LEGISLATIVE COUNCIL

Wednesday 14 October 1987

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

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

PETITION: KALYRA HOSPITAL

A petition signed by 354 electors of South Australia praying that the Council would institute proceedings to prevent the withdrawal of funding from Kalyra Hospital was presented by the Hon. M.B. Cameron.

Petition received.

PETITION: FIREARMS

A petition signed by 147 electors of South Australia praying that the Council would legislate to restrict the licensing of firearms and make illegal the possession or ownership of firearms by private individuals in the metropolitan area was presented by the Hon. I. Gilfillan.

Petition received.

QUESTIONS ON NOTICE

TAFE

The Hon. M.J. ELLIOTT (on notice) asked the Minister of Tourism:

1.—

(a) Is it the case that South Australian TAFE has a higher percentage of long-term lecturers than other States which would account for the apparently higher salary of South Australian TAFE lecturers?

(b) Is this caused in part because in South Australian TAFE numbers are nearly static?

2. Is it correct that lecturer numbers have increased by 23 per cent since the beginning of 1983 while student hours have increased by 36 per cent?

3. Head office numbers have increased by 344 per cent from 1973 to 1985. What increase has occurred in lecturer and student numbers over the same period?

4. How many lecturers have been disciplined (under the provisions available to the Director-General) for inefficiency in the past two years?

5. How does the salary package of TAFE lecturers compare with similarly qualified persons in the private sector?

6. What research has been done on the effect of the quality of education in TAFE on the appointment of tutor/demonstrators, who most often have no teaching training or experience?

7. In what areas of TAFE does the Minister intend to introduce tutor/demonstrators?

8. What levels of salary increase applied to CAE staff on the occasion of the loss of their leave?

9.—

(a) What funds will be available for the compulsory staff development proposal by the Minister?

(b) Has there been any reseach on:

(i) nature of staff development needed?

(ii) the availability of such staff development?

The Hon. BARBARA WIESE: The replies are as follows:

1.—

(a) Yes, it does. The South Australian TAFE salary scale, with semi-automatic progression to Lecturer I ($34 327) for staff with a degree or diploma is not paralleled in other States. TAFE lecturers can progress to higher salaries than in other States before obtaining their first promotion. In effect there are many South Australian TAFE lecturers receiving salaries of $5 000 to $6 000 in excess of their interstate counterparts.

(b) Numbers of staff are not static. The number of staff in 1987 exceed the number in 1986 by approximately 100 and annual attrition due to resignation or retirement is currently about 91 per year. It is true that there are pockets of staff who have been in TAFE for 20 and 30 years on the high Lecturer I salary.

2. No. The correct position is that from the beginning of 1983 until the end of 1986 the number of lecturers (measured as all TAFE Act appointments) increased 16.2 per cent and the number of actual student hours increased 21.1 per cent.

3. The increase in central office staffing numbers for the period 1973 to 1985 was in fact 322 per cent not 344 per cent as stated. In 1973 central office was in an embryonic stage of development having only just commenced (in 1972) as a separate department within the Public Service and therefore a direct comparison is misleading. During the 1970s and early 1980s support services previously provided by the Education Department were transferred, approved new functions were established and some natural growth occurred consistent with the growth in the TAFE system generally. Over this same period the number of lecturers (measured as all TAFE Act appointments) increased by 91 per cent and actual student hours increased 53 per cent.

4. In most cases disciplinary measures for inefficiency among lecturers are dealt with at college level by principals and heads of school and data is not collected on this by the central office of the department.

5. Salary levels—The authoritative source for salary levels in professional, para-professional, trade and white collar occupations is *Occupational Outlook* published annually by the Department of Employment and Industrial Relations.

The most up-to-date version is 1987, which refers mostly to 1986 salary levels. It utilises the Australian Standard Classification of Occupations (ASCO) and provides details for 320 occupational groupings.

The 1987 salaries for South Australian TAFE lecturing staff are:

Salary Step	Lecturer Class II
	$
1	21 855
2	23 046
3	24 227
4	25 415
5	26 363
6	27 310
7	28 736
8	30 030
Lecturer Class I	34 327

The 'package' of employment conditions includes 49 working days recreation leave annually.

Selected occupations relevant to technical teachers' disciplines are given below:

Mechanical Engineering

Trade level:	Fitter and Turner (p. 219-200)
Presumed qualification:	Apprenticeship

Salary:	New entrants—$16 000 to $17 000; 3-5 years experience—$19 000 to $21 000
Technician level:	Mechanical Engineering Technician (p. 101)
Presumed qualification:	Technical college or CAE 2 year full-time associate diploma or 3-5 year part-time certificate or associate diploma
Salary:	New entrants—$18 000 to $20 000; 3-5 years experience—$24 000 to $28 000
Professional level:	Mechanical Engineer (p. 89)
Presumed qualification:	4 year degree
Salary:	Stated only for specialist aeronautical
Engineers:	New entrants $17 000 to $21 000; after 5 years experience $25 000 to $28 000 (p. 96)
Building and Carpentry	
Trade level:	Cabinetmaker (p. 262)
Presumed qualification:	Apprenticeship
Salary:	New entrants—$15 000 to $16 000; 3-5 years experience $17 000 to $20 000
Technician level:	Building Technicians (p. 110)
Presumed qualification:	Post-trade technical college course
Salary:	New entrants—$18 000; 3-5 years experience—$24 000 to $26 000
Professional level:	Architect (p. 107)
Presumed qualification:	5-6 years degree
Salary:	New entrants—$15 000; 3 years experience $20 000
Electrical	
Salary not given for professional level.	
Technician level:	Electrical Engineering Drafting Officer (p. 102)
Presumed qualification:	TAFE certificate/CAE diploma
Salary:	New entrants—$18 000; 3-5 years experience—$20 000 to $25 000
Trade level:	Electricians (p. 246)
Presumed qualification:	Apprenticeship
Salary:	New entrants—$16 000 to $19 000; 3-5 years experience $20 000 to $22 000
Management	
Professional level:	Accountant (p. 45)
Presumed qualification:	University/CAE degree
Salary:	New graduates—$15 000; 3-5 years experience—$20 000 to $30 000 Senior specialists—$40 000 to $60 000
Professional level:	Personnel Officer (p. 46)
Presumed qualification:	University/CAE/Technical college specialist diplomas
Salary:	New entrants—$15 000 to $20 000; 3-5 years experience—$22 000 to $35 000
Libraries	
Professional level:	Librarians (p. 131)
Presumed qualification:	University/CAE/degree and/or diploma
Salary:	New graduates—$17 000 to $20 000; 3-5 years experience—$22 000 to $28 000
Technician level:	Library Technicians (p. 132)
Presumed qualification:	Technical College certificate
Salary:	New entrants—$15 000 to $18 000; experienced—$17 000 to $20 000
Food and Beverage Industries	
Level:	Chef/Cook (p. 199)
Presumed qualification:	Apprenticeship
Salary:	Newly qualified—$15 000 to $18 000; 3-5 years experience—$20 000 to $25 000 Senior/Executive chefs—$25 000 to $40 000
Level:	Hotel/Motel Manager (p. 200)
Presumed qualification:	Technical college courses plus in-house
Salary:	Trainee managers—$18 000 to $22 000; 5 years experience—$24 000 to $45 000
Level:	Skilled Waiter (p. 202)
Presumed qualification:	Apprenticeship
Salary:	Entry salary—$14 000 to $15 000 At least 5 years experience—$16 000 to $18 000
Selected Trades	
Hairdresser	(p. 204)
Presumed qualification:	Apprenticeship
Salary:	$15 000 to $22 000
Patternmaker	Entry salary—$16 000 to $17 000; 5 years experience—$19 000 to $21 000 (p. 216)
Electroplater	Entry salary—$15 000 to $16 000; 5 years experience—$18 000 to $19 000 (p. 217)
Sheetmetal Worker	Entry salary—$15 000 to $16 000; 3-5 years experience—$18 000 to $19 000 (p. 228)
Electrical Fitter	Entry salary—$16 000 to $19 000; 3-5 years experience $20 000 to $23 000 (p. 248)
Aircraft Instrument Mechanics	Entry salary—$15 000 to $17 000. At least 5 years experience $16 000 to $30 000 (p. 252)
Radio and Television Repairer	Assumes post-trade qualification. Entry salary—$17 000 to $18 000; 3-5 years experience—$19 000 to $20 000 (p. 256)
Auto Electrician	Entry salary—$14 000 to $15 000. At least 5 years experience—$18 000 to $19 000 (p. 257)
Plumber	Entry salary—$19 000 to $20 000 With allowances—$21 000; 3-5 years—$25 000 Subcontractors—up to $35 000 (p. 287)
Tiler	Entry salary—$17 000 to $18 000. At least 5 years experience—$19 000 to $22 000 (p. 296)
Signwriter	Entry salary—$16 000 to $18 000; 3-5 years experience—$20 000 to $25 000 (p. 299)

6. First, tutor/demonstrators will be qualified in the area in which they will tutor or demonstrate. However, as has always been the case with lecturers, many of them will not have teaching qualifications. As with lecturers they will be encouraged and given time off to undertake formal teacher training. It is quite likely that many tutor/demonstrators will be better qualified than some existing lecturers and that in time many of them will compete successfully for lecturer vacancies as they occur.

Tutors have been used in tertiary education in Australia and overseas for many years and research has shown that a teaching team of lecturers and tutors is a most effective combination. In essence TAFE will be adopting a teaching structure which is well tried and proven.

7. It is not possible to state at this stage which teaching areas will use tutor/demonstrators although potentially all areas will benefit. There are some areas, for example, the engineering trade certificate courses, where there is a substantial proportion of practical lessons and these areas are most likely to be among the first. There is a working party of principals, vice-principals and central office staff currently examining these matters and I would envisage that during 1988 the department will pilot the use of tutor/demonstrator in areas recommended by this group.

8. So far as can be ascertained the basic premise of the question is incorrect in that no occasion is known of where advanced education staff gave up an entitlement to leave as a trade-off for a salary increase. Indeed the Academic Salaries Tribunal and the *ad hoc* inquiries which preceded it did not consider conditions other than salary.

When the former teachers colleges were constituted as autonomous colleges of advanced education in the early 1970s academic staff were placed on their present leave entitlements. Staff had the option to transfer to the relevant college or to remain with the Education Department.

Until the early 1970s academic staff at the South Australian Institute of Technology did not have leave entitlements. Such staff were required to be on duty from early February until mid-December each year and, at the discretion of the Director, could be required to work in the period from mid-December to early February. I understand that the situation was such that staff tended to spend substantial periods of that time on duty engaged in activities such as enrolment of students. This perhaps gave rise to a situation where, in the early 1970s, formal leave entitlements were introduced.

To conclude I should emphasise that this advice is based solely on conversations with people with some considerable experience in this industry. It is not based on any search of relevant records and so cannot be guaranteed to be factual in every respect. It is, however, provided in total good faith. To ascertain the full facts it would be necessary to search files the identity of and location of which are not known.

Inquiries into higher education academic salaries in Australia have, at least until recently, done so without reference to other conditions.

9.—

(a) A working party of principals, vice-principals and central office staff has been established to suggest how the staff development proposal will operate and what additional resources, time, facilities and funds will be required to introduce this scheme. Where additional funds are required they will be provided from savings made as a result of the new conditions and the restructuring of staffing.

(i) The need for a major staff development program for TAFE lecturers has long been recognised and there are many papers and reports available. Both the Institute of Teachers and the Australian Teachers Federation have regularly urged an expansion of TAFE staff development programs. Major areas identified are opportunities for lecturers to update their technical knowledge, in particular, to keep abreast of high technology changes; management; computing applications; educational technology; and current industry practice.

(ii) Opportunities for such staff development are available but often are not accessible to lecturers committed to teaching timetables. Access is restricted also by the costs associated with some of those activities.

SECRETARIES' OFFICES

The Hon. I. GILFILLAN (on notice) asked the Minister of Health: Will the Minister advise the full cost of establishing the offices for the two ALP Legislative Council secretaries? Such cost to include—

1. the structural alterations;
2. painting;
3. the installation of four chandeliers;
4. the wrong size blinds returned for replacement;
5. installation of power and telephone points; and
6. furniture.

The Hon. J.R. CORNWALL: The total cost of establishing offices for the ALP Legislative Council secretaries was $20 055. This amount includes the costs for the following specific components:

	$
1. Structural alterations	6 778
2. Painting (labour and materials)	1 165
3. Supply and installation of four chandeliers	1 178
4. Due to a contractor's error, the blinds were replaced at no additional cost to the Government.	
5. Installation of power and telephone points	1 631
6. Furniture	7 400

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Reports—

Police Pensions Fund, 1985-86;
Attorney-General's Department, 1986-87;
Commissioner of Police, 1986-87;
Country Fire Services, 1986-87;
Legal Services Commission, 1986-87;
Technology Park Adelaide Corporation, 1986-87.

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Department of Public and Consumer Affairs—Report, 1986-87

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Credit Union Stabilisation Board—Report, 1986-87.

By the Hon. Barbara Wiese, for the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Reports, 1986-87—

Department of Housing and Construction;
Metropolitan Milk Board;
Metropolitan Taxi-Cab Board;
Department of Recreation and Sport;
State Supply Board;
State Transport Authority;

Racing Act, 1976—Dog Racing Rules—Substitution and Eligibility

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

South Australian College of Advanced Education—Report, 1986.

Woods and Forests Department—Report, 1986-87.

Technical and Further Education Act, 1976—Regulations—Principals Leave and Hours (Amendment).

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

South Australian Waste Management Commission—Report, 1986-87.

City of Henley and Grange By-laws—

No. 30—Traders in Public Places.
No. 31—Dogs.

QUESTIONS

CASINO MANAGEMENT

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to asking the Attorney-General a question about casino management.

Leave granted.

The Hon. K.T. GRIFFIN: Interstate reports received this week indicate that a tender by one of the Genting group of companies, which was the remaining tenderer for the New South Wales Darling Harbor casino, has been rejected on the advice of the New South Wales Police Board following an investigation by the Western Australian Corporate Affairs Commission. The reports further indicate that the Western Australian Corporate Affairs Commission and police investigators have recommended that charges be laid against three persons, two of whom are directors of Genting (Australia) Pty Ltd. They are Mr K.T. Lim and Mr Colin Au, both of whom are directors of Genting (South Australia) Pty Ltd, which is the management consultant to the operator of the South Australian casino. The charges are claimed to relate to alleged breaches of the Companies (Western Australia) Code, the making of untrue statements or non-disclosure in a prospectus and the furnishing of false or misleading information by a company officer.

In August last year I raised some questions with the Attorney-General about Genting and its involvement in South Australia's casino. In the House of Assembly the Premier was also asked questions and indicated that the involvement of employees of Genting in the Adelaide Casino required an approval which was rigidly enforced. One can only assume that the same or higher standard applies to directors of companies also involved.

Genting (South Australia) Pty Ltd was formed by Genting (Australia) Pty Ltd specifically to provide technical services to the Adelaide Casino on behalf of the Genting group of companies according to documents lodged at the South Australian Corporate Affairs Commission. The report of Genting (South Australia) Pty Ltd for the year ended 31 December 1986 indicates that it received $2 146 067 revenue from the sale of its services in South Australia. That is a substantial profit which obviously flowed back to the parent company. So the issues in Western Australia and New South Wales are obviously relevant to what happens in South Australia.

My questions to the Attorney-General are:

1. Has the South Australian Corporate Affairs Commission and the Liquor Licensing Commissioner kept up to date with the investigations in New South Wales and Western Australia?

2. What effect will the investigation have on the involvement of a Genting subsidiary in South Australia with the Adelaide Casino?

The Hon. C.J. SUMNER: In relation to the first question, I do not have up-do-date information on whether or not the Corporate Affairs Commission has been involved. As the honourable member said, no offences have been proved against the directors of Genting although charges have been laid. I will check to see whether the Corporate Affairs Commission has had any involvement in the corporate affairs matters to which the honourable member referred.

The Council should be aware that Genting (South Australia) Pty Ltd does not operate the Adelaide Casino. The Casino is operated by Aitco Pty Ltd with Genting (South Australia) Pty Ltd employed as technical and management adviser. There is only one employee of Genting (South Australia) Pty Ltd presently employed in the Adelaide Casino. Pursuant to the Casino licence, terms and conditions, the management agreement and what is called the Tams agreement, which is an agreement between Aitco and Genting, the following persons must obtain written approval from the Liquor Licensing Commissioner before being employed: all employees of Aitco, and employees of Genting (South Australia) Pty Ltd assigned to provide technical advice and management services to Aitco at the Adelaide Casino. At present the only person who falls into this category is Mr Bob Bales, who is an employee of Genting (South Australia) Pty Ltd and he has received the appropriate approval.

It should be pointed out that the three companies operating under the Genting name in Australia, namely, Genting (Australia) Pty Ltd, which is based in New South Wales, Genting (Western Australia) Pty Ltd in Western Australia, and Genting (South Australia) Pty Ltd, are not related as companies directly except that they are wholly owned subsidiaries of Genting Berhad in Malaysia. They are separate companies in Australia—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That is apparently as the honourable member has pointed out, but it is not the one company operating in Australia. They are separate companies operating in South Australia, Western Australia and New South Wales. In South Australia, the Genting company does not operate the Casino. It provides technical advice, and at present one person, I am informed, is engaged at the Adelaide Casino, and he has received the appropriate approvals from the Liquor Licensing Commissioner.

