I raise the question as to whether there should be representation from the corporations where any cemetery operated by the trust is situated or perhaps additional nominations by the Minister with a view to covering such areas, or maybe members appointed by the Local Government Association.

This was put to the witnesses. The Port Adelaide council witnesses said that they were not worried about local government members coming from the Corporation of the City of Enfield. The question was put to the trust and the Chairman, Mr Don Noblet, said that he would prefer, at least for the time being, that the two local government members came from the Corporation of the City of Enfield to secure continuity. He mentioned the excellent work done by the trust; indeed, one of the members of the trust had been a foundation member. Of course, if one lets the Local Government Association make a nomination, that continuity could still be preserved.

However, because the Cheltenham cemetery—the only one as far as we know at the moment—will be operated by the trust in addition to its own cemetery at Enfield, and because the administration will be maintained at Enfield, the committee did not think it desirable to change the constitution of the trust in this regard at present, and I agree with that. In paragraph 4, the report states:

It was agreed, however, that the membership of the trust should remain unaltered but that the Government consider the future

composition of the trust should changes in circumstances render that desirable.

The point that I wish to make is simply that I accept, as did the other members of the committee, that for the time being it is appropriate that two members be appointed by the Governor, on the nomination of the Council of the Corporation of the City of Enfield, on the trust. But it may well be that at some time in the future, particularly if the trust operates a number of cemeteries in other local government areas, it would be appropriate that the composition be changed. Therefore, the committee has in effect recommended that the Government does monitor the situation and consider the composition of the trust and a change thereof in future should that be appropriate.

The Hon. BARBARA WIESE: The honourable member has outlined adequately discussions which took place at the select committee on this issue. I must say that I was one of those on the committee who felt that, although it seemed logical at this time to perhaps extend local government representation on the Enfield General Cemetery Trust, the timing was perhaps inappropriate to do that, in view of the fact that the trust's responsibilities are about to be extended. It seems to me that at this time when there is movement and growth in the responsibility of the trust it is important to have a trust made up of individuals who have broad experience in the operation of the trust and who will be able to take on those new responsibilities with that background and knowledge behind them.

I might say also that the individuals who represent the Enfield council on the trust have had extensive experience in the work of the trust and make a very positive contribution to the trust's responsibilities. It would be a loss at this time for those individuals not to be involved. For that reason, I certainly felt that the current membership of trust should be maintained for the time being. However, I take the point that the Hon. Mr Burdett has just raised that, as the trust's responsibilities grow and are broadened, the composition of local government representation should perhaps be examined at a later stage. As the Minister responsible for the trust I will undertake to keep that situation under examination and, if it seems appropriate at some future time, I will take steps to examine the composition of the trust.

Clause passed.

Remaining clauses (9 to 23) and title passed.

Bill read a third time and passed.

STATE EMERGENCY SERVICE BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 3134.)

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contributions to this Bill. One amendment is being examined by the Government.

The Hon. K.T. Griffin: There are lots of questions. Are you going to give—

The Hon. C.J. SUMNER: Yes, just a minute. Issues were raised by members, and I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

RETIREMENT VILLAGES BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 3124.)

The Hon. M.J. ELLIOTT: There is no doubt that issues involved within the Bill are complex, with the need to balance the interests of the residents of retirement villages with those of developers. Recent experience indicates that present legislation is inadequate from the residents' viewpoint and, with the Federal Government's intention of withdrawing its control, action is obviously imperative.

There are two major aims of the legislation: the provision of security for residents and the provision of an effective disputes mechanism. These obviously have the full support of the Democrats. When introducing the Bill on 4 December last year, the Minister stated:

> It may well be that further significant amendments will be necessary, as the issues raised by this legislative initiative are complex.

He also said:

> The Government is concerned to ensure that there is full discussion with all interested parties.

As I have spoken with people involved in this issue, the clear message I have received is that the Bill needs to be redrafted. There is clear concern that the Government intends to simply amend the Bill to try to get it right, and this does not appear at all satisfactory to a number of groups. There is—

The Hon. C.J. Sumner interjecting:

The Hon. M.J. ELLIOTT: I suppose that if there is a massive number of amendments the Government has redrafted it, anyway. I suspect that might occur.

The Hon. C.J. Sumner: What a banal comment.

The Hon. M.J. ELLIOTT: What a banal interjection. There is concern that aged housing is covered by numerous pieces of legislation under various portfolio and departments. It has been suggested that there is a lack of integration between the various Acts. Many people are far more expert than I on retirement villages so at this time I plan to put on the public record comments and papers that have been put before me, much of which has not been raised in the debate by other members. Although some of these matters may have been raised with the Minister, it is important that they be put on the public record. That is part of participatory democracy. The particular doubts that have been raised can be best illustrated if I go through the Bill clause by clause. In clause 3 we have the definition of 'Administering authority'. This was considered inadequate and confusing.