It should also be pointed out that when the approval was given to Aitco to operate the Casino on behalf of the Lotteries Commission of South Australia, it was known that Genting (South Australia) would be the adviser to Aitco, and all that was approved by the Casino Supervisory Authority, the body which was established by this Parliament to examine all issues relating to this matter. So, the procedures which led to Genting (South Australia) being appointed advisers—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Just a minute—were all followed in accordance with the legislation that was passed by the Parliament. At the request of the Lotteries Commission, when applications for operators of the Casino were being called, officers of the Department of Public and Consumer Affairs prepared comprehensive reports on the corporate and financial status of the companies involved in the proposal, and members of the South Australian Police Force reported on the character, background or suitability of the individuals involved in those companies. So, to date the only changed situation is that apparently, according to the honourable member, some directors of Genting (Western Australia) Pty Ltd who are also directors of Genting (South Australia) Pty Ltd have been charged with certain breaches of the Companies Code, and those proceedings presumably are still awaiting determination by the courts. Whether or not those charges or the New South Wales Government's decision and investigations into Genting (New South Wales) Pty Ltd would have any effect on the situation in South Australia I am not in a position to indicate at this stage. However, I will have some inquiries made and bring back a reply to the honourable member.

Needless to say, I repeat that all the procedures laid down by the Parliament were followed. I repeat that Genting (South Australia) does not operate the Adelaide Casino. It has no interest in it whatsoever, except that it is contracted by Aitco to provide technical services. I am not quite sure what the Hon. Mr Griffin is suggesting should happen, Genting (South Australia) Pty Ltd having entered into an agreement with Aitco. I am not quite sure whether he is suggesting that there are now grounds for breaking that contract with Aitco or what precisely he suggests should happen. I repeat that that is the only role of the Genting company in South Australia, as advisers to the operators of the Casino, Aitco; the Casino licence, of course, being held by the Lotteries Commission, and all of it in any event

being subject to the supervision of the Casino Supervisory Authority, which is chaired by a former judge. If I can add anything further to what I have said to the honourable member as a result of the further inquiries that I will make, then I will bring that back for his information.

The Hon. K.T. GRIFFIN: I have a supplementary question. So that the Council may have information about the relationship between Genting (South Australia) Pty Ltd and the Casino operator, will the Attorney-General arrange to table the agreement under which Genting (South Australia) Pty Ltd is required to provide advisory services to the operator of the Adelaide Casino?

The Hon. C.J. SUMNER: I would think that that is not possible, but I will make inquiries. As the honourable member would know, it is a commercial arrangement between Aitco and Genting (South Australia) Pty Ltd. I have no doubt that the general outline of the situation can be provided to the honourable member if there is anything beyond what I have already told him that can be disclosed. The honourable member should also note that the Casino legislation is committed to the Premier. I will refer those questions to him, along with the other ones that the honourable member has raised.

MAGPIE THEATRE COMPANY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for the Arts a question about the Magpie Theatre Company.

Leave granted.

The Hon. L.H. DAVIS: The Minister will be well aware that for the past decade or so debate on the arts in South Australia has been conducted in a bipartisan spirit by both sides of politics. I think that there is universal agreement in South Australian arts circles that over the past 18 months or so one of the biggest and brightest jewels in the arts crown in this State has been the State Theatre Company, led by Artistic Director and actor John Gaden and backed by a board that has done much to strengthen the administration and financial backing of the company.

This year's productions have received critical acclaim, and attendances are at record levels. What does not receive so much public acclaim is the Magpie Theatre Company, which is the youth theatre arm of the State Theatre Company. As the Minister would be aware, in March 1986, Chris Johnson (a Flinders drama graduate, lecturer at Adelaide University and Director of Sydney's Nimrod Theatre) took up the appointment as the Director of the Magpie Theatre, which is funded by both the State Government and the Australia Council.

In recent years Magpie, like the State Theatre Company, has not been without its problems. However, during Chris Johnson's 18-month period as Director, the Magpie Theatre has stretched its wings and soared. I understand that attendances during the 1986-87 season were about 50 000, which was at least double the number for the preceding year, and that included 10 000 people at Penang in Magpie's first ever overseas tour. In the past 18-month period Magpie has extended its wings to include performances for preschool children as well as primary and secondary school children.

It has toured extensively in the Iron Triangle, the Riverland, Yorke Peninsula, the Mid North, the South-East, and the opal mining towns and Aboriginal settlements in the Far North. In the metropolitan area Magpie has focused attention on priority areas such as the northern and southern suburbs. Magpie's productions of international playwright David Holman's *Small Poppies* and *No Worries* received acclaim from many people not only in Australia but also overseas. Its latest production *A Sporting Chance* has been well received in the Playhouse and in the schools where it is now playing. I understand that Magpie has had no financial problems in this 18-month period—that it has been without budgetary worries.

Therefore, it came as a surprise to me—and I am sure to many people in the arts—to learn that Chris Johnson's position as Director of the Magpie Theatre has not been renewed. Ms Johnson had a two-year contract expiring in March 1988 with an option to renew for a period of two years given to either party.

I have had the opportunity of discussing Magpie Theatre with people in the performing arts in South Australia, interstate and overseas. There is universal agreement that the Magpie Theatre is the top youth theatre company in Australia. Chris Johnson is regarded by many as the top director in youth theatre in Australia. That is interestingly backed up by a comment in this morning's *Advertiser* on page 33 by internationally acclaimed playwright, David Holman, who is resident currently in South Australia, and whose play *No Worries* was directed by Ms Johnson and was Magpie's most successful play. He said he could not believe the board's decision not to renew the contract was 'a question of the standard of work'. I quote him further:

> People in Adelaide just do not realise that Magpie is the best youth company in Australia.

That comes from David Holman, whose play *Beauty and the Beast*, ironically, directed by Chris Johnson is to be Magpie's contribution to the Bicentennial Festival of Arts in 1988, days before Ms Johnson's contract apparently is due to expire. Therefore, many people in the performing arts are mystified that the board has broken what appears to be a winning formula: a company led by an artistic director achieving unprecedented success at the box office with productions that are also well respected for their educational value. The Minister would be aware that it is not easy to come up with winning formulas in the theatre and such formulas should be looked at carefully before they are tampered with. I should say publicly that I have a great respect for the board and its contribution, but I am constrained to raise this as a matter of public interest. My questions to the Minister are as follows:

1. Was Ms Johnson given an opportunity to discuss her contract with the board before a final decision was made not to renew her contract?

2. Was the Premier in his capacity as Minister for the Arts consulted before this decision was made?

3. Has any reason been given for the board's decision not to renew Ms Johnson's contract?

4. Is the Government satisfied with the board's decision not to renew Ms Johnson's contract?

The Hon. BARBARA WIESE: First, I would like to concur with the honourable member's remarks about the success of Magpie Theatre Company, which has indeed been successful during the past 12 months or so. The honourable member referred particularly to its successful overseas performances in Penang last year. I happened to be in Penang last year when Magpie Theatre Company was performing, and it was well received by Penangites and received very good reviews in the local newspapers. So, it has developed an enormous reputation, certainly nationally, but in recent times also internationally, as an excellent theatre company for young people.

As to the decision which has been recently taken concerning Ms Johnson's contract, all I can say to the Council is that the company is an autonomous body that makes its

own decisions about management practices and the hiring and firing of staff. It is not a matter for the Government to be involved with and the board of Magpie Theatre Company has made its decision with respect to Ms Johnson's contract. I am not aware whether there has been any consultation with the Minister for the Arts. What I can say is that there is no need for there to be any consultation with him because, as I have already indicated, the board is responsible for its own management decisions. I do understand that the theatre company in the past has pursued a policy of encouraging turnover of staff, of introducing new blood and new creative energies on a regular basis and that, since that is its point of view, this may have been part of that general policy thrust that it pursues. I do not know whether or not it is, because I am not aware of the discussions that took place prior to the decision being taken with respect to Ms Johnson's contract. However, I repeat that it is a matter for the board to decide—and it has done that.

The Hon. L.H. DAVIS: I desire to ask a supplementary question. As this event occurred quite recently, will the Minister be kind enough to refer my questions to the Minister for the Arts and bring down a reply at the earliest possible time?

The Hon. BARBARA WIESE: I will refer the questions to the Minister in another place, but I imagine that the replies will be similar to mine since they do not involve matters with which the Minister for the Arts is associated.

TOBACCO ADVERTISING

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Health a question about tobacco advertising.

Leave granted.

The Hon. M.B. CAMERON: Most members would have seen the article in last Thursday's *Advertiser* in which the Minister of Health announced that he would be taking plans to Cabinet aimed at reducing smoking in this State. The article quotes the Minister of Health as favouring an option which evidently is now the subject of legislation in Victoria. I understand that today the Minister held a press conference and issued a press release indicating that the Government will oppose the Bill presently before Parliament in relation to tobacco sponsorship and advertising; that the Government will formally adopt the principle of phasing out tobacco sponsorship; and in 1988 will replace current grants to sporting and cultural organisations. It also contains the key statement that some international sporting events will be exempt. The statement also indicates that there will be Government legislation in 1988; and that there will be no ban on print advertising.

The latest brochure from the Department of Tourism (as it was then known) is entitled 'Adelaide for the Visitor' and it has on prominent display on the front cover a car bearing the Marlboro logo; behind that there is a fence draped with a Marlboro banner; and in the far background there is a billboard displaying the Marlboro logo. The brochure is clearly designed to attract attention to the Grand Prix, but of course it also prominently displays cigarette advertising in the form of cigarette sponsorship; and it also has the Fosters sign, which is the major sponsor of the Grand Prix. My questions to the Minister of Health are as follows:

1. In view of the Minister's announcement today, will he ask that this brochure be no longer distributed if, as he believes, cigarette sponsorship of sport should not be condoned?

2. Will the Grand Prix be exempted as part of the new legislation?

3. Will interstate football be exempt?

4. Will interstate cricket be exempt?

5. Will Adelaide Oval be exempt during test cricket or international matches and what other events at that venue will be exempt?

6. Will Football Park be exempt during interstate football matches and on what other occasions will Football Park be exempt?

The Hon. J.R. CORNWALL: The honourable member has asked a lot of questions. First, what I announced today on behalf of my colleagues in the Government and Caucus is a courageous decision that we support the principle of phasing out tobacco sponsorship of sporting and cultural organisations and replacing it with public funding. The principal reason for doing that is that at the moment there are about 15 000 children from reception to year 12 in South Australia who on current estimates are likely to take up smoking and, therefore, will die prematurely. Their deaths are entirely avoidable. That is why I am proud of my colleagues in the support that they have given me in order to take one mighty step for this State (and remember that we are a State—this is not the national Government) to support the principle of phasing out tobacco sponsorship. Tobacco sponsorship is associated with role models, heroes on the sporting field and sophistication. It increasingly targets the young and, specifically, young females.

As I said, I am very proud of my colleagues for the step that they have taken in supporting this proposition. I have always said that it is quite a ridiculous proposition to suggest that we should ban international sporting events that are televised. For example, it would be very foolish to ban the Benson and Hedges test at the Adelaide Oval and yet have matches beamed into every home in South Australia from the Gabba in Brisbane and the Sydney Cricket Ground. The question of that level of sponsorship and the televising of international sponsored sport is very clearly one for the national Government.

As to the fate of football and every other sport in this State, whether it be netball, hockey or horse racing, the Government has given a firm guarantee today that no sporting or cultural organisation will be financially disadvantaged, that their current sponsorship will be replaced with public funding. Once the carefully thought through package is produced in 1988, if that means that on the perimeter at Football Park, in lieu of tobacco brand names there are logos—

An honourable member: Your photograph?

The Hon. J.R. CORNWALL: Heavens no! If logos appear stating that life is too good to waste, or display positive images and anti-tobacco messages, I will be arguably the happiest person in South Australia. I cannot stress too much that the important thing is that no sporting or cultural organisation currently receiving tobacco sponsorship in this State will be financially disadvantaged. That is a major leap forward.

The Hon. C.M. Hill: Are taxes going to be higher?

The Hon. J.R. CORNWALL: The Hon. Mr Hill interjects. Let me say two things. First, for every 1 per cent reduction in tobacco smoking, in the longer term at least there will be a significant reduction in health care costs. We will certainly have significant offsets in that area. Secondly, at this stage the Government has not decided to follow the Victorian model, whereby one-sixth of its tobacco franchise will be directly put into a trust fund by legislation. The manner in which it will be financed will be spelt out clearly in the legislative package when it comes before the Parliament; I hope that will be in the autumn. As to what might be in the 1988-89 budget—

The Hon. C.M. Hill: Here are the taxes coming.

The Hon. J.R. CORNWALL: No, I will not speculate what will be in the 1988-89 budget. I have made clear that the Government will go about this in a somewhat different way from Victoria. I argue that within the range of those options we will go about it in a somewhat better manner and certainly in a way that suits South Australia and South Australians better. The only other point that I want to make is that everybody knows at this stage that there is before the High Court a challenge that has been mounted by an organisation or organisations in Victoria with regard to the tobacco franchise. In the event that they are unsuccessful, it would be sensible for South Australia to raise the tobacco franchise to comparable levels with the other States. At the moment, Victoria has just proposed to move to 30 per cent, New South Wales is 30 per cent, Western Australia is 35 per cent and Tasmania is 50 per cent.

The Hon. Peter Dunn: What is Queensland?

The Hon. J.R. CORNWALL: I am talking about mainstream Australia.

The Hon. M.B. Cameron: That's where you were educated—Queensland.

The Hon. J.R. CORNWALL: We had a Labor Government in those days. My memory is just good enough to go back more than 30 years and remember the days when there was a State Labor Government.

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: No. At the moment, with the exception of Queensland. South Australia has the lowest tobacco franchise in the country. It should be and must be seen in that context.

The Hon. M.B. CAMERON: As a supplementary question: will the Minister indicate whether he will have this tourism brochure, which does not follow the guidelines that he has outlined in knocking back sponsorship, withdrawn?

The Hon. J.R. CORNWALL: I indicated that I will introduce the package in 1988. It is 14 October 1987, and I am not prepared to indicate anything, except to say that the Hon. Mr Cameron and his colleagues should be under no illusions as to exemptions. Specific exemptions will have to be built into the package.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis: Do you want any more help?

The PRESIDENT: I certainly do not, Mr Davis. I suggest that the honourable member cease interjecting. All remarks should be addressed to me.

The Hon. J.R. CORNWALL: That will be done.

MARRIAGE GUIDANCE COUNCIL

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Marriage Guidance Council of South Australia.

Leave granted.

The Hon. DIANA LAIDLAW: Last financial year, the Marriage Guidance Council of South Australia was forced to cut services and retrench staff as a consequence of a budget cut of 8 per cent. In his annual report for the past financial year, the President of the Council (Dr Kirby) noted:

> With the commencement of the new financial year we hope that the recently returned Federal Government, with its resolve to help families, will do so by redetermining priorities and giving greater financial support to services which enhance the viability of the family.

However, the grant for this financial year represents a further cut in funds. It has not kept pace with inflation, let alone equipped the council to meet the anticipated 6 per cent increase in demand for services this year. Again this year the council will have to retrench staff or close or reduce services at its three suburban and two country sub-offices. This situation will not be eased by the announcement recorded in the *Advertiser* last Friday that the Federal Government will allocate a further $150 000 to family and marriage counselling Australia-wide, above and beyond the $5.1 million announced in the Federal Budget. Not one cent of this extra sum is to be allocated to the Marriage Guidance Council of South Australia.

In the meantime, it can be anticipated that South Australia will receive at least $150 million as its share of the $1 500 million to be spent on divorce support services Australia-wide this financial year. Therefore, the Marriage Guidance Council's allocation represents a mere 0.2 per cent of the sum to be allocated to divorce support services in South Australia this financial year.

Does the Minister acknowledge that the latest ABS figures identify that more South Australian marriages are ending in divorce, in contrast to the national trend, which shows a decline in the divorce rate? Does the Minister agree that it is difficult to reconcile a policy whereby the Federal Government will spend many tens of millions of dollars on financing the legal structure for the dissolution of marriages and support for custodial parents and their children but will spend so little—a trifle—on preparing young people for marriage and/or resolving marital problems before they reach a crisis stage?

If so, will he join the Opposition in, first, damning the further reduction in Commonwealth grants to the Marriage Guidance Council of South Australia for this financial year as inexplicable and lamentable, and, secondly, pressing the Federal Government to reorganise its priorities to recognise the desirable preventative and remedial nature of services provided by the Marriage Guidance Council compared to the crisis intervention and rehabilitative nature of divorce related services?

The Hon. J.R. CORNWALL: Many years ago I decided to go into State politics in preference to Federal politics. I have never had any delusions of grandeur or seen myself as a national statesman.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: No, that is probably a statement of fact. We all have our little jokes, but let me return to being serious for the moment. The responsibility for all the areas in the matters that are raised lies clearly within the portfolio of the Federal Attorney-General. I suggest that Ms Laidlaw would do well to address all cards, letters and correspondence to Mr Bowen in the first instance.

In relation to the allegation that the divorce rate in South Australia per capita is higher than anywhere else in the world, I do not think there is any evidence that can be validated over the period of a decade to show that that is a fact. The simple reality is that family breakdown is a major problem in society in the 1980s. As against that situation, relationships in the 1980s are far more honest than they used to be and spouses, particularly the wife, are no longer asked to bear the intolerable conditions that they were asked to by society a generation ago.

I lament, and am very sorry to see, the incidence of divorce and family breakdown. I am particularly sorry to see that because very often the Department for Community Welfare has to pick up the casualties of those breakdowns, in particular, the children. I support enthusiastically the work of the Marriage Guidance Council. I have had the

good fortune to come to know very well the Director and some of the other people associated with the Marriage Guidance Council during the period that I have been Minister. I repeat that all these matters which have been raised lie within the portfolio responsibility of the Federal Attorney-General, and I suggest that the Hon. Ms Laidlaw and her colleagues direct their cards and letters to Mr Bowen.

The Hon. DIANA LAIDLAW: I ask a supplementary question. Can the Minister confirm, even though the ramifications of marriage breakdown in South Australia have massive repercussions on services provided by the Department for Community Welfare, that he will not undertake to protest about the repeated cuts in marriage guidance funding from the Federal Government to this State?

The Hon. J.R. CORNWALL: I will not be drawn into a debate at that foolish level—the lowest common denominator level. Obviously, any service that provides support for families, nuclear or extended, and which through that mechanism supports children and creates for them a safe and positive environment in which to grow up, has my enthusiastic support. However, I will not be drawn into a debate concerning the level of Federal funding for the Marriage Guidance Council, family law legislation or anything else. I have enough on my plate at present. I have something in excess of 27 per cent of the gross State budget in my two portfolio areas, and I do not want to wander off into other areas thank you very much.

SURVIVAL IN OUR OWN LAND

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General a question about the book *Survival in Our Own Land.*

Leave granted.

The Hon. M.J. ELLIOTT: I believe that the Attorney-General has answers to some questions that I asked earlier, particularly on 26 August, in this Council about this matter, but before he offers those answers I want to add a couple of questions. Can the Attorney-General confirm that legal opinion has been given that the ownership of the copyright of the book *Survival in Our Own Land* belongs to Mrs Mattingley and her co-authors and that that fact is creating some problems for the Government in terms of who in fact owns the copyright and that the Wakefield Press has been pressing the Government for compensation?

The Hon. C.J. SUMNER: I do not know anything about the further matters the honourable member has raised. If he wants the answer that I have been provided with by the Premier on the earlier matter, I will give it to him. I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

1. Draft contracts were considered by Mrs Mattingley during the years she was working on the book. On 9 July 1987 she suggested further alterations to a publication agreement which was written by the Deputy Head, Department of the Premier and Cabinet, and initialled by Mrs Mattingley. The contract was submitted to the Premier for signature, and he asked for a formal Crown Solicitor's opinion on the contract. The Crown Solicitor's Office suggested minor alterations to the language of the contract and tightening up the provision regarding royalties from any second edition. Discussions were held with Mrs Mattingley on this matter and a revised contract was submitted to her on 24 July. Mrs Mattingley has not signed this contract and, I understand, has sought further legal opinion and has handed the contract to Aboriginal Legal Rights.

2. Mr Mulvaney did not recommend that *Survival in Our Own Land* or three other books should remain with the Government Printer. I am informed that four manuscripts submitted to the old Wakefield Press have, since the sale, been taken up by the Government Printer. They are:

Social History of Education: Having done some early work without a contract, the Wakefield Press wrote to the author in December 1986 saying they would not proceed.

S.A. Gazette and Colonial Register: Some facsimile work performed.

Hours to Remember: Never finalised.

On the Margins of the Good Earth: Never finalised.

At the time of the sale seven partly completed Wakefield Press books were listed for completion using J150 grants, and *Survival in Our Own Land* was one of these.

3. I am unable to speak for the Aboriginal community, but I can assure them that the Government has done, and will continue to do, everything in its power to have the book completed.

HEALTH-WELFARE AMALGAMATION

The Hon. J.C. BURDETT: My question is directed to the Minister of Health, who is also Community Welfare Minister, as follows: will the intended procedure of amalgamation of the Health Commission and the Department for Community Welfare involve the deincorporation of any bodies that are presently incorporated under the South Australian Health Commission Act and, if so, will the Minister state which bodies will be deincorporated and give some details of the procedure?

The Hon. J.R. CORNWALL: I think I answered two questions about this matter the other day: one from Ms Laidlaw and one from Mr Elliott. The coalescence movement of the past 18 months has now reached a point where we are actively developing a scenario which will involve the amalgamation of many of the services of the Department for Community Welfare and the South Australian Health Commission. It will also involve literally the amalgamation of those two bodies. As I said the other day, this will mean that literally dozens of positions will be freed up because of what, in some ways, can be seen as duplication of administrative positions. Those positions which are freed up will be able to be put into the field. So there will be very many advantages. However, as with the coalescence movement, that has been approached very sensibly and quietly and lots of talking and consultation have taken place. The Government intends to do exactly the same with the amalgamation. I met with the joint executives as recently as last Friday, and we discussed a draft discussion paper over quite a lengthy period. At this stage we were developing a green paper, and I hope that that document will be available within a month or so.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: No. I had not even seen that document. It was a draft of a draft of a draft; it really had no standing at all.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I might also say that we have some very exciting plans afoot for extension and upgrading of the mental health services, which really is probably relevant to some of the people sitting opposite. The green paper should be available within the month. We will go through a very lengthy process of consultation. I am confident that that will ultimately result in a very effective

amalgamation process. I must say that I find it all very exciting, both in administrative terms but more importantly, quite apart from the management advantages—and I am very interested in good administration—it will result in many cases in a single point of entry for our clients and patients.

If a woman walks through the door looking for emergency financial assistance, a victim of domestic violence and accompanied by a child with asthma, then I really do not think we ought to be putting them into compartments and saying, 'That is a welfare problem' or 'That is a health problem'. What we are on about, with the amalgamation of a whole range of community health services and community welfare services, is to give better service to our clients and to ensure that a lot of our clients do not get lost in the system. Now, there has been a lot of mischief which the Opposition has tried to stir, with a little help from Mr Elliott, concerning the constitutions and the incorporation, particularly of community health centres and, more particularly, women's health centres. Let me say that I have made it clear that none of these organisations will be de-incorporated unless it is at their request. If after a period of negotiation—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL:—within the regions or the subregions which are proposed, a particular community health centre or a primary health care centre as I hope they will come to be known, because that has a much clearer connotation, decides that it would like to amalgamate with the local social welfare services, then it would be sensible to amend the constitution accordingly. Quite obviously, if we use the commission model, and that is the one which will be canvassed in the green paper—a community services commission or a health and social welfare commission—then, after a very exhaustive process of consultation, the legislation would have to come before this Parliament. So, there is no chance that somewhere along the way the Minister of Health, the Minister of Community Welfare or the Government will do something underhand or will impose anything on people. In fact, quite the reverse. As I explained the other day, as part of the scenario which we will canvass, we will establish district health and welfare councils as consultative bodies, as local advocates, as watchdogs in the system, so it will be very much a movement which could literally be called 'Power to the People'. It will not be about taking power away.

TOBACCO SPONSORSHIP

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question on the subject of tobacco sponsorship.

Leave granted.

The Hon. L.H. DAVIS: Just three hours ago, at noon to be precise, I was present at the State Theatre Company's launch of its 1988 program. Amongst those speaking at that launch was the Premier and Minister for the Arts, Mr Bannon. In talking about the financial support for the company, Mr Bannon singled out the Benson and Hedges Company and commended it for its corporate sponsorship, its strong financial support of the company in the past and specifically said he was pleased to see that it would continue into the future. My questions to the Minister are, first, what is the Minister's reaction to this statement and, secondly, does this indicate that the Premier does not support the Minister's announced policy?

The Hon. J.R. CORNWALL: I was not present at the function. I have no way of verifying one way or the other what Mr Davis says, but quite obviously, the Premier supports what we are about. He is the Premier: we are the Government, and that is the Caucus.

The Hon. C.J. Sumner: How many deaths are there from cigarette smoking each year in Australia?

The Hon. J.R. CORNWALL: On the latest estimate, there are 25 000 preventable deaths each year from cigarette smoking in Australia. The cost overall—

Members interjecting:

The PRESIDENT: Order! There is far too much audible conversation.

The Hon. J.R. CORNWALL: The cost overall to the economy is $2.5 billion, and let me say that the Premier, like all other Ministers and like all other members of the Caucus, has thought this position through very carefully. The announced position today is a firm decision that has been taken. As to the—

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: It sounds to me like it was an *Ave atque vale* situation, if you like, and for those who do not have a classical education it means translated, 'Hail and farewell'.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: You were not Jesuit educated. You did not have that advantage, indeed. Hail and farewell—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! Order, Mr Davis! You have asked your question. There is no need to repeat it *ad nauseam.*

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! That is not Jesuit training.

The Hon. J.R. CORNWALL: He was not Jesuit educated.

The PRESIDENT: No, nor was I, but I still said, '*Ad nauseam*'.

The Hon. J.R. CORNWALL: You know what '*Ave atque vale*' is, I am sure, Ms President.

The PRESIDENT: Yes, I do.

The Hon. J.R. CORNWALL: I am pleased. He is asking his question *ad nauseam*, and I seem to have been answering *ad nauseam*, and I think the best thing I can do is to sit down.

DDT

The Hon. PETER DUNN: I understand that the Minister of Health has a reply to a question I asked on 13 August on the subject of DDT.

The Hon. J.R. CORWNALL: Yes, and I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

The Minister of Agriculture wishes to advise the following:

A 'call in' operation will apply from 31 August to 30 October, 1987. Farmers will be asked to deliver DDT stocks they have stored on their properties to prearranged secure depots in their districts. The stocks delivered on a district-by-district basis will then be transported to a central secure depot. Similar plans are operating or planned to be operative in all States. In South Australia, farmers are also being invited to relinquish their stocks of other organochlorines if not destined to be used for other than agricultural purposes.

The question of the final disposal of stocks of organochlorines received in the operation has yet to be determined on a national basis. The only way of total destruction is by high temperature incineration. Such facilities are not yet available in Australia and it may be necessary to export stocks overseas for such destruction, but at a high price. On the question of compensation for return

of stocks of organochlorines, I have determined that none will be paid. Our main concern at present is to rid the State of all stocks of DDT. This product has had very restricted registered use for a number of years and none for agricultural since June 1986. The termination of remaining registered uses was deferred from an earlier date to allow farmers to use up their stocks. It is therefore considered inappropriate to compensate for stocks remaining.

LOCAL GOVERNMENT ISSUES

The Hon. J.C. IRWIN: When does the Minister of Local Government intend introducing the Local Government Act Amendment Bill? The Local Government Association's submission to the Minister of July 1987 canvassed something like 40 areas of differences still not resolved as of July. How many of these differences have now been resolved and what areas of differences, such as the minimum rates, will be left to the Parliament to resolve?

The Hon. BARBARA WIESE: I hope to introduce the Local Government Act Amendment Bill into the Parliament in the first week of November. I am not able to indicate the number of issues that have been resolved that were contained in that submission from the Local Government Association and forwarded to me in July this year, but there are some issues upon which we have reached agreement. There are a number of other issues about which we have agreed to differ, and they will be resolved by the Parliament. The issue of the minimum rate is obviously one of those, and there are a number of others. By and large, all of the major issues of concern and interest to local government have been agreed upon.

I think one of the interesting things that has developed during the past several months during the course of the discussions and debate in local government circles on the various provisions of this Bill has been the fact that many councils, as they have now come to understand the range of issues that are dealt with in this Bill and the range of benefits that will accrue to local government, particularly with respect to autonomy over their own financial affairs and management, have realised that the fuss that was made earlier about the issue of the minimum rate pales into insignificance. Many councils are now saying, 'Forget about all that; let's get on with it, because the Act itself is much more important.' I would ask members to bear that in mind when the Bill comes before the Council for debate.

TAFE

Notice of Motion, Private Business, No. 2: The Hon. G.L. Bruce to move:

That regulations under the Technical and Further Education Act 1976 concerning principals, leave and hours made on 6 August 1987 and laid on the table of this Council on 11 August 1987 be disallowed.

The PRESIDENT: This Notice of Motion is removed from the Notice Paper. It cannot be moved as an identical motion has already been dealt with in this session.

KALYRA HOSPITAL

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That this Council calls on the Minister of Health and the South Australian Health Commission to reverse its decision of 30 July 1987 withdrawing funds for the operation of Kalyra Hospital at Belair and condemns the State Government for this decision which was made without any consultation and was based on financial claims that cannot be substantiated.

Kalyra Hospital operates under the auspices of the James Brown Memorial Trust Inc. The James Brown Memorial Trust was incorporated by Act of Parliament in 1894 to carry out certain charitable functions which it has done since that time. The trust has made available hospital facilities at Kalyra for the needy in the community in accordance with its charter.

The James Brown Memorial Trust Inc., in keeping with the instruction of the late Jessie Brown's will, is charged (under the Act) with the responsibility for the provision of:

> ... benefit, care, relief, maintenance of such of the destitute or the aged, blind, deaf, dumb or insane or physically or mentally afflicted or deserving poor of any class as the trustees in their absolute discretion deem proper or expedient.

The management of Kalyra Hospital is a major part of that responsibility. The hospital has been operating continuously for over 93 years. Another part of its responsibility includes the provision of low cost hostel accommodation at Belair and cheap housing accommodation—in total, 169 aged pensioners in different localities in Adelaide. Anyone who knows the cost of accommodation will know that its costs are extremely low—I think about $20 a week.

Kalyra should continue as a hospital having rehabilitation, convalescent, respite and hospice functions providing services to the general public. The facility is highly conducive to the treatment of its clientele, the location superior to those suggested and the standard of patient care is highly respected. The hospital is an integral part of a well developed health care network in the southern region.

The provision of nursing home beds for the aged is seen by the trustees as a priority initiative which it is currently pursuing. This extension to the current range of services will enhance the services which the trust provides under its charter.

The announcement by the South Australian Health Commission on 30 July 1987 of a Government decision to withdraw funding for Kalyra Hospital came without any consultation whatsoever with the hospital board or its management, nor it appears with any of the institutions to which these functions are being transferred. The basis of the Government's decision as advised was:

- Hospital was old and allegedly required rebuilding at an estimated cost of $12 million;
- Operating savings of $1 million per annum would be achieved by service transfer;
- Quality of patient care would not be compromised.

Moves proposed were of a temporary nature only with all Kalyra Hospital functions transferring eventually to the Repatriation General Hospital located at Daw Park. The alternative sites were stated as the Windana Nursing Home at Glandore and the Rotary building at the Julia Farr Centre. Service transfer dates were declared as 1 November for rehabilitation/convalescence and 1 February for hospice.

Since that time the Government has had to change its plans dramatically. First, Windana was withdrawn as an alternative site for hospice. Secondly, Daw House was then selected as the new alternative for hospice. Evaluation of this site clearly demonstrated major deficiencies. Alterations and modifications will cost approximately $750 000. As Daw House is occupied by the specialist neurological rehabilitation unit headed by Profesor Smith, the South Australian Health Commission conceived the transfer of this unit to the Julia Farr Centre, and with the added windfall of the Chair in Rehabilitation relocated at the Julia Farr Centre, this will give the rehabilitation role at the Julia Farr Centre status and credibility—and one should remember that this

development was not conceived until problems with the original Government proposal began to surface.

The whole question of the Chair of Palliative Medicine has been around for nearly 12 months. It is not something new, as the Minister has been trying to say lately. It has been under discussion, and I understand that Kalyra has achieved some direct connection with Flinders Hospital for that very purpose—it was intended that they be connected and that they provide some teaching facilities at Kalyra.

In relation to the Julia Farr Centre, a document entitled 'Transfer of new functions to Julia Farr Centre' has come into my hands, and states:

> This letter is addressed to staff, residents, and those concerned for their welfare. The board of management strongly wishes to keep you informed on developments required by the South Australian Minister of Health and the Health Commission. There is a clause in our constitution under which we must accept policy directives from the Health Commission.

The words 'must accept' are very clear. It continues:

> From statements published in the press you probably know that the Government and the Health Commission intend to withdraw funds from Kalyra Hospital. The convalescent/rehabilitation component of Kalyra (of the order of 40 beds) will be relocated at Julia Farr Centre.

The letter further states that the hospice component will be shifted to Daw House. It also indicates that rehabilitation studies will be relocated to Julia Farr. It continues:

> These are complicated moves, involving extensive negotiations at State and Commonwealth levels. In the early stages the board was very concerned that decisions appeared to have been made at Health Commission level, with inadequate formal communications with the board.

That is, the board of Julia Farr. I believe that this is very clear and is what I have been saying all along—that there have been some very *ad hoc* decisions made and that people concerned with the changes have not been informed. The letter goes on to describe how the board of Julia Farr will ensure that the care, welfare and amenities of the already 500 residents will not be compromised by the new developments. It clearly indicates that there have been no real decisions made about where the new centre will go in Julia Farr. I seek leave to table this document so that members may have a full copy.

Leave granted.

The Hon. M.B. CAMERON: The specialised services at Kalyra enjoy an excellent reputation as demonstrated by patients and health professionals. The hospice in particular is unique to the South Australian health system. The alternative sites have no expertise in these areas. It is the belief of the Opposition and myself that standards of care must consequently suffer. The claim that veterans deserve hospice care and therefore a hospice located at Repatriation General Hospital is justified is a ridiculous statement. Veterans with terminal illness have been and will continue to be cared for at Kalyra Hospital along with the non-veteran population. If the Government wishes to put an extra hospice organisation at the Repatriation General Hospital, that is fine, but that should not be used as a reason to shut down Kalyra.

I would like to know several things. Who made the decision that Kalyra was unsuitable for hospice care? What grounds were given in support of that to the Minister and who gave them? When and by whom was Windana inspected and cleared as a suitable site for hospice care? What advantage was Windana supposed to have over and above Kalyra? The answer, I believe, would be that no-one with any experience whatsoever in hospice care went near Windana, nor did the Minister inquire about that aspect. So much for the Minister's commitment to hospice care. My understanding is that some accountants made the inspection, not anyone in the health professional field. I do not believe the Minister gave a damn about what happened as long as he defunded Kalyra. I wonder why he has this antagonism towards Kalyra. Who there has upset him? We know—and the public is becoming increasingly aware—that if one upsets the Minister's ego for a minute one either loses one's job, in the case of an individual, or an organisation loses its funding if it is subject to finance from the South Australian Health Commission and is thus dependent on the whim of the Minister.