There was concern that under such a definition it would be fairly easy to evade the Act by setting up multiple companies and subclause (3) *(b)* excludes the possibility of resident directors, a number of whom exist in small scale retirement villages.

The definition of 'resident' was questioned. The term does not distinguish between owners and tenants. The definition does not address the present confusion about the legal status of residents but creates a new category as a legal status in itself while failing to provide a law enforcement mechanism to support it.

The Hon. C.J. Sumner: Who are these from?

The Hon. M.J. ELLIOTT: I think the Minister knows who they are from; I do not need to identify the group.

The Hon. C.J. Sumner: Why not?

The Hon. M.J. ELLIOTT: The papers originated from SACOSS but were not given to me directly by SACOSS but by interested people. It is important that their doubts be put on public record now.

The Hon. C.J. Sumner interjecting:

The Hon. M.J.ELLIOTT: I recognise that some bodies do not want to take political sides and, as it was not given to me specifically by the body, I thought it better to refer to them as concerns.

The definition does not address the present confusion about the legal status of residents but rather creates a new category as a legal status in itself, while failing to provide a law enforcement mechanism to support it. It was suggested that owners should be defined and given the rights of any ordinary owner of private property; likewise with leasehold tenants who should be protected under the Residential Tenancies Act. Another suggestion was to give both types of residents legal redress under that Act.

The definition of 'residential unit' was considered vague and inadequate. It should include reference to the accommodation being suitably designed for occupation by aged persons, that is, designed or adaptable for restricted mobility. The definition of 'scheme' was considered too broad and hence inadequate. The definition of 'hostel care' and 'infirmary care' should be included. Concern was expressed on whether the Real Property Act, referred to in paragraph *(a)* under 'special resolution', was appropriate to this legislation.

The next clause on which they express concern is 6 (1) referring to a resident's contract needing to be in writing. Two concerns were expressed, first, that that contract should be in large print and in plain language; and, secondly, where the retirement village is aimed towards people from some ethnic community that the contract be prepared in their language. They are both worthwhile ideas and I wonder why we could not come up with a basic form of contract that could be specified within the Bill, or at least some mechanism by which contracts need approval. There may be several forms.

Clause 6 (3) does not detail the prescribed documents which must be attached to the resident's contract before the commencement of the cooling off period. These documents must include detailed information. Clause 6 (3) talks about a prescribed document, but I think there is no reason why within the Bill we cannot mention most of the matters which do need to be upon it so we can be certain of approximately what that document will contain. The following suggestions have been made: the overall financial security of the retirement village whether new or already established; the individual's financial obligations to the organisation, for example, whether residents are liable for future capital costs; the organisation's service obligations to the individual, whether they are capitalised and whether future services covered in the premium payment are covered by recurrent charges; the conditions of the repayment of premiums by the retirement village, including for those residents whose rights of occupancy have been terminated; the suitability and unsuitability of the accommodation for persons with physical disabilities, that is, design standards; and, the fact that the documents need to be in large print and plain English.

As to clause 6 (4) *(a)* and *(b)*, it is suggested that the cooling off period should be longer. That question has been addressed by the Hon. Mr Griffin, and I will not pursue it any further. Clause 6 (5) needs to be clearer and more specific. It is suggested that it could read, 'By notice in writing delivered by post or otherwise to the address of the administering authority as stated on the resident's contract, whether or not the authority is there to receive it.' That suggestion may not work—it probably needs to be re-worded along the lines that it may be delivered in person to the administering authority or the address. The way it reads there is a chance that a person may avoid the obligation by not being there.

Clause 7 (1) *(c)* relates to specific rules, the breach of which could lead to the termination of the contract, and they need to be clearly spelt out in the residential contract. It points out the need for a model contract or some approval of the contract forms. Clause 7 (1) *(d)* must be carefully considered as it caused considerable concern amongst members of the working party. Concern was expressed that standards defining physical and mental incapacity vary greatly. Concern was expressed at the assumption that residents should fit the retirement village and not the village being designed to accommodate the needs and problems of the aged.

What about temporarily immobilised residents? If somebody needed to use a walking frame for six months could they be evicted on the grounds of physical incapacity? It was recommended that if this provision and subclause (5) must remain there must be a time limit of 12 months, for instance, before further action may be taken by the administering authority against the resident. It was recognised that there was a danger that the administering authority could use this procedure to harass a resident. It was also recommended that there be protection for the resident to insure against this. For example, it should be an offence to take action against a resident in circumstances or with such frequency that it could be said the authority was harassing the resident.