However, if you immortalise his name in brass the funds will pour out your ears. You have no problem at all. You just need a little plaque and you are all right. Egomania would describe this problem. No matter what it is called, the problem is extremely destructive to the confidence and quality of care in our health institutions. The Government confirmed this decision on 17 August and, as I have already said, indicated that it would be shifting hospice care to Windana. How much thought had been put into this decision is clearly shown when the Minister on 4 September—just 18 days later—indicated through the *Advertiser*:

> Plans to relocate Kalyra hospice beds to Windana Nursing Home would not go ahead because hospice professionals had advised that Windana was unsuitable.

Clearly, that indicates just how much thought had been put into it: the Minister was able to change his mind within 17 days of the decision being confirmed. Anybody with one ounce of common sense and feeling for the patients who need hospice care would have known that that decision was patently inhumane and unfeeling and showed a total lack of understanding of the very basics of hospice care. I repeat: why has the Health Commission and the Minister got it in for Kalyra? Is it because it is not an institution under the direct control of the Minister? I suspect that plays a big part in the Minister's decision making on a number of issues. It certainly cannot be money, because Kalyra offered to fund its own capital works of approximately $175 000 outlined by a responsible practising architect and offered to reduce its budget by $700 000.

As I understand it, the Government architect who the Minister claimed had made certain recommendations about Kalyra had not been to the place for a number of years, if ever. What is the full cost of relocating and upgrading Daw House and Julia Farr? I suspect it is considerable, and none of these alternatives will ever be able to replace the peace, the tranquil character and team spirit of Kalyra and its magnificent staff and support groups.

The Minister and the commission in 1985 were only too happy to use Kalyra in their hospice policy but now, without discussion or investigation, they are determined to throw it aside. Therefore, I make available to any members the 'Hospice Care Policy' of the South Australian Health Commission, which includes a letter from the Minister in the front. He was happy to be associated with this document and promote it. As I have said, throughout the document are photographs of Kalyra, the hospital that the Minister is now claiming is an unsuitable institution for hospice care. What a lot of rubbish. What has changed since 1985 that causes him to change his mind about Kalyra?

The Council should not forget that this institution has been serving the State since the late 1800s. How many underprivileged people have benefited from the care offered by the James Brown Trust at very low cost? This is not a profit-making institution, but it is a service to the community facility. In my opinion and that of the Opposition this action is disgraceful and has cut right across the normal bipartisan approach for hospice care. The Opposition will not sit by and see Kalyra destroyed on the whim of the Minister, the Premier or the Health Commission. I greatly

admire the spirit of the people who are supporting Kalyra in its hour of need and we confirm our commitment, in Government, to overturn this decision providing Kalyra is still in existence at the time of the next election. We will honour that commitment. No *ad hoc* decision can replace the thoughtful caring place that Kalyra is.

One sad, sorry and as yet unexplained part of the early stags of the Kalyra saga has been the role of the RANF. The first indication of closure of the institution to the general staff of Kalyra was a bulletin dated 14 August, three days before the Health Commission's letter to Kalyra which confirmed the decision to remove funding.

Since the RANF members on site have held meetings at Kalyra and have unanimously passed resolutions opposing the closure and requesting assistance from their union. What has happened? Practically nothing. But the Minister has been able to get up, as he did in the Estimates Committee and openly boast that he has the support of the RANF in this decision. I rather wonder why the RANF has dumped its members on site and supported the Minister and his actions.

Frankly, I want the file on Kalyra to be opened to the public so that we can determine the role of all bodies and persons involved in the decision. Why should the file not be open? The Attorney-General used to believe in freedom of information and the Minister of Health should also believe in it. He should be open and honest and not hide behind officialdom or behind the statement 'We do not normally do that.'

This is a democracy and we can cope with the secrets in that file. If the Minister has nothing to hide, he should open his information base so that we know exactly what is in it and on what the decision is based. On two occasions the Minister of Health has referred to a resolution passed at the RSL Congress earlier this year, and I quote from *Hansard's* reporting of the House of Assembly Estimates Committee hearings on 23 September 1987, at which the Minister said:

> It is a reality of life and a fact that the RSL Congress earlier this year passed a resolution urging that none of its members be sent to Kalyra.

I have received a copy of the letter from the RSL (and I see that the Minister also has a copy) in which it states that no such motion was passed. In fact, what was really passed by the South Australian sub-branch conference in July 1987 is as follows:

> The South Australian Branch, Department of Veteran Affairs, takes every possible action urging the South Australian Minister of Health and the Health Commission to proceed without delay, and as an urgent commitment, to initiate planned improvements to the most inadequate, and in fact primitive, facilities at Kalyra Hospital, Blackwood, particularly in respect to McBride Ward. The matter is brought forward as being particularly related and pertinent to the toilet facilities for our ex-servicewomen patients unfortunate enough to be transferred to that establishment for further treatment and/or convalescence.

It went on to state:

> During the debate on this particular motion it was indicated that the resolution was in no way reflecting on the nursing standards or the attention and dedication of the staff of the hospital.

I received that letter, and I thought that I should investigate the matter, which is clearly of concern because of the words used. Certainly, it did not say what the Minister said—that members were urged not to go there.

So, I did some investigation and the background to this motion is this: A female patient was placed in a mixed ward (the McBride Ward) which has shared toilets. This is not unusual and occurs at many institutions, including the Royal Adelaide Hospital from where complaints of a similar nature have been received by my office. A male patient had urinated on a toilet seat, and as a result the female patient was understandably upset. That then was the basis of a complaint through the Brighton sub-branch of the RSL to its State Congress.

The Minister now uses that as a major basis for the defunding of Kalyra. I find that staggering. The Minister made that point during the Estimates Committee. He said that RSL members were being urged not to go to Kalyra. In fact, there is a waiting list of returned servicemen and servicewomen waiting to go to Kalyra. Heaven help other institutions from this Minister if that is all it takes to cause him to defund a magnificent institution like Kalyra, because I can assure him that many other institutions in this city have exactly the same problem.

To fix the problem in this one ward, which is what the motion was about, would cost $15 000—to provide a separate toilet. Kalyra, from its previous commitment to capital works, some of it done through its own funds, was prepared to pay for upgrading to correct the situation. Very few, if any, other institutions have offered to cover their own capital works. I do not believe that it was proper for that matter to be used as an excuse for defunding of this institution without proper investigation. To sit in Parliament and try to imply that that motion was based on any major problem at Kalyra was patently wrong.

Today, I presented to the Council a petition from 354 concerned citizens in relation to Kalyra. In fact, there are over 22 000 signatures on petitions calling for the retention of Kalyra for hospice care. Unfortunately, as often happens in the community, the petitions were not in a form suitable for presentation to the Council. Nevertheless, they indicate exactly the same commitment to the continuation of Kalyra. That clearly demonstrates tremendous community support for Kalyra and surely a Government should at least reflect community opinion when it does not have any sound reasons for its action, and I believe the Opposition today has clearly demonstrated that this is the case.

Kalyra has a magnificent record. It is a wonderful institution with an expert caring staff whose expertise has been built up over a long period. The support group is very extensive and should not be lost. The Minister should be big enough to admit that he and the Health Commission have made a major mistake. A Government that fails to listen to the voice of the people is on the way out, and there is absolutely no doubt what the voice of the people is saying on Kalyra. I urge the Council to pass this motion.

The Hon. J.R. CORNWALL (Minister of Health): The State Government will not reverse its decision to withdraw funding from the Kalyra Hospital. It must be understood that the decision was recommended by Health Commission officers who have an in-depth knowledge and understanding of the Kalyra Hospital service. Some senior Health Commission officers have a knowledge of Kalyra that goes well back before Kalyra's existing chief executive officer, the present Director of Nursing and the principal medical officer and before many members of the James Brown Memorial Trust. It is quite false to suggest that some senior Health Commission officers are other than well acquainted with Kalyra both in its conduct as a hospital and in a physical sense.

The decision to withdraw funding from Kalyra Hospital has not been taken lightly. The eventual relocation of services from Kalyra has been discussed between senior Health Commission officers and senior trust representatives on several occasions, particularly between 1981 and 1983. Those discussions went on during the period of my predecessor (the member for Coles) and extended into my first term as

Health Minister. The decision to withdraw support from Kalyra and relocate its services was part of the South Australian Health Commission strategy to achieve savings of $9 million in a $900 million budget in 1987-88.

I have said on a number of occasions that at this stage people believe that they are paying too much tax and are calling for smaller government. I have some sympathy with that argument, although in a sense it really causes me a dilemma. While the notion persists in the South Australian and Australian community that taxes are too high and that Government spending must be restrained, of course the health budget like most other budgets in the Government sector must play its part. So we were asked to find savings of around 1 per cent overall, or $9 million out of a budget of $900 million. To achieve the savings required the Health Commission reviewed the entire spectrum of health services and the decisions were made with respect to those areas eventually which had the least impact on patient and client services. That is called good management.

In the case of Kalyra, the opportunity existed to provide the same level of service to the community while contributing $1 million per annum to the required savings and, of course, it is a saving in perpetuity. In 1987 dollars it amounts to $1 million a year—not just for 1987 but for every subsequent year. As I said, the decision is simply good management practice, providing the same level of service at a much reduced cost. In addition, the Health Commission was facing the long-term need to replace the Kalyra Hospital or, at a minimum, to substantially refurbish the facility to enable it to continue for the next 20 to 25 years. The replacement cost would amount to many millions of dollars. I do not attempt to estimate that accurately, but I can say that a substantial refurbishment which would meet the normal standards and guidelines employed by the commission and therefore would be effective and last for 20 to 25 years would cost about $3 million—not the $175 000 as has been suggested. Vacant, alternative and good quality facilities—

The Hon. M.B. Cameron: Who did those costings?

The Hon. J.R. CORNWALL: The Health Commission.

The Hon. M.B. Cameron: When?

The Hon. J.R. CORNWALL: The principal architect for the Health Commission is responsible for those costings and I am perfectly happy to stand by them. Vacant, alternative good quality facilities existed at Julia Farr Centre and at the Windana Nursing Home, and the commission planned to utilise these buildings which were already serviced by good engineering plant and maintenance services. In relation to the claim that the Health Commission calculation of $1 million per annum savings of operating funds cannot be substantiated, I can only say that the claim is incorrect. The commission had developed detailed costings of its proposal, which was supported in writing by the recipients of the dispersed services, the Julia Farr Centre and Southern Cross Homes, managers of Windana Nursing Home.

It is true that the current plan differs from that originally proposed. The inpatient hospice service is now planned to go to the Repatriation Hospital at Daw Park, in lieu of the Windana Nursing Home. The commission is confident that the amended plan will produce ongoing savings of $1 million per annum. The costs associated with the transfer of the bulk of Kalyra's services (rehabilitation/convalescence) to the Julia Farr Centre have been agreed in writing under the revised plan. The costs associated with the transfer of the hospice service to Daw Park are still under negotiation with Commonwealth officers but there is every indication that the full $1 million per annum saving will still be achieved.

The James Brown Memorial Trust has produced an alternate plan for consideration by the commission. This plan is claimed to identify up to $800 000 per annum saving whilst retaining the existing services at Kalyra. The commission analysed the proposal before rejecting it on the following grounds: first, the plan requires the Commonwealth to approve private nursing home beds at Kalyra. This is not assured, and if their application is unsuccessful the estimated saving of $800 000 is reduced to approximately $600 000 immediately.

Secondly, the trust plan reduces the nursing hours per patient day from the present level of 4.3 hrs/day to 3.75 hrs/day. This reduction is unacceptable to the commission because the 4.3 hrs/day is scientifically determined by a Community Systems Foundation patient dependency study. This method of patient dependency determination is in widespread use in the State's health services, and any reduction in the nursing hour/patient ratio could result in an inferior service being offered.

If the Kalyra alternative proposal was supported, the Government would also have to find capital moneys to replace and/or refurbish the hospital in the foreseeable future, whilst good quality accommodation remained vacant elsewhere.

Another aspect of the trust plan is the claim that their physical facilities can be restored to a satisfactory level by expending less than $200 000 of capital moneys. I am advised that, because of the age of the facility, expenditure of this magnitude could do no more than offer a short-term respite, and that any lasting refurbishment that brought the hospital to current and acceptable standards would, as previously stated, cost in the order of $3 m. The knowledge that the physical facilities are substandard has not only been known by Health Commission officers but also by others associated with the hospital. One such body has been the Returned Servicemens' League.

I am rather amazed that Mr Cameron used the motion that was produced at the seventieth annual sub-branch conference on 3 and 4 July 1987 to try to bolster his argument. I will read it into the record as he did. It is a direct quote, as follows:

> That the South Australian Branch, Department of Veterans Affairs, take every possible action urging the South Australian Minister of Health and the Health Commission to proceed without delay and as an urgent commitment to initiate planned improvements to the most inadequate and in fact primitive facilities at Kalyra Hospital, Blackwood, particularly in respect to McBride Ward. The matter is brought forward as being particularly related and pertinent to the toilet facilities for our ex-service women patients unfortunate enough to be transferred to that establishment for further treatment and/or convalescence.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: The majority of patients at Kalyra are there for either convalescence or rehabilitation.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Well, why make such a stupid interjection. The resolution refers, amongst other things, to the primitive facilities at Kalyra Hospital and to the ex-service women patients who are unfortunate enough to be transferred to that establishment for further treatment and/or convalescence.

Not only has the physical facility at Kalyra been a concern for senior Health Commission officers, but also the RSL has judged the facilities as not being adequate to accommodate our veterans and their dependents. That is contained in the resolution.

Another aspect that needs to be addressed in respect of the current Kalyra debate is the emotive argument surrounding the alleged transfer of existing patients to alter-

native locations. This is not a part of the Health Commission plan. The average length of stay of patients at Kalyra Hospital in 1986-87 was only 16.6 days, and falling. It was 18.7 days in 1985-86. So, all that film of patients which we are seeing on television and which gives the impression that they are long stay or nursing home type patients gives a completely false and misleading picture.

The comparatively short length of stay allows for new patients to be admitted to the new location and for existing Kalyra patients to complete their stay in their existing environment. This in fact is the endorsed Health Commission plan, and has been conveyed to the management of Kalyra Hospital on a number of occasions. The endorsed plan also has a number of additional advantages, particularly relating to hospice services.

Let me just enumerate some of the more important ones. First, the relocation of hospice services to Daw Park is included in the long-term plans of the Health Commission. The acceptance of this eventual transfer was known to and accepted by the Southern Hospice Association. Secondly, Daw Park is more accessible than Kalyra, as it is serviced by good public transport, and is more central to the patient catchment area. Thirdly, Daw Park has better medical services available as back-up to the hospice service. The Repatriation Hospital is staffed by medical officers 24 hours a day, seven days a week. Long-term plans exist for the Repatriation Hospital to become a responsibility of the State. The State in turn plans to amalgamate Flinders Medical Centre and Repatriation General Hospital as one hospital on two campuses. The creation of a Chair in Palliative Care at the Flinders University, and its subsequent housing at Daw Park, is part of the commission's future planning for the southern metropolitan area.

In summary, the decision to withdraw funding from Kalyra Hospital makes good management sense. It reflects the community expectation that we will provide high standard services in quality facilities at the least cost to the taxpayer. The Health Commission will continue its plan to relocate the services from Kalyra Hospital. The rehabilitation and convalescent services will be transferred to the Julia Farr Centre from 1 February 1988, and the hospice services will be transferred to the Repatriation General Hospital at Daw Park from 1 June 1988. To reverse the decision at this stage would jeopardise a number of very important plans. Let me conclude on this note. The plans which would be jeopardised if we listened to these very strange and plaintive cries of the Opposition would be as follows: first, $100 000 per annum recurrent funding for public hospice beds in the Mary Potter Hospice at Calvary Hospital would not only be jeopardised but would almost certainly have to be withdrawn.

The Hon. M.J. Elliott: Why?

The Hon. J.R. CORNWALL: Because we are funding them out of the savings that we are making by relocating patients from the Kalyra Hospital. I would have thought that would be evident even to you. Secondly, $160 000 recurrent funding for public hospice beds at the Phillip Kennedy Centre would be jeopardised. Thirdly, funding of Australia's first Professor of Palliative Care would be jeopardised. Fourthly, the extension of hospice services based on the Lyell McEwin Health Service and Modbury Hospital would be placed in jeopardy. Fifthly, extension of the services provided by the world famous pain clinic at the Flinders Medical Centre would also be jeopardised.

The proposal to relocate the services from Kalyra to the Julia Farr Centre and to Daw House at the Repatriation General Hospital will result in an enhancement of services, in terms of convalescence and rehabilitation and in terms of the inpatient segment of hospice; at the same time it will provide $1 million worth of savings, a significant percentage of which will be reapplied to ensure that on a metropolitan area wide basis we are able to continue to enhance the very positive, compassionate and civilised movement towards comprehensive hospice services which have been developed in this State during the period of the last five years in particular.

The Hon. M.J. ELLIOTT: I think the Minister's concluding remarks are the first ones that are worth referring to. He mentioned long term plans. It appears to me that some things that we have seen evolve this year in a number of areas in the provision of health services have an awful lot to do with long term plans which have not always been exactly public, but which may have a great deal to do with certain empires that are being built in some places. The Minister himself attacks the empires from time to time and tries to pull some of them apart, yet he has other empires building up within the Health Commission—the Health Commission itself being one very large empire.

One of the Minister's greatest strengths is also one of his greatest weaknesses. He puts an incredible level of trust in his officers, and that I applaud. However, the problem is that, should his officers make a mistake, it will never be admitted, because it reflects on the Minister. The Minister takes on his officers only if they happen to disagree with what he says, in which case they are in a great deal of trouble. However, I do believe that the Minister, when he has such a large number of people under him, must often put trust in people. However, he must at times be willing to question what is being done. From what the Minister has said today, I am not convinced that what is being done with Kalyra is correct.

The supporting figures, in terms of saving $1 million, and the like, come across as being extremely rubbery. He talks about Health Commission officers having a very good understanding of Kalyra. They must be from the glass tower type understanding, because I understand that no Health Commission officer of any significance has been to Kalyra in the past six years.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: They may from time to time look at some bits of paper relating to Kalyra, but, in terms of understanding what is going on at Kalyra and what the building is like, etc., it is all happening from the ivory towers. I do not even hear the Minister, by way of interjection, rejecting the claim that none of his senior officers has been there in six years.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: You know that officers have been there? That is certainly not my understanding. I found it interesting that the Hon. Mr Cameron said that the RSL complaint could be used as an excuse; it also existed in the Minister's speech and he still continued with it. It seemed to me that the RSL excuse was the wonderful way of justifying some of the long-term plans that exist in certain parts of the commission. The important points which really show that this whole thing is half baked can be found in the letter that the Hon. Mr Cameron read out to this place earlier. I wish to repeat just two sections which I thought were particularly relevant. It states:

> These are complicated moves involving extensive negotiations at State and Commonwealth levels. In the early stages the board was very concerned that decisions appeared to have been made at Health Commission level with inadequate formal communication with the board.

In other words, decisions have been made about Julia Farr and Kalyra. However, certainly Kalyra knew nothing of

what was happening, and Julia Farr had very little idea either. How prepared is Daw House for all this? Some paragraphs later we see that the placement of Daw House patients is more complex and no decisions have been made. One option is to modify a ward in Highgate—one option! Here the Minister is talking about how much things will cost and how much will be saved, and they are still talking about what options will be exercised. They do not even know what they will do. How on earth can the Minister produce figures in this place saying how much money will be saved when the two hospitals concerned, namely, Daw House and Julia Farr, do not even know what is going on themselves? That is absolute inanity and shows just how half baked the Minister was when he announced that Kalyra was to be defunded.

I found most interesting an article in the *Advertiser* of 10 October which mentioned a radical five-year plan in community welfare. I admit that this plan was about community welfare, but it relates to the same Minister. The article quotes the Minister as stating:

> Rather than have professionals tell the community what they need, we are developing our programs and policies in full consultation with the community.

That is what community welfare does under the Minister—full consultation with the community. 'We do not want professionals telling them what they should do,' says the Minister, but what is he doing with his Health Minister's hat on? He says, 'I don't want to know what the community thinks. I don't want to hear what the community has to say. We know what is best.' It really shows that the press release or the speech, whatever led to this *Advertiser* article, was a total farce.

Kalyra Hospital has a very high level of community support. Such high levels of community support do not come about due to primitive facilities. I have received a number of approaches in relation to Kalyra from people whom I know personally.

The Hon. M.B. Cameron: 'It is disgraceful,' the Minister tries to imply.

The Hon. M.J. ELLIOTT: It is certainly true that any issue will always find a few people with a contrary view. I had many people come to me whom I personally knew and in whose judgment I could put great faith. These people had had a great deal to do with Kalyra, including some who had worked as volunteers. They were full of praise for Kalyra, which would not get such praise from members of the community if it was primitive. It would not be set up as a model of hospice care if it was primitive.

The Minister claims that the same level of service will be available. In fact, that is one of the complaints that people made. By decentralisation of some of these services, the services are made less amenable, particularly to older people who do not have the capacity to travel, to relatives, and so on. That is one level of service that will be lost. We have a great involvement of community voluntary work in Kalyra at the moment. We will not see the same level of community involvement at a place like Daw House or Julia Farr. I mean no reflection on either of those two places, but the simple fact is that Kalyra is the sort of place to which the community freely gives a lot of its own time. The Minister will not find volunteers giving the same sort of time to these larger institutions; it simply does not happen that way. What sort of savings will we be making? We see that canteens, and the like, at Kalyra are run by volunteers. Are the same sorts of facilities at Daw House and Julia Farr run by volunteers or are they paying people to do it? I suggest that these rubbery $1 million savings will disappear very quickly when all the voluntary assistance that Kalyra receives is removed. I refer also to the voluntary assistance given by the people who come along and help with hospice care.

Once again, I think we will see much of that disappear if we go into these larger less humane institutions. It really is time that we reassessed the whole direction in which health services and welfare services are heading at the moment, where everything is being provided by experts, and by people working for a dollar, and where we discourage people from helping. We discourage people who give immense amounts of time over and above paid time in some instances in these sorts of facilities, where they feel that they have a real impact and where their voices and efforts really matter.

I was extremely disappointed that the Minister did not substantiate in far more detail the way in which these savings are being made. I entered this debate with an open mind, also with a great deal of concern. However, the Minister has not managed to convince me that the work has been done to justify the defunding of Kalyra. His failure to be able to justify these savings (and I must stress that savings are not the only important things; the question of humaneness must also be taken into account) leaves me with no alternative but to support the Hon. Mr Cameron's motion.

The Hon. L.H. DAVIS: Madam President, I rise to support the motion of the Hon. Martin Cameron, and I commend him for putting it on the Notice Paper. Quite clearly, the action of the State Government and the Minister of Health (Hon. John Cornwall) in particular in closing down the operation of Kalyra Hospital without any consultation, without any basis at all, is one of the most savage and inhumane acts that we have seen in health care in South Australia for many years.

I have had a personal interest in the hospice movement for some time, as the Minister, I think, would remember. In 1981, my wife and I visited the hospice at Montreal which is world regarded and led by Dr Balfour-Mount who subsequently visited South Australia. In fact, I addressed the Southern Hospice Association on my discussions in Montreal when I returned, and I have been a member of the Southern Hospice Association since then.

I want to place on record my great admiration for the team which has been built up, based at Flinders Medical Centre, and which is closely linked with Kalyra Hospital. It is a team of professionals together with volunteers. The point that I want to emphasise about a hospice is that it is not bricks and mortar. A hospice is a community movement. It is much more than location; it is much more than professional people. It is a very complex operation. You just cannot create a hospice. You just cannot make it happen. You cannot shift hospices around in the suburbs of Adelaide like you can shift chess pieces on a board.

Hospices are people: they are the most sensitive, most humane area of health care in any community because hospices are all about caring when all hope for a cure is gone. The most successful hospices in the world are not in the most glamorous locations; many of them are free-standing, like Kalyra, away from big public or private institutions. Some successful hospices are located within major public hospitals (such as the one that I visited in Montreal), but successful hospices are those which have evolved and which have been created by leadership, and by the building of a network of people who are committed in their various ways to supporting the dying patient in spiritual matters, in personal counselling, in financial matters, and the range of matters which necessarily affect not only the dying but also the grieving, the people who are their close relatives and friends.

The tradition of the hospice movement is to look after people who will be dead within 20 to 30 days. The average length of stay at a pure hospice is about 20 to 30 days, and so the quality of care is the critical factor that makes for a good hospice.

What distresses me about the Minister's high-handed action is the fact that he has failed to communicate in any way about his decision to move Kalyra. As I have said, I have had close links with the hospice movement for many years. I have followed the evolving of the hospice at Kalyra and the link that it had with the Flinders Medical Centre. As I have said, it is not something you can just 'turn on' because there is a grant in the budget to create a hospice. You need leadership and you need to build up a network of people who are committed to the hospice movement and who have the particular specialist and sensitive skills that are involved in coping with dying patients and their grieving relatives.

For the Minister to ignore any communication with the very caring leadership at Kalyra and at the Flinders Medical Centre—the volunteers and professionals—on such sensitive matters affecting people in the most emotional possible way is, I think, just so callous and indifferent as to be unbelievable. The Minister of Health has done for communication what crocodiles have done for swimming in the Northern Territory. I am appalled to think that on such a vital issue affecting human lives and the networks that have been developed over many years, he is prepared, with one swing of the axe, to chop the head off Kalyra. That says a lot about the Minister who cares; the Minister who has compassion; the Minister who consults; the Minister who communicates. He has no answer to that. He has completely failed to communicate his decision.

Initially the Minister said he would split the functions of Kalyra, putting one division—the hospice—into Windana and the other section into the Julia Farr Centre. Only weeks later he decided that perhaps Windana was not the right place, and that it should be moved to Daw House. That just shows how well organised the Health Commission is; it shows how much consideration the Minister has given to the whole matter; how much caring he has given; how much professionalism has been involved.

We have heard today a number of facts, many of them leaked by the Minister for the first time. Like the Hon. Mike Elliott, who made a valuable contribution to this debate I remain to be convinced that there is any sound, decent, humane reason for this move. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 October. Page 1005.)

The Hon. C.J. SUMNER (Attorney-General): The Government opposes this Bill. One wonders why the Democrats would introduce a Bill such as this at this time unless it is what I suspect it is, and that is that it is one of its publicity stunts. The Federal Government has announced that it does not intend to proceed with the identity card—the Australia Card. Therefore, this Bill deals with a hypothetical situation and should be opposed. The fact is that we do not have anything before us from the Federal Parliament or the Federal Government to which this legislation can relate. It should be left to the South Australian Government and Parliament to examine the issue again, if it wants to examine it, in the event of any specific legislation coming from the Commonwealth Parliament.

To pass this Bill, in my view, would be pointless and could have significant deleterious effects in terms of trying to get some proper, national and coordinated approach to doing away with tax cheats and welfare fraud. I have no qualms about making information available from this State to the Federal Government to try to stop those illegal practices. Apparently, the Democrats do not want to see action taken against tax cheats and welfare fraud, and they want to put every possible barrier in the way of the Federal Government and the Federal Parliament in their wish to achieve this objective.

There is significant confusion in the Hon. Mr Gilfillan's second reading explanation. At one point he said that the Democrats had a strong inclination to support the recommendations of the joint Federal parliamentary committee, including a proposal to go ahead with the computerisation of all State and Territory registries of births, deaths and marriages. The Federal select committee advocated the computerisation of all State and Territory registries of births, deaths and marriages, and one wonders how that could occur if the States did not make available their records to the Federal authorities.

Later, the Hon. Mr Gilfillan said that the process of computerisation of State and Territory registries of births, deaths and marriages ought to be deferred until, what he called, 'happier times', and said that the problems that arise from a State by State non-computerised system of births, deaths and marriages could be overcome by other measures that do not require a universal centralised computerised system. One could perhaps contemplate whether the honourable member would like to put a sunset clause in the Bill to ensure that it expires when the 'happier times' resume. To say the least, the honourable member is completely confused in what he wants to do. On the one hand he wants to support computerisation at the national level—

The Hon. I. Gilfillan: State level.

The Hon. C.J. SUMNER: Yes—as suggested by the Federal parliamentary committee, and that committee recommended that there be a national computerisation of those records so that they were available. It was not that they be computerised and not made available to anyone; it was that they be computerised and be available on a reciprocal basis to State and national authorities. On the one hand the Hon. Mr Gilfillan says that he supports the computerisation of the records and on the other hand he says that he does not think that the South Australian records should be made available to the national authorities until we have 'happier times', in his words. That is the inherent inconsistency in what he said in his second reading explanation. If he supports the Federal select committee approach, then he ought to be supporting the computerisation of the records and the availability of the records on a reciprocal basis to Federal and State authorites.

However, his Bill specifically bars South Australia making available these records to the Federal authorities. The other thing that was recommended by the Federal Parliament select committee was that the Commonwealth ought to act to improve the integrity of the tax file number by requiring a proof of identity for new numbers. In terms of the honourable member's Bill, that surely is a national data base of some kind.

Despite the recommendation of the Federal select committee that there should be at least a system to improve the integrity of the tax file number—that to my way of thinking

would be a data base established to centralise information on members of the public, at least with respect to taxation—South Australia could not participate or cooperate in that according to the honourable member's Bill. In other words—

The Hon. I. Gilfillan: You are not making any attempt to understand—

The Hon. C.J. SUMNER: I know what you have done. What you are trying to do is disrupt the Federal Government's and Federal Parliament's attempts to overcome tax evasion, illegal tax activities and welfare fraud, and you are trying to be obstructive in the pursuit of that objective by the Federal authorities. What I am saying is that, if this Bill passes, even what was recommended by the majority of the Federal select committee—that group that opposed the ID card legislation at that time, including a Democrat—would not be able to be done.

The Hon. I. Gilfillan: Rubbish!

The Hon. C.J. SUMNER: You say, 'rubbish'. You haven't read your own Bill.

The Hon. I. Gilfillan: I can say 'rubbish' with some authority—

The Hon. C.J. SUMNER: I can tell you, as Attorney-General, that you can say it with no authority because the way in which the Bill is drafted would not permit anyone to make available any material—

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: In order to upgrade the integrity of it, as I understand it, you have to have a system of identification.

The Hon. I. Gilfillan: You refer back to the States.

The Hon. C.J. SUMNER: And under your Bill it cannot be made available.

The Hon. I. Gilfillan: Not to a system.

The Hon. C.J. SUMNER: It can't be made available.

The Hon. I. Gilfillan: To a system.

The Hon. C.J. SUMNER: Well, that is not what the Bill says. Presumably, an upgraded tax file number would be a data base, would it not? Of course it is a data base. It has data in it. You haven't defined 'data base' to start with.

The next thing is to centralise information on members of the public. The tax file number certainly does that. It is a data base established to centralise information on members of the public. The honourable member is saying that we should not cooperate in South Australia. Not only is the honourable member saying that we should not cooperate, but he is saying that he will make it an offence, with a penalty of $50 000, for anyone to cooperate—even if they might want to cooperate.

What if the honourable member decides to be public spirited for a change and prove his identity to the Taxation Department, and wants to produce his birth certificate to the department to confirm his identity? He cannot do it—he is then up for a fine of $50 000 under this ridiculous piece of legislation introduced by the Hon. Mr Gilfillan.

The Hon. I. Gilfillan: You've deliberately misinterpreted it.

The Hon. C.J. SUMNER: No, it is not deliberately misinterpreted—have a read of it. The honourable member will see that what I am saying is dead right. The recommendations of the Federal select committee could not be implemented. Let me look at some of the other practical problems that obviously the honourable member has not thought about. Let us look at the Federal police and security organisations and the National Crime Authority. They have access to State births, deaths and marriages registries. Law enforcement agencies are also advised by State registries of changes of name registered by people from time to time. Surely that also constitutes a data base held by the Federal law enforcement authorities established to centralise information on some members of the public. Thus, the existing practice in regard to law enforcement agencies would be put into question under the threat of a fine of $50 000.

The Commonwealth Department of Social Security has access to the State births, deaths and marriages records in order to check against fraud. As I mentioned, the Commonwealth Taxation Commissioner has similar access and is also supplied with an index. Are these not national data bases? Data bases are not defined in the legislation. Of course they are national data bases. They contain information held nationally by the Taxation Commissioner and by the Department of Social Security. If they are national data bases, are they established to centralise information on members of the public? Of course they are: they are established not on all members of the public, but certainly to centralise information on some members of the public, so that we will then find that the existing practice with respect to the Department of Social Security and the Commonwealth Taxation Commissioner could be put into jeopardy.

The biggest existing national data base concerning information on an individual is the Commonwealth electoral roll. For reasons of economy, integrity and efficiency there are joint roll agreements between the Commonwealth and State electoral authorities. Under section 40 of the South Australian Electoral Act the Principal Registrar of Births, Deaths and Marriages is required to supply the State Electoral Commissioner every month with details of marriages, deaths and changes of names of all persons aged 18 years or more. Under the joint roll agreement, that information is inevitably forwarded to the Commonwealth Electoral Commissioner. Would the Bill prohibit that? It would certainly make the position open to argument.

The Hon. I. Gilfillan: Fair enough.

The Hon. C.J. SUMNER: Yes. You now want to fine the poor Registrar of Births, Deaths and Marriages and his officials $50 000 each because they want to assist the Commonwealth and the States to maintain the integrity of the Federal electoral roll. Surely that is a data base of some kind. It is a list of names, with data on it—names, occupations and dates of birth. The Commonwealth-State electoral roll centralises information on members of the public. That is absolutely clear. Certainly, it is central, because it is kept by the Federal Government, if that is what 'central' means. Heaven knows what it means in the context of the honourable member's Bill. Perhaps one could argue that 'centralise' means kept nationally. Is that what he means? He does not know, because he has not thought about the Bill. That all goes to prove that it is a stunt, something knocked up so that he can get out on the radio and say that he is trying to prevent South Australians being involved in a national identity system.

The Hon. I. Gilfillan: And a very worthy cause.

The Hon. C.J. SUMNER: The honourable member may say that it is a worthy cause, but the reality is that this country at some time will need some kind of upgraded national identity system—there is no doubt about that. The honourable member can sit here and pontificate, squawk and carry on as much as he likes, but he will become more irrelevant than he is at the present time. The reality is that with the way circumstances are proceeding with regard to taxation, with Australia becoming more integrated with the world financially, with the problems of welfare fraud and the society in which we live becoming more complex, at some time—obviously it will not be at this moment—there will be an upgraded identity system in Australia.

For the moment the identity card will not be proceeded with but some form of upgraded tax file number with

greater integrity, presumably as recommended by the Federal Parliamentary Select Committee, will proceed. What the Bill could do is prevent South Australia providing those records to enable that system to be properly established.

The absurdity with respect to the upgrading of the tax file number is that the Commonwealth could legislate to require proof of identity to establish a new tax file number and the honourable member's Bill would make it illegal for anyone to comply with that perfectly proper Commonwealth law. Any person, even a member of the public, as I have indicated, who wanted to establish their identity through the use of their birth certificate, could not do it. It would not just be illegal for the registrar to provide access to the records; it would be illegal for any person, as the Bill stipulates. It pretends that people would not even be allowed to hand over their own birth certificates to the Commonwealth Taxation Commissioner in order to establish a tax file when they enter the work force. That is what this nonsense is all about.