It was suggested that there could be loopholes in relation to clause 7 (2). The contract could be prepared in such a fashion as to create loopholes. I refer again to the suggestion of using a model contract. It is contrary to subclause 7 (1) which is specific and limits the conditions that can lead to termination of the right of occupancy. Clause 7 (3) should include that the resident has been given the opportunity to consult dispute mechanisms such as the Residential Tenancies Tribunal.

Clause 7 (4) was considered totally unacceptable in its present form. The provision should give protection to the innocent party, where in joint occupation one resident breaches the rules. It should read, 'If a unit is jointly occupied by two or more persons the breach of the rules by any one of them should not prejudice the rights of the other occupant of that unit.' Clause 7 (5) must be carefully reconsidered. As with clause 7 (1) *(d)* it was the cause of much concern. I refer members to the comments made on clause 7 (1) *(d)*.

Concern was expressed that it is too easy to obtain two doctors' signatures and that it is a social issue, not simply a medical decision. One thought came to my mind, namely, that it may be possible for a person who finds a doctor who does not give the opinion they want to seek other opinions. The way it reads does not say that they must choose one doctor and, on the basis of the decision of those two, that is it. It seems to read that, if you are not happy with one, you can look for another doctor. It is not quite clear enough as it presently reads. It was strongly recommended that there should be a disputes mechanism to deal with such cases, some form of geriatric assessment along the lines of the Guardianship Board. The Act must define an evaluation process.

To protect the residents, subclause 7 (5) *(b)* must include, 'Provided that the resident's own medical officer and next of kin has expressed support for the action to be taken.' Concern was expressed as to the rehousing of such individuals. Eviction is unacceptable unless rehousing has been organised. Subclause 7 (5) contains a misprint and should refer to subclause (1) *(d)*. Clause 7 (7) is nowhere near specific enough. It is not clear whether the Supreme Court can reject the application and reverse the eviction because it says at the moment that the Supreme Court 'may' do such and such. There is no detail—

The Hon. C.J. Sumner: 'May' means it can do it.

The Hon. M.J. ELLIOTT: But it starts off earlier with a clause which includes the opinion of two legally qualified medical practitioners, and it states that the eviction can occur. Further down it states that the Supreme Court 'may'. On what basis is the Supreme Court to make a decision? That is my understanding of the situation. The Minister can go through it in his response. These are the sorts of concerns that other people have had. There is no detail as to what information can be put before the court.

The Hon. C.J. Sumner interjecting:

The Hon. M.J. ELLIOTT: It is exactly the same group. There is no mention of any right of appeal. Concern was expressed as to the expense of an appeal to the Supreme Court. It was recommended that an arbitration mechanism below the level of the Supreme Court be established. In relation to clause 8 (2), it effectively permits the cooling off period until the date that the resident enters a unit, which is far wider than the cooling off period in clause 6 (1). There was an awareness that it was a difficult period—selling a house, obtaining a medical clearance, etc. It was recommended that the full refund only apply to genuine specified cases. There was a concern that the viability of small scale schemes be protected from breach of contract. So, we must be careful that we will not scare off the very people who will be building these residences or else the Government will have to be much more into the business of supplying retirement villages than it currently is.

In relation to clause 9 (2), concerns were expressed regarding the repayment of premiums. It was recommended that the administrative authority be permitted to advertise vacant units commercially. It was recommended that the administrative authority must be required to advertise adequately, irrespective of whether the scheme is fully occupied. It was recommended that the resident be given the rights of sale of the unit if it has not been sold after 60 days. This was seen to overcome the problem of retirement villages being unable to make repayments of premiums, while providing a means of control for the residents. It was recommended that evicted persons should not receive payments of premiums under special conditions, to avoid situations whereby residents breach rules in order to leave the scheme more easily.

There was concern about oral understandings in clause 9 (3). As the Bill proposes, this must be only on the ground that the terms more favourable to the resident are used. There is concern as to how such oral understandings could be proved. This does offer some protection to the resident in that it covers verbal statements or collateral contracts made by the authority to induce the person to enter the written contract. The rights of the resident under clause 9 (4) are unclear. If the 'rights of a resident' refer to the 'service contract', the right to occupy—clause 9 (1)—presents problems with regard to financial viability both during and after establishment.

If residents' rights have priority over a future mortgage, in essence this destroys the possibility of mortgaging. Assuming the foregoing, this clause needs to be altered in order to protect the residents and to allow for the financial viability of retirement villages. If, however, the 'rights of a resident' refer to subclause (1), the repayment of premiums, this provides inadequate protection for the resident, especially when the repayment is not related to the equity value of the unit. A further recommendation was that the residents should have the rights of private owners and tenants registered on the land title so that all people who wish to deal with the land are notified of the resident's rights.