The Bill is badly prepared. The ideas in it are silly. It has been put up as a stunt by the Hon. Mr Gilfillan, as he well knows, to try to con some publicity out of the measure. Certainly, he has not properly considered the issues that I have just outlined. I suggest that the Liberal Opposition, whatever its view on the ID card, would not want to be dragged along by this bit of total political opportunism put up by the Australian Democrats. I suggest that the Council vote this Bill out. It is unamendable, anyhow. It is a hypothetical situation. If members want to address the issue of the availability of State records to the Federal Government for the purposes of some other identification scheme, let us wait until we see what that proposal is and address the issue not hypothetically but with something concrete in front of us.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

CHRISTIES BEACH WOMEN'S SHELTER

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council condemns the Minister of Health for his preemptory and destructive action, by his defunding of the Christies Beach Women's Shelter.

(Continued from 7 October. Page 1015.)

The Hon. M.J. ELLIOTT: I will speak for a couple of minutes to round off the last of the allegations made against the Christies Beach Women's Shelter, that is, the allegation of misappropriation of funds. It is probably the most serious of all the allegations made against the women's shelter, and I think it should be noted that all accounts of the Christies Beach Women's Shelter were scrutinised with a fine tooth comb by the Department of Corporate Affairs, and following that investigation there was no charge at all relating to misappropriation of funds. So I suggest that following that thorough investigation, if funds had been misappropriated, a charge would have been laid. The most serious of all the allegations made against the Christies Beach Women's Shelter simply does not stand up. That is what I wanted to say last week before the Attorney-General rose to squawk.

I have now covered all areas. I think it now rests squarely with the Minister of Health to demonstrate to us that there was a real and good reason for defunding the women's shelter because it is quite clear that the reasons in the report upon which he based his decision to defund do not appear (at least on the evidence that I have received so far) to be accurate or at all sufficient. In so saying I call on the Minister of Health to demonstrate that he was acting correctly and give reasons why this motion should not pass.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 August. Page 465.)

The Hon. CAROLYN PICKLES: This Bill is again trotted out before Parliament. The Hon. Mr Griffin seems to introduce it as a sort of almost monthly event. I oppose the second reading. In responding to the introduction of this Bill yet again, I refer, first, to the Hon. Mr Griffin's statement that the Bill 'seeks to return South Australia to the company of the major democracies of the world'. This statement reflects a rather chauvinistic assumption that countries where voting is compulsory, such as Austria, Belgium, Greece, Italy, Spain and Portugal, to name a few, are not democracies. Given the fact that countries such as Greece, Italy and Spain, in particular, have fought long and hard to maintain democratic principles and constitutional government, this assumption is rather an arrogant one. These countries have experienced fascism and the repression of political rights—so it is significant in relation to this debate today that they have opted for a system of compulsory voting. We could do well to use their historical experience as an example in relation to this issue.

I will respond to the two main arguments in favour of changing the legislation put forward by the Hon. Mr Griffin. The first relates to his statement:

In countries with voluntary voting, there is no doubt that candidates' Party machines are more active in endeavouring to persuade electors to go to the polling booths and vote for them.

I believe that this line of argument is irresponsible. It assumes that political Parties do not already work hard in maintaining contact with their electorates—something which I know from my own experience within the ALP not to be true. The consequences of this argument would be to direct valuable time and resources into getting people to polling booths; something which is now achieved by an Act of Parliament.

The question here is: can we afford to, or, should we want to be, diverting our attention from the important area of policy making to that of the mechanics of campaigning? Do we want to see the increasing commercialisation of election campaigns in an effort to get people to the polls that is evident in the USA and the UK? Bringing an end to compulsory voting would necessarily mean a move away from the more serious business of policy development and, therefore, a backward step.

The second major concern which the Hon. Mr Griffin raises in favour of bringing in voluntary voting is that of 'freedom of choice'—the freedom to choose not to vote. I would argue that this is not a valid concern and seems to be a rather contrary way to view what is considered to be a most basic and important right in most countries. Whilst compulsory voting has been in operation in South Australia for 40 years, enrolment remains voluntary for State elections. Therefore, a person may choose not to be enrolled, and, if enrolled, may exercise his or her right to vote and accept the consequences for failure to do so, or deliberately cast an informal vote. I do not think that the issue here is whether we are infringing anyone's freedoms, but rather that we are supporting a voting system that results in a

more democratic system of government: in other words, majority rule and the expression of an opinion by a majority of electors. The compulsory voting legislation protects that right and principle.

In concluding, I point out that in countries where voting is not compulsory the result is a less democratic system of government. In the United States of America, in the 1984 Presidential elections, there was a turn-out of 53.3 per cent of eligible voters. Nearly half of those eligible did not participate in electing their representatives. Because of a number of factors, a whole section of the population was effectively disenfranchised and excluded from the political process. To support this Bill would be an anti-democratic move, and contrary to the interests of all Australians. I oppose the second reading.

The Hon. J.C. IRWIN secured the adjournment of the debate.

GOVERNMENT MANAGEMENT AND EMPLOYMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 August. Page 467.)

The Hon. G.L. BRUCE: I move:

That the debate be further adjourned.

The Council divided on the motion:

Ayes (9)—The Hons. G.L. Bruce (teller), J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (12)—The Hons. J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), and R.J. Ritson.

Majority of 3 for the Noes.

Motion thus negatived.

The Hon. BARBARA WIESE (Minister of Tourism): As this is the view of the Council, I presume that we must proceed with the debate. The Government does not wish to proceed with the consideration of this Bill at this time because it wishes to keep faith with the South Australian Institute of Teachers in relation to the agreement that was reached with it that neither the Institute of Teachers nor the Government would take any action until the matter had been resolved in the courts.

As the arguments relating to this matter have been well canvassed both in Parliament and publicly I will not take up a lot of time of the Council. However, it is important to place on record the series of events which led to the matter being placed before the courts. Cabinet decided to implement recommendations that emerged from discussions with the South Australian Institute of Teachers during the first half of this year. The Department of TAFE called all principals to a meeting to discuss implementation of the decision. The department understood that all principals had indicated their intention to attend the meeting to discuss those issues.

Prior to the meeting being held, the Institute of Teachers, using the powers vested in it under section 50 of the Industrial Conciliation and Arbitration Act, instructed the principals not to attend that meeting, and accordingly they did not attend.

The Government was concerned that the principals had been placed in a serious conflict of interest situation—a conflict between being managers of multi million dollar facilities on the one hand and members of SAIT on the other—and therefore moved to transfer principals under the Government Management and Employment Act. SAIT was advised and, as required by the Act, given the opportunity to make submissions to the Government before proclamation by the Governor in Executive Council of this proposed move.

SAIT met with the Minister of Labour on the following Monday prior to Cabinet resolving to forward the recommendation to the Governor. In fact, Cabinet resolved on the same day to forward the recommendation to the Governor for his endorsement. The Minister of Labour and the Minister of Employment and Further Education met with SAIT on the Wednesday morning to hear representations as to why the Government should not proceed. All that was offered by the Institute of Teachers at that time was that it would undertake not to further instruct principals with respect to the TAFE conditions dispute only. In other words, no guarantee was given by SAIT in respect of further issues at any later time.

I understand that the Minister at that time referred to this as a Claytons offer and, indeed, it was a Claytons offer. In any event, even that offer was made impossible by a general meeting of SAIT members held that day when that meeting accepted, apparently without dissent, a motion from the staff association of the Regency Park College of TAFE that the SAIT executive further instruct the principals not to follow any directions from the department regarding the TAFE conditions implementation.

That resolution would have been binding on SAIT. As a result, on the next day, Thursday, the Governor in Executive Council signed a proclamation making the transfer. Since that time the matter has been the subject of Supreme Court disputation and, while other matters have been resolved between SAIT and the Government, both sides have agreed to delay any further action on the matter of the principals until the court action is resolved. It is for that reason that the Government opposes the Bill that is now before the Council.

The Hon. M.J. ELLIOTT: I rise in support of this Bill. It is a very important Bill because of the precedent that it sets in relation to the application of the GME Act to possibly other people involved in education and in other areas of Government employment. I will, first, look at some of the history that has led to the current situation. The dispute first arose because the normal settlement process of arbitration was by-passed by the Government. We saw the incredible position of a Labor Government, which one would have expected to use the proper procedures of arbitration, trying to by-pass them. It tried to do so by altering the regulations in relation to employment of people within the TAFE system. A little later it set about removing principals from the Education Act and placing them under the GME Act.

On Monday 13 July Cabinet approved the TAFE Act employees review of conditions of employment. Two days later Mr Arnold, the Minister of Employment and Further Education, issued a news release. He stated that the new award would provide financial savings to TAFE while at the same time streamlining and upgrading the TAFE teaching service. The new award was a Government decision, not an award.

He said that it would liberate significant resources. On or after Friday 17 July, TAFE college principals received the review as an attachment to a letter dated 17 July from Mr Grear, the Acting Director-General of TAFE. The effective date for implementation, the following Monday, 20

July, coincided with the return from two weeks recreation leave of most TAFE Act staff. A ban on the implementation of the new working conditions was imposed by the South Australian Institute of Teachers on Tuesday 21 July.

These new conditions created a number of problems. For instance, if we look at the cutting by one week of recreation leave, we see that there were immediate short-term problems. Implementation caught all staff unaware, many being embarrassed by interference to prearranged individual leave plans approved by principals which dovetailed with college programming. If we look at hours, given that complex timetabling schedules either for a year or a semester were firm arrangements, we see that adjustment without notice of individual timetables to meet an average of 21 hours teaching a week was an impossibility in the current semester and, in many cases, impossible to ever achieve as an average. This was belatedly admitted by the Acting Director-General, who acknowledged on 30 July when writing to principals, 'that the commencement date for the new conditions was at an impossible time'.

Looking at the question of tutor/demonstrators, we see that the requirement that the replacement of a lecturing position vacancy by a lecturer will only occur in exceptional circumstances compounded by the 1:3 ratio of demonstrator to lecturer, was immediately seen by all with the slightest familiarity of educational needs to devastate the quality of education.

Moving to TAFE salary scales, salaries had been most recently work valued in the Teachers Salaries Board matter TSB 14 of 1974, in which an exhaustive study was made of duties and responsibilities in relation to conditions of employment at all staffing levels, including primary and secondary. Salary levels were handed across junior primary, primary, area, secondary and TAFE sectors and therefore tightly locked into a salary structure. By reducing recreation leave entitlements, salary relativities were destroyed between TAFE and other educational sectors and between staffing levels within TAFE. On the most arbitrary of calculations, the required increase in weeks of work reduce the rate of pay per working day for principals and vice-principals.

By Tuesday 21 July principals had notified their staff of the new requirements and had put into train mechanisms designed to take appropriate action to implement the conditions. On Tuesday, TAFE Act staff in most colleges reported to SAIT that they had resolved to place a ban on the implementation of the new conditions and to withdraw goodwill from the central office. SAIT then directed that these bans be universally enforced. Principals thus found themselves in the position where, first, their staff were protected by section 156 of the Industrial Conciliation and Arbitration Act against injury in consequence of taking part or being involved in any industrial dispute and, secondly, the penalty against an employer (herein the principal would be regarded as the agent) was $500. Accordingly, principals wrote to the Acting Director-General advising him that it was not practical or possible for them to assist in implementation of the proposed changes. The conditions could not have worked at that time for the reasons that I have outlined, and they could have faced charges under section 156 of the Industrial Conciliation and Arbitration Act.

On Thursday 23 July, principals declined a request of the Acting Director-General to attend a meeting at the Education Centre. Preceding events had influenced this decision. The Acting Director-General's letter introducing the new conditions had required nothing of principals beyond asking them to provide leadership and assistance to help staff through the change period and to ensure that the quality was maintained. As already stated, principals had well exceeded these requirements. This is significant, because it was later alleged that principals did not 'follow my instructions' and that there was an 'unwillingness to accept responsibility' and an 'unwillingness to accept my directions' by the Acting Director-General on 23 July. Equally significantly, these allegations were still later withdrawn in writing—but not before they had been placed before the Minister of Employment and Further Education, with the most dire consequences.

Prior to Thursday 23 July, principals had been telephoned by Operational Directors to put to them what was variously a request, an invitation or an expectation to attend a meeting called by the Acting Director-General for 9.30 a.m. on Thursday at the Education Centre. In view of the importance later attached to these differing communications, it is astonishing that such a scatter-shot technique of this nature was employed. In fact, one class 1 principal was not contacted at all.

To some principals, the purpose of the meeting was clearly put as the receiving of instructions from officers of the Department of Personnel and Industrial Relations requiring principals to enforce the implementation of new conditions which were subject to the SAIT ban, and to report defaulters with a view to their being stood down. Clearly, such action would have been in direct contravention of the protection afforded to staff under section 156 of the Industrial Conciliation and Arbitration Act and would have placed principals under threat of legal action.

Alarmed by this development, principals and vice-principals met as members of SAIT and resolved that 'TAFE principals and vice-principals as SAIT members do not attend the meeting called by the Acting Director-General for 9.30 this morning in relation to the TAFE conditions dispute in accordance with the industrial bans imposed by SAIT'. This was telephoned to the Acting Director-General by the President of SAIT prior to the meeting time.

We should look at the reasons that the principals and vice-principals had for making this decision. First, the questionable legality of action expected of principals already described draws attention to serious concerns about the appropriateness of advice given by senior officers in the Department of TAFE and Department of Personnel and Industrial Relations to the Ministers and the Acting Director-General.

Secondly, principals and vice-principals (together with heads) were, by Government direction, indivisibly placed within the package of new conditions in such a way that their pre-existing rights would be seriously eroded—probably more so than staff at other levels. Reduction in leave entitlement accompanied by a refusal to consider compensatory measures, and its sudden death enforcement part way through the current year, was certain to be opposed. Any notion that principals should not, therefore, be entitled to seek redress through their union would be a disfranchisement of their rights.

Thirdly, claims that principals had been instructed to implement the new conditions but had nevertheless failed to commence such action or that they had failed to accept a direction to attend the meeting were all unfounded.

Fourthly, despite their seniority in the Department of TAFE (for example, principals class 1 are the fourth most highly salaried group), no word of the proposals had been directly conveyed to principals or vice-principals. Nor, despite their seniority as 'field' managers, and the requirement that they would be the implementers, had senior staff of the department sought any response from principals on the desirability, consequences or feasibility of the package

of conditions—nor had they contemplated seeking this advice.

I now refer to the consequences of their action. After receiving news of the principals' decision not to attend the meeting, officers of the Department of TAFE and Department of Personnel and Industrial Relations met with the Minister. It is abundantly clear that the information was conveyed in such a way that principals were seen to have had an 'unacceptable conflict of interest' and were in an 'untenable position'. The outcome was a recommendation from Cabinet to His Excellency the Governor in Executive Council to 'discontinue the employment of principals and vice-principals as officers of the teaching service under section 15 of the TAFE Act' and that they 'be incorporated into the Department of TAFE'.

Consequently, on the basis of one sentence conveyed by telephone and information which was untrue and later withdrawn, a forum of which principals and vice-principals were not made aware and therefore excluded from, within a matter of hours, if not minutes, decided the fate of 25 of the Department of TAFE's most senior officers without giving any right to be heard or to defend themselves. It is evident that the application of the elements of sound judgment was absent. In fact, the Minister, as employer, received information and/or advice from the chief advocates of the package of conditions and passed his own judgment in a forum which lacked appropriate requirements for balanced, equitable and just solutions to industrial disputation. Moreover, the reported tone of the meeting and immediacy of the decision making process raise further questions.

Consider these two scenarios: first, in a college, a weekly paid general hand is proposed to be reclassified as a gardener. This process would typically take several months, requiring discussion by independent officers with the staff member and with his union. Secondly, a person is charged with sedition against the Commonwealth of Australia. The due processes require that he be charged, have the right to be defended, to be heard and to bring evidence to bear, and have the right of appeal. On that very day (Thursday), by his own hand communicated to principals, the Acting Director-General charged principals that they did not 'follow my instruction', with 'unwillingness to accept responsibility' and 'unwillingness to accept direction'. Clearly is it not possible to assert that such matters were totally excluded from discussions with the Minister? If they were discussed, then a charge was laid in a covert way, totally foreign to the inalienable Australian right to common justice. Yet, on mature reflection, based on evidence which only came to light when principals had the opportunity to put it, the Acting Director-General totally withdrew the charges in writing.

We now face the politicisation of TAFE. Clearly it was the intention of Parliament to exclude officers of the teaching service of TAFE from the provisions of the GME Act. Principals and vice principals were appointed as officers of the teaching service under the TAFE Act and therefore excluded from the GME Act dragnet. Nevertheless the intentions of the Parliament have been ignored in a manner which lacks legal power.

Schedule 2 of the GME Act 1985 shows quite clearly a list of persons who have been excluded from the Public Service and among those is 'any officer of the teaching service within the meaning of the Technical and Further Education Act 1976'. Given that understanding we had principals and vice principals under the Education Act until, for purely political reasons, the Government decided that it wished to move the principals and vice principals over to the GME Act. In other words, it has decided to place a different interpretation upon Acts which had been in place for some time before this decision. So, the Government has decided to put its own different interpretation on this Act for its own particular political reasons.

If the Government decides now to move principals and vice principals of TAFE, what guarantee do we have that it will not, at some time, wish to exercise such a decision against other senior officers throughout the Education Department or in other areas that are currently covered by the GME Act?

The important issue that we need to confront in this decision to place principals under the GME Act, besides the obvious politicisation which has occurred, is the question of education versus administration. If ever Australia needed principals and vice principals as educational leaders it needs them now. Education, in general, and TAFE in particular are now placed in the vanguard of national strategies which will enable Australia to compete internationally, to trade out of the present economic difficulties and return to national prosperity.

TAFE's environment is characterised by increasing demand for vocational education, technological advancement, national youth policies, full-time studies, increasingly relevant curricula, graduates who are sufficiently flexible and adaptable to adjust smoothly to change, teenage students, Commonwealth and State training initiatives, targeting of student intakes, cooperative arrangements in post compulsory education, intersectoral course articulation, experimentation in course design, alternative learning methodologies, multi mode curriculum delivery, and developments in educational technology—all of which have consequences for student life, staff development and curriculum development.

In this climate, to stress the administrative element in the education/administration dichotomy (in any case, a far too simplistic approach) by ignoring the century long tradition of appointing educational leaders who can articulate and practise education, is to make a regrettable public statement about Government perception of technical and further education.

We do not want to see administrators in charge of our education system—we need people who understand education and who are intimately involved with it. Increasingly, this Government is placing administrators at the head of TAFE. That is part of the problem, because many of the TAFE central office staff who are making these decisions and who are advising the Minister are administrators and not educators. That is an extremely sad reflection on the general trend that we see in South Australia today.

I strongly condemn the Government for what it has done in this move to place principals under the Government Management and Employment Act. The Government's attempt to hide behind court proceedings amounts to absolute cowardice. Regardless of the court proceedings, this Parliament should make known what it wants to occur—whether or not it wants principals to be under the Government Management and Employment Act or the TAFE Act. I believe that this Council will emphatically say that it believes that principals should remain under the TAFE Act, regardless of what interpretation the courts may or may not put on the legislation as it was worded back in 1985. I support the second reading.

The Hon. R.I. LUCAS: The Hon. Mr Elliott spoke most persuasively and cogently as to the reasons why one should support this Bill, and I am persuaded to support my own legislation. I will add two points in this very short contribution. First, the Minister—not the Minister in charge in

this Council but the Minister of Employment and Further Education (Hon. Lynn Arnold)—misses the whole point and the basic principle in relation to this Bill when he argues that we should wait for a Supreme Court decision.

The Hon. Mr Elliott has argued that point very cogently in relation to principals of TAFE colleges. This Bill covers TAFE principals, but extends even further. It seeks to lay down a principle that not only TAFE principals but all officers of the TAFE teaching service and all officers in the Education Department (in particular, I guess we are talking about principals and deputy principals) will remain covered under respective education and TAFE legislation and, if this legislation was to pass, they could not be moved into coverage under the Government Management and Employment Act at any time in the future.

This dispute thus far has related only to the question of TAFE principals, and quite rightly most of the debate has been in relation to TAFE principals and the current dispute. I stress that this Bill, while it covers that point, sets down a general principle that no Government (such as the Bannon Government) now or in the future could seek to do the same to officers in the Education Department as this Government has already done with this proclamation to TAFE principals.

My final point relates to the court action that the Institute of Teachers has taken against the Bannon Government and, in particular, the action of the Minister of Employment and Further Education. We all know the time delays that occur in our legal system, so it is possible that we will not see a decision on this matter for some months, and possibly even longer. As the Hon. Mr Elliott outlined, irrespective of the decision of the court in relation to the appeal by the Institute of Teachers, this Parliament is being asked to reaffirm what, in effect, we affirmed with the passage of the Government Management and Employment Act—that is, that the Parliament on that occasion clearly stated that it did not believe that Education Department officers and TAFE officers should be turned into public servants but should retain coverage under their own separate Acts.

This Bill seeks to encapsulate that principle into the Government Management and Employment Act that Parliament affirmed two years ago. I hope that the independent members in another place, and possibly some of the marginal seat members on the Government side will give serious consideration to this Bill if it is introduced in another place. I again indicate my support for the second reading and urge support from all members of the Chamber.

The Council divided on the second reading:

Ayes (12)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), and R.J. Ritson.

Noes (9)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese (teller).

Majority of 3 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

CHLOROFLUOROCARBONS BILL

Adjourned debate on second reading.

(Continued from 26 August. Page 469.)

The Hon. G.L. BRUCE: In responding to the Hon. Mr Elliott's Bill, I would say that concern about the depletion of the ozone layer which surrounds the earth at the level of the stratosphere is by no means new. In the last 20 years a number of man's activities have been the subject of investigations to see if their use would alter the ozone balance. High-flying supersonic aircraft, nuclear weapons and the use of nitrogenous fertilisers have all been investigated. Present concerns centre on the use by man of chlorofluorocarbons. Since their introduction in the early 1930s they have proved to be a safe, stable and odourless gas that is principally used as a propellant and solvent in aerosol sprays, as fluids in refrigeration and air-conditioning equipment, as a foam blowing agent in plastic foam production and as solvents, mainly in the electronic industry. CFC production in Australia has been static at about 12 000 tonnes in recent years, and the 1985 usages were 33 per cent in aerosol sprays, 45 per cent as refrigerants and 22 per cent in plastic foam production.

There is a range of compounds called chlorofluorocarbons, but CFC11 and CFC12 are by far the most commonly used. They represent approximately 80 per cent of the world production of 700 000 tonnes annually. Recent studies in the USA have shown that 37 per cent of this quantity goes to charging and servicing new and used mobile airconditioning. Of that amount new vehicles account for only 20 per cent to 25 per cent, the rest going to service existing vehicles—an estimated 90 million cars and trucks on the roads. Whether the CFCs are used in aerosols, in foam blowing or in refrigeration and air-conditioning, it must be appreciated that all of it will ultimately be released to the atmosphere once the equipment within which it is contained is scrapped. Since refrigeration equipment usually has a very long life, this release of CFCs will continue well into the future.

Once the CFCs are released into the lower atmosphere, they are slowly transported to the stratosphere. At present there is no clear understanding of the sequence of reactions that takes place, although very recent work in the Antarctic tends to suggest that ice crystals transform the CFCs into a form of chlorine that destroys ozone, while at the same time removing the nitrogen which is present and which would achieve a balance in this reaction. It is not only CFCs that are important in this reaction: a similar category of gases called halons must also be considered. Both these categories of chemicals are extremely stable and, once released into the atmosphere, they remain virtually unchanged for up to a century. It is fairly well agreed that continued growth in the emissions of these gases would lead to a depletion of the ozone present in the stratosphere by 10 per cent within 60 years. If the present production levels were maintained, this ozone depletion would be reduced to perhaps 2 per cent but, even at this level, some quite significant effects would occur.

A 2 per cent reduction in the ozone present in the stratosphere would lead to increased levels of ultra violet radiation reaching the earth, and this would give rise to significant increases in skin cancers. It would also destroy a considerable number of micro-organisms that are important at the bottom end of the food chains, and it could be a significant contributor (perhaps as much as 15 per cent) to the expected climate warming phenomenon known as the greenhouse effect. All in all, it is clear that the production and release of CFCs will have to be controlled.

In the international field, as I have said, this is not a new problem. It has not been recently discovered. Work has been continuing internationally since 1974 to bring about international agreements to protect the ozone layer. Under the guidance of the United Nations Environment Program, an international treaty (known as the Vienna Convention for the Protection of the Ozone Layer) was concluded in

1985. In recent months international negotiations have been proceeding to develop a protocol to this convention which will control the most significant or potentially significant ozone depleting substances. Australia has been playing an active part throughout these negotiations. On 14 to 16 September 1987 this protocol was finalised at a conference in Montreal and it provides for: a freeze on emissions of certain halons at 1986 levels, the freeze coming into effect in 1992; a freeze on use of certain CFCs at 1986 levels (the freeze will probably come into effect in 1989); a 20 per cent cutback in the use of these CFCs from 1993 through to 1994; and a further possible cutback by 30 per cent (that is, a total of 50 per cent reduction on 1986 levels) from 1998 to 1999. The Commonwealth Government has consulted extensively with industry and the States and the conservation movement in preparation of becoming a party to this convention. The Hon. Mr Elliott's Bill seeks to cut across all this, seemingly propelled by a recognition of the urgency of the situation. It seeks to ban the manufacture and sale of any goods in which CFCs are used as a propellant—

The Hon. M.J. Elliott interjecting:

The Hon. G.L. BRUCE: That could be so, but the amendments are drifting across the table only today. I am now addressing the Council on our response to the honourable member's Bill. The Bill seeks to ban the manufacture and sale of any goods in which CFCs are used as a refrigerant within two years from the date of assent. While I can only support the ultimate objectives that Mr Elliott is trying to achieve, it is a pity that this Bill was not prepared in consultation with Government, industry and the conservation movement. If it had been, it would not have so precipitately cut across the negotiations and activities that have been going on nationally for many years.

The Hon. R.J. Ritson interjecting:

The Hon. G.L. BRUCE: Not as yet. Unfortunately, it will be ineffective. In its present form of prohibiting manufacture and sale it will merely shift interstate those companies that produce in South Australia. It is questionable under section 92 of the Constitution whether the sale of products manufactured in another State can be prohibited in South Australia. Although CFCs create such dangerous effects in the atmosphere, it is possible that this ban might be successful. But the very short lead times given to manufacturers to adjust to this complete phasing out of CFCs will cause economic disruption and mean that many products which are very useful to people will go off the market, since there is insufficient time to reformulate them. Mr Elliot has suggested that this can be overcome by using the exemption powers included in the Bill.

Manufacturers, on making a substantial case why a product should continue to use CFCs, would be granted an exemption. The bureaucratic workload behind this would be enormous and, since it could not be coordinated nationally, because other States are not pursuing this course, it would be necessary for South Australia to set up its own assessment procedures. I note that Mr Elliott's colleague, Senator John Coulter, has introduced a similar Bill in the Senate. Rather than banning the manufacture and sale of products using CFCs, that Bill seeks to apply a ban on the use of CFCs in aerosols, but aims to recycle the CFCs used in refrigerators and airconditioners.

The Hon. M.J. Elliott interjecting:

The Hon. G.L. BRUCE: Evidently you have copied them. From the introduction I gave to this Bill, members will understand that both Bills are deficient. Since technical alternatives to the use of some CFCs in aerosols do not exist, and since the engineering necessary to use different products in refrigerators has not yet been carried out, it is more appropriate to apply powerful incentives to manufacturers through restriction on total production and importation of CFCs, rather than attempting to ban specific products. This leaves manufacturers free to develop new products, reformulate old ones, and re-engineer systems to the best effect rather than applying partial bans. Governments can further this process better by applying incentives and penalties to existing uses of CFCs rather than stopping their production entirely. For instance, taxation penalties and financial incentives could be given to developing CFC reclamation industries, which could recover the mobile refrigeration and airconditioning units so prevalent on our roads. Domestic refrigerators could be degassed before they are dumped. In this way a great proportion of the CFCs present could be effectively recycled. This would have the twin benefits of not only reducing the demand for new CFC production: it would also completely stop the release into the atmosphere of CFCs that are presently in use. This would mean a greater reduction in the rate of entry of CFCs to the stratosphere than a ban on present products.

In conclusion, the Government, while supporting the admirable objectives that Mr Elliott seeks to accomplish, cannot support the Bill. It is poorly conceived in that it imposes an unfair economic and social penalty on the community; it takes no account of the long and patient negotiations that Australia has participated in internationally; and it cuts across the conventions to which Australia intends to become a party. It fails to recognise that alternative chemicals and products take time to be developed and to be engineered and, in its mechanism to accommodate this, imposes an unwarranted administrative load on industry. The Bill should be rejected.

The Government, as a supporting party to the Australian Government's commitment to the Montreal agreement, intends to continue its discussions with the Commonwealth Government to ensure that it can play its part in controlling the use and release of these chemicals to the atmosphere. It is expected that these negotiations will take place through the Australian Environment Council and that they will reveal a wide range of measures, penalties, and incentives that need to be developed to ensure that industry phases down the production and use of CFCs. It is for these reasons that I urge the Council to oppose the Bill.

The Hon. PETER DUNN secured the adjournment of the debate.

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 9 September. Page 794.)

The Hon. DIANA LAIDLAW: I rise to support the second reading of this important Bill. I also supported the second reading of a similar Bill last session. On that occasion and again today I commend the mover of the Bill (Hon. M.B. Cameron) for his initiative and persistence in this matter because freedom of information is extremely important to the efficient working of our democratic system and to the working of this Parliament, and it is also dear to my heart. I have received a letter from the President of the South Australian Council for Civil Liberties (Donald De Bats) which states in part:

Among the important reasons for supporting this legislation are—

1. The philosophical principle that citizens of a society should have the right to obtain information held by the Government which they elect.

2. The clear frustration that now confronts members of the public who seek Government information only to discover that they are denied access.
3. The alienation which results from a perception of Government and the Public Service rising above the ordinary citizen.

I heartily endorse all those points made by the President of the South Australian Council of Civil Liberties, and they are particularly valid in respect of my knowledge of the workings of the Department for Community Welfare, to which I will come shortly.

Before I entered Parliament I was very conscious of the importance and value of freedom of information legislation. Some 10 years ago within the State Council of the Liberal Party I was associated with a motion which passed that council urging the Federal Liberal Party to adopt the principle of freedom of information in our platform, and that was subsequently accepted in policy. I was later involved in lobbying the then Prime Minister, Mr Fraser, to resist the over-sensitive precautions of senior bureaucrats and senior Ministers who sought many exemptions to the Federal freedom of information legislation. Ultimately, the number of exemptions were restricted, and I was heartened to see that and to have been part of that process. Today, some 10 years later, my close association with community welfare matters in this State reinforces my determination to see freedom of information legislation introduced into South Australia.

In terms of the administration of the Department for Community Welfare, its policies and practices, freedom of information legislation would be a long overdue and refreshing breath of air. It would enable thousands of people who are subject to DCW records to see those records, check their accuracy and assess the basis upon which DCW officers judge their situation.

As all members would know, judgments made by DCW officers can have a profound impact on people's lives and those of other family members. Too many DCW officers tend to be non-committal to the point of being provocatively obstructive in relation to reasonable questions posed by individuals who are the subject of DCW investigations. On a number of occasions I have taken up matters on behalf of a large number of South Australians who have been the focus of attention by the DCW. I believe that on some occasions I was able to obtain information where others had been unsuccessful, but at times I encountered brick walls and I could not understand why that would be so. On many occasions I encountered over-sensitive and insensitive reactions by DCW officers to genuine concern by individuals and family members about the status of investigations relating to other family members.

This trend towards arrogant silence when asked questions about the origin, nature and status of investigations reinforces levels of frustration encountered when staff have not conducted wide-ranging interviews before undertaking a particular course of action. The fact that DCW offices are regularly under-staffed and under-equipped to deal with the required workload compounds rather than mitigates the need for freedom of information legislation. Under-staffing often leads to hasty judgments and ill-prepared case studies. People, the subject of such judgments and studies, should have the right to determine whether DCW records are accurate, comprehensive and sound. In this respect I have been in contact with a number of lawyers on behalf of DCW clients and they have been equally frustrated in getting information from the DCW about the nature of the investigations undertaken by it. I am not sure whether the Attorney is aware of some of these practices, but I can show him documents that in many places had large slabs taken out and other sections whited out which made the information provided to lawyers on behalf of clients absolutely irrelevant. As I am sure the Attorney would be aware, there is a lot of concern about these matters.

At a time when the Minister of Community Welfare is proposing major overhauls to the structure and direction of the department, officers from within the department and members of the non-government welfare sector and other interested persons, not least myself, should have readier access to information about these proposals. Such information should not be available merely through leaked information or by the process of extracting under some pain the information from the Minister when he deigns to answer questions on these subjects. In my opinion the leaking of documents is a most unsavoury practice and I wish it was never necessary. I do not believe that it would be necessary if our system of government was truly accountable to the citizens of this State. If that was so, I do not believe that the practice of leaking information would be as prevalent as it is today.

Increasingly, however, members of Government appear to be overlooking the fact that they are the elected representatives of our community. I say this with some feeling because I used to work with Ministers in the former Government. I encountered difficulties when working with the Hon. Murray Hill in trying to represent the interests of people who came to him seeking help in relation to housing and local government matters when dealing with Ministers in other departments. I am not levelling my criticism solely at this Government. I am very conscious that when members are elected to Government they sometimes forget that they are there to represent the interests of members of the public. I am not sure whether it is a matter of Government going to their heads or whether it is a matter of too much pressure and excitement and a lot of other competing interests which make them forget about the little people and the kinds of barriers and frustrations that those people encounter.

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: I am not suggesting any names. I will not go through a process of elimination. Both former Ministers can be quite clear that I was not addressing either of them. I have worked with Federal Ministers as well and I know that it is a problem. The literal meaning of 'public servant' is 'servant of the public'. It is becoming increasingly obvious to me, after working with Federal and State Ministers and members, and being a member of Parliament myself—a collective experience of over 12 years—that public servants appear to be forgetting that they are servants of the public. They tend to be overlooking their role in favour of a role of serving Government alone, particularly Government interests, to thwart the traditional role of people to know what decisions have been made, by whom and for what purpose.

Freedom of information legislation is required to open the Government and the bureaucracy to public and individual scrutiny. A working party established in South Australia to investigate the merits of freedom of information legislation in this State endorsed this point. I quoted from that report on the last occasion that I spoke on this matter and I do not intend to do so today. However, since that last occasion I have received a report of the advisory committee to the constitutional commission which looked at the matter of individual and democratic rights. It addressed the subject of freedom of information on page 56 of its report. I wish to briefly read this onto the record before concluding my remarks. The report states:

The committee believes that a democracy cannot properly function if Governments may prevent any information about their actions or decisions becoming public knowledge. If such secrecy

were maintained, if laws were passed making it illegal or criminal to disclose or publish any governmental information, then meaningful public debate would be rendered impossible. Speech on political and governmental issues would become pointless, since there would be little to discuss or criticise. Peaceful assembly and freedom of expression are also inhibited since people are not able to know what Governments are actually doing.