Clause 9 (6) needs to be reconsidered. At present, it means in effect that retirement villages cannot be mortgaged, which would prevent their establishment in many cases. The clause needs to be altered in order to protect the rights of the residents and still allow for financial viability. Clause 10 (4) is considered inadequate.

The Hon. C.J. Sumner: This is still SACOSS?

The Hon. M.J. ELLIOTT: Yes. It was recommended that comprehensive financial statements outlining the viability of the scheme and so forth must be presented at the annual meeting. Subclause (7) must be made more specific. It was recommended that a majority of residents be present at any meeting imposing special levies or making any other financial or important decisions.

The following recommendations were made with reference to clause 11 of the Bill. There is no provision made for determining whether or not a resident rule is unreasonable or oppressive. It was recommended that rules should be presented at residents' meetings for approval. It was recommended that if agreement could not be reached, some form of arbitration should take place, and it was suggested that the Residential Tenancies Tribunal be employed as it is an experienced disputes mechanism. Clause 12 (1) needs to be expanded. It was recommended that the administering authority must provide residents with a copy of any relevant legal documents which they may request.

Clause 13 needs to stipulate the power or influence of the residents' committee. Subclause (3) needs to include that there should be a period of notice of intention to hold such a vote. It was recommended that all small retirement villages be notified of the conditions set in subclause (1) of clause 14. This clause needs to be more specific. It is not clear as to what the endorsements on the certificate of title should include. Subclause (3) does not state the rights of the residents. There is no proprietary interest on the land, so, in essence this subclause means nothing. Clause 15 (2) should be expanded to include other categories of persons not to be involved in the administration of a retirement village. It was recommended that persons with a mental disability may not be suitable to administer a retirement village. It was further recommended that persons guilty of any serious indictable offences, for instance crimes of violence, should not be permitted to administer a retirement village.

Subclause (3) of clause 18 should be amended to protect resident directors. Offences with $20 000 penalties would terrify most residents and make them unwilling to be directors. Some small schemes only have resident directors, and larger schemes should be encouraged to have resident representation. It was recommended that the court be given specific power to excuse a resident director from an offence.

In relation to clause 19, it is recommended that the Residential Tenancies Tribunal should cover subclause (2) *(c)*. At present, Federally funded organisations would be excluded from the Residential Tenancies Act. It was recommended that this be altered. There is no constitutional reason why it could not be changed.

The final comment that was made to me was that when we start talking about retirement villages, we are covering a very wide range of people. We could be talking, I suppose, about a 25 year old who could theoretically retire and might still be relatively active. We could have a person over the age of 55 who would be covered by this Bill but who in fact would not be retired at all. There seems to be an anomaly there.

As I said, most of those thoughts were not my own, but have come from a body which has spent a great deal of time on this matter. I felt they should be put on the public record and not crop up later as amendments from the floor. I hope that the Government will spend a great deal of time

considering those points before bringing the Bill back to the Chamber.

The Hon. C.J. SUMNER: I thank honourable members for their contributions. As has been mentioned, the Government introduced the Bill as an exposure Bill to enable public comment. That has been received and will be assessed by the Commissioner for Corporate Affairs and his officers. The reality is that this legislation has to be passed by the conclusion of this sitting of Parliament because the present regulation of retirement villages through the Companies Code will expire at the end of this financial year.

We must deal with the situation as it is. In a sense, we are lucky that we have this amount of time because, initially, the ministerial council was to withdraw from the regulation of retirement villages earlier than 30 June this year. Although I understand that some States have decided to leave the matter to market forces, the Government's view was that it should regulate in South Australia and Victoria, and some other States have done the same. At present it is not possible to provide a massive scheme of regulation covering social and welfare aspects of living in retirement villages or in some of the other retirement homes in South Australia. The Government's objectives were to provide a basic structure that involved disclosure of what the obligations would be of the person who bought into a retirement village to provide for security of tenure and for a means of resolving disputes. That is what this legislation does and it will need to be amended in some form. However, I make it quite clear to the Council that the regulation of whatever is passed will have to be done within existing resources. No additional resources beyond what has previously been done will be available. In the present economic budgetary climate, that is just not possible, so the Government's legislation had that particular budgetary limitation in mind. Nevertheless, when it is passed, the legislation will satisfy those three major criteria, which the Government set out as objectives for this legislation.

As members have raised issues and as there is still some work to be done on the Bill, I will conclude my remarks later and I will respond to the issues raised by members, and the Bill can then proceed to the Committee stage. I hope that I can respond by mid-March, and that will allow another three or four weeks to enable the legislation to pass both Houses of Parliament. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 4.20 p.m. the Council adjourned until Tuesday 10 March at 2.15 p.m.