In a system of parliamentary democracy, the role of the Opposition is to highlight and criticise the actions of the Government. If that Government could prohibit disclosure of information concerning its action, then the Opposition would be effectively hobbled. It could not criticise something of which it was unaware. At any election, citizens would thus be unable to make an informed choice between the competing political Parties. All the rhetoric in the world cannot replace informed debate on factual issues.

Of course, some restrictions on the disclosure of governmental information must be imposed. National security considerations justify keeping certain defence actions or policies secret. Concerns to ensure objectivity in decision making justify laws providing that tender applications, job applications and promotional determinations should remain private. Discussions with representatives of foreign Governments often require secrecy in order to ensure effective negotiation. But these examples of reasonable non-disclosure of governmental information do not justify abrogation of the general principle.

The committee believes that some limits should be imposed on the power of Governments to withhold information. The overriding test should be one of reasonableness. This is a concept familiar to the courts. The judiciary would be able to exercise a relatively objective and impartial role in deciding whether any reasons advanced to justify non-disclosure were in fact reasonable.

The Government would at least have to justify its decision, although of course the courts would give considerable weight to the Government's views. This approach would be consistent with the way the common law presently deals with arguments about governmental secrecy in the context of trials. The courts do not permit Governments simply to refuse to provide evidence on the ground that the Government believes that it would not be in the public interest. Rather, the courts themselves decide whether or not disclosure would be in the public interest after hearing any arguments put by the Government.

The committee then recommends that a new subsection 116A (iv) be included in the Constitution to deal with information unreasonably withheld. I think it is important to note that report of the advisory committee, because many eminent Australians serve on it and on the overall commission.

Finally, in relation to this Bill, the absence of freedom of information legislation combined with an absence of privacy legislation in this State strengthens the hand of authority over the citizen in South Australia, and I have a great deal of concern on that subject. That concern has been expressed in more recent times in relation to the ID card, but I think it is a matter that we have to look at seriously in this State and in this country, especially at a time when we have technology available for centralised computer information and other more modern technologies. We have to be careful, if our democratic system is to remain viable and credible, that we do not distort the balance between the citizen and the authority of the State to too great an extent. In maintaining that balance, it is my view that we need not only freedom of information legislation, as proposed by the Hon. Martin Cameron, but also one day credible privacy legislation.

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: Oh yes he does, and he can speak for himself on this matter. With those words, I conclude my remarks.

The Hon. C.J. SUMNER: I oppose the Bill as introduced by the Hon. Martin Cameron. I refer members to page 2631 of *Hansard* of 3 December 1986 where I gave a comprehensive outline of the Government's position on this matter. Nothing has changed since December 1986—

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: Well, that may be—he is entitled to be. Nothing has happened since December 1986 to alter the Government's position. The Bill introduced by the Hon. Mr Cameron is substantially the same as the one I addressed on 3 December 1986, and I do not have anything further to add to the comprehensive arguments that I outlined on that occasion. I can say, however, that the Government is setting up procedures to apply freedom of information as a privacy principle, that is, citizen access to personal information in accordance with the privacy principle which I outlined last December, as follows:

Where a person has in his or her possession or under his or her control records of personal information, the record subject should be entitled to have access to those records.

As I said, that was accepted by the Government in December and remains accepted by the Government as one principle as part of a number of privacy principles which I outlined in December 1986 and which are currently being finalised for promulgation.

For the purposes of this debate, the important point is that the reaffirmation of privacy principles relating to access to personal information (which I have just outlined) which the Government is in the process of implementing by setting up procedures to enable that access to be obtained through Government agencies, will occur over a period of time as resources and finances become available or as costs can be recovered in the individual agencies. As I said, the Government is setting up procedures at the present time and a manual is being prepared as a guide for agencies and departments on how access to personal information should occur. As that which I undertook to do on 3 December 1986 is in the process of being done, and as it constitutes a significant step forward in providing individuals with access to information held on them by Government, I oppose Mr Cameron's Bill at the present time for the reasons outlined on that occasion.

The Hon. R.I. LUCAS secured the adjournment of the debate.

MARIJUANA

Adjourned debate on motion of the Hon. K.T. Griffin:

That the regulations under the Controlled Substances Act 1984, concerning expiation of simple cannabis offences, made on 30 April 1987 and laid on the table of this Council on 6 August 1987, be disallowed.

(Continued from 26 August. Page 480.)

The Hon. R.J. RITSON: I intend to be brief in my remarks on this subject because much of what is to be said about it was said on a previous occasion when the parent legislation giving rise to these regulations managed to pass in another place by a narrow margin when a member exercising his conscience vote appeared to have his conscience altered in the corridors urgently at the last minute. During the debate at that time, I made the comment that the expiation system would have its defects or flaws, because it deals with quite a different class of people than does other law which encompasses expiation provisions. In particular, of course, the road traffic law uses expiation provisions to deal with many minor infringements, but those traffic offences that attract traffic infringement notices with the option of expiation fees relate largely to offences involving inadvertence. They are offences of strict liability which almost anybody in the community, and perhaps every person who has driven for any number of years, has infringed inadvertently.

The fact that those expiation fees are applicable to the ordinary citizen who is not criminal and the fact that there is a licensing and registration system leading to the easy identification of the people who commit those infringements mean that one way or another an extremely high percentage of those matters are cleared up. When the parent legislation was before the Council I pointed out that it would be difficult to identify a number of people who were apprehended for simple possession, and that it was likely that many would not pay the expiation fee, would drift off as people without a permanent address and perhaps never be found again.

I draw the Council's attention to an article that appeared in the *Advertiser* of 24 August in which the Director of Crime Statistics stated that 45 per cent of fines imposed in the first month of the system's operation were not paid. He made the point that the rate probably would settle in future months. It remains to be seen whether it has. My colleague, the Hon. Mr Griffin, has placed a question on notice seeking from the Minister figures to identify the trend in non-payment of these expiation fees.

We, on this side of the Council, predicted when the parent legislation was debated that there would be a high level of non-payment of these fines—indeed, a high level of unenforceability—which justifies our concern that expiation payments for simple possession of marijuana in many cases amounts to virtual legalisation because it could be that about half the people apprehended for the possession of marijuana would simply not pay the fines and may never be heard of again.

These regulations deal very narrowly with the form for payment of the expiation fee. The change in the form is prompted by the levy for the compensation of victims of crime. It is a minor change and does not really touch the major principles which we opposed when we voted against the virtual legalisation of the possession of marijuana. It might be asked, 'Why then am I bothering to oppose the legislation, it being a simple administrative change to the regulations?' The answer is that I originally opposed the whole concept of the legalisation of the possession of marijuana. Therefore, it would be inconsistent of me to continue to aid and abet the administrative trappings of its consequences. For that reason I support the motion for disallowance.

The Hon. J.C. IRWIN secured the adjournment of the debate.

[Sitting suspended from 6 to 7.45 p.m.]

TECHNICAL AND FURTHER EDUCATION ACT REGULATIONS

Order of the Day, Private Business, No. 21.

The Hon. M.J. ELLIOTT: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CONSTITUTION ACT AMENDMENT BILL

Second reading.

The Hon. PETER DUNN: I move:

That this Bill be now read a second time.

The purpose of this amendment to the Constitution Act is to allow the Government of the day to organise ministerial portfolios in the most efficient and practical manner possible. This amendment will remove an impediment from the Constitution Act and will lead to a greater efficiency in the administration, particularly when one considers the current rural crisis farmers in this country are now facing.

The Minister of Agriculture, who also has the portfolio of Recreation and Sport, is being sidetracked by his Recreation and Sport portfolio and is not in a position to fully concentrate on rural matters, which of course is currently a major problem. The current arrangement is contrary to the benefits of the rural sector. That is why, if the responsibility of agriculture and lands were under the same umbrella, the Minister would have the opportunity to concentrate on rural matters.

The question may well be asked why were amendments made to the Constitution Act back in 1965 to prevent this happening. At that time, under the Walsh Government, Mr Bywaters was the Minister and his portfolios were not only agriculture and lands but repatriation, irrigation and forests. The agriculture portfolio in 1965 also had the responsibility of fisheries—which carried out the many functions of the National Parks and Wildlife Service. As you can see, under those arrangements which operated over some 20 years ago, it would be understandable that some rationalisation should take place.

Today, however, we are facing a totally different ball game. Irrigation is now water resources. The Fisheries Department, which was created as a separate department in 1979 by the Tonkin Government, no longer has the responsibilities of the National Parks and Wildlife Service, which now comes under the portfolio of environment and planning. I am sure that our current Minister of Agriculture would also agree that it would be more beneficial and definitely more efficient if both lands and agriculture were given the opportunity to work side by side. It is obvious that agriculture, lands and forests should come under the one umbrella, while marine should be with fisheries. Therefore, I firmly hope that we will all recognise that, with the evolution of our Governments and subsequent portfolios, it is quite feasible for the portfolios of agriculture and lands to be the responsibility of the same Minister, allowing the Minister of the day the opportunity of seeing an all round picture of rural affairs.

The Hon. C.J. SUMNER (Attorney-General): I support the Bill and thank the Hon. Mr Dunn for introducing it into the Chamber. It is still, despite the honourable member's explanation, somewhat of a mystery to my why it was determined in 1965 that the Minister of Agriculture could not also be the Minister of Lands. I suppose that if we had the time we could research the matter somewhat more fully to determine the background to this provision, but I do not think—

The Hon. C.M. Hill: It was tradition, as expressed in the Legislative Council.

The Hon. C.J. SUMNER: Was it a Legislative Council idea? What was the reason?

The Hon. C.M. Hill: It was tradition.

The Hon. C.J. SUMNER: Was it a Legislative Council idea that Lands should be here or there—

The Hon. C.M. Hill: No, that Lands should remain separate because it was always separate. That was the tradition.

The Hon. C.J. SUMNER: And it was put in by the Legislative Council?

The Hon. C.M. Hill: From memory, I think so.

The Hon. C.J. SUMNER: The Hon. Mr Hill has provided some valuable information to the Council resulting from his long experience in this place. There does not appear to be any logical reason for the prohibition of one person

holding both Ministries. I wondered whether a historical conflict of interest point was involved. I do not think it would be worthwhile for anyone to do the research to find out why this provision existed. I think it is common ground that it is an anachronism and should be removed. Any Government or any Premier, no matter what Party or political persuasion, should be able to allocate portfolios in the way that he sees fit according to his view of the best interests of the Government and the community. There should not be any restriction of this kind on the Premier and the Government of the day to determine the administrative arrangements during their term of office. I am pleased to support the Bill as introduced by the Hon. Mr Dunn.

The Hon. PETER DUNN: The Minister posed a couple of questions, the explanation of which is probably contained in this document in that it was a matter of rural representation in those days.

The Hon. C.M. Hill: It was 16 to four.

The Hon. PETER DUNN: Yes. I guess the reason was that they were fairly thin on the ground when it came to rural matters and splitting them up was a way of getting that representation in Cabinet.

The Hon. C.J. Sumner: Representation for the rural areas—is that what it was all about?

The Hon. PETER DUNN: Yes.

The Hon. C.J. Sumner: Is that what they decided?

The Hon. PETER DUNN: Yes, and I think that was very wise of them. However, today I agree with the Minister, that whoever chooses the Minister should have that flexibility. There may be one person who has the capacity to handle all of those portfolios at one time and I do believe they should have that flexibility. I thank the Minister for his support.

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

SUPREME COURT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 October. Page 950.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. The Supreme Court Act already contains provision for the Attorney-General to apply to the Supreme Court for an order in relation to a person who might be regarded as a vexatious litigant who initiates proceedings and continues with those proceedings in a context which might be construed as an abuse of the process of the court. As the Attorney-General said in his second reading explanation, the Supreme Court judges, in their annual report I think of 1984, recommended that they be given the power themselves, of their own motion, to make an order that a litigant is a vexatious litigant and, in consequence, to stay proceedings or take such other action as is considered appropriate.

The Attorney-General indicated that this amending Bill goes some way towards meeting the recommendation of the judges of the Supreme Court, but retains for the Attorney-General of the day the right to make a decision whether or not an application should be made to the Supreme Court for a particular order. The Bill allows a court to make a report to the Attorney-General and the Attorney-General then considers it and is still the person who makes the application, if he is satisfied that there are proper grounds for the application. The court then considers it and subsequently may be persuaded to make an order. That order may prohibit the person by whom the vexatious proceedings were instituted, from instituting further proceedings or further proceedings of a particular class without leave of the court and may stay proceedings already instituted.

There is a provision that the order remains in force subject to variation by the court if a period for the operation of the order is fixed until the expiration of that order or the revocation of the order, whichever first occurs or, if no such period is fixed, until revocation of the order. Notice of that order must be published in the *Government Gazette.*

The proceedings, which are covered by the section, may be both civil and criminal proceedings whether instituted in the Supreme Court or some other court of the State. The description of proceedings as vexatious refers to those instituted to harass, annoy, cause delay or for any other ulterior purpose or instituted without reasonable ground.

I will refer to several matters of a drafting nature. The first is that it is not clear that the court has power to dismiss a matter with costs or even to award costs. It may be that that is part of the inherent jurisdiction of the Supreme Court, but if the proposed section 39 is to be regarded as a full codification of the law relating to vexatious litigants it would seem to me appropriate to give the court power to dismiss a matter and to dismiss with costs.

It is, I think, implied that the court does in fact have power to revoke, because proposed subsection (3) refers to the continuation of the order until revocation or variation, as the case may be. It is probably not necessary to give the court specific power to revoke in the context also of having power to vary, but I think that matter ought to be considered.

The only other matter which one might regard as a matter of more substance relates to the present subsection (2) of existing section 39, which provides:

> If the person against whom an order is sought under this section is unable on account of poverty to retain counsel, the court shall assign counsel to him.

In modern drafting, that would be 'to him or her'. That has been eliminated from the proposed section. I would like to know from the Attorney-General why that has been removed from the section in the drafting of the Bill before us. It seems to me that it is appropriate for the Supreme Court to have power to make such an order. I think there are provisions elsewhere in the Supreme Court Act relating to criminal matters but not necessarily in relation to civil matters. Unless there is some good reason why that subsection (2) should be deleted, I am presently inclined to the view that it ought to be reinstated in the Bill.

Subject to those matters being clarified, Madam President, the Opposition supports the Bill. It recognises that some reasonable power has to be given to both the Attorney-General to make applications and the court to make orders in relation to vexatious litigants where litigation is used solely to annoy or harass, or for the purposes of delay or where it is instituted without reasonable grounds. While justice must be open to all citizens, it is not unreasonable to suggest that, in rare circumstances, the court itself ought to be able to say enough is enough, and to prevent a vexatious litigant from proceeding without the leave of the court. With that, we support the Bill.

Bill read a second time.

ADOPTION BILL

Adjourned debate on second reading.
(Continued from 8 October. Page 1073.)

The Hon. J.C. BURDETT: I support the second reading. Most of the Bill provides much needed reform to the adop-

tion laws for which many people actively involved as parties in adoption have been pressing for a long time. There is some urgency for this Bill to satisfy the well founded demands of many people as soon as possible. I agree with my colleague, the Hon. Diana Laidlaw, that there has been very extensive consultation on the issue of adoption and much of this is to the credit of the Minister. The release of the report of the review committee gave everyone having an interest the right to comment and, indeed, many submissions were made. The time allowed enabled groups such as the Liberal Party committee referred to and convened by the Hon. Diana Laidlaw to contact interested persons, and if they saw fit, as our committee did, to lay down a position well before this Bill was introduced into this Council. Unlike the case with most Bills, the Minister has known the position of the Liberal Party for some time.

In this situation and because of the urgency of the Bill becoming law and giving its benefits to the public, I join the Hon. Diana Laidlaw in opposing a Select Committee in this case. One might say that in effect, the Select Committee has already been held. The position of all interested parties, including the Liberal Party, has long since been known. Nevertheless, if a Select Committee is held, I am sure that everyone will quite properly feel the need to state their case again, and I am sure that a Select Committee, if held, would be a long one, whatever efforts the Minister might make to curtail it. For this reason, I think, for the first time ever, I would oppose a Select Committee on a Bill.

Both the Minister and the Hon. Diana Laidlaw have made extremely comprehensive speeches and I do not propose to repeat that exercise. The speeches did disclose marked differences between the two points of view in certain areas. This is a very important piece of social legislation on which every member of Parliament ought to be able to express his or her point of view, and I would ask the Minister whether the Government will declare this to be a conscience issue on which members may speak and vote as they wish. Conscience votes are traditionally allowed on important social issues. I cannot think of a more appropriate case than this Bill and I strongly urge the Government to allow a conscience vote in this instance. It is not an issue which should be decided on Party lines. As I have said, I will make no attempt to deal with all aspects of the Bill.

I refer first to the definition clause, clause 4, which defines 'marriage relationship' as meaning—note 'meaning', not just including—the relationship between two persons cohabiting as husband and wife or de facto husband and wife, so the definition is saying, *inter alia*, that (admittedly only for the purposes of this Bill) a de facto relationship constitutes a marriage relationship. This flies in the face of the Commonwealth Family Law Act (which is part of the law applying in South Australia), history, tradition, and the English language, all of which contemplate a formal, recorded life long commitment. It is true that many statutory definitions are artificial, but I think it is undesirable to have a definition as out of kilter with the meaning of the English language and the law as this one is. It is worth noting that the Family Relationships Act 1975 does not refer to a marriage relationship and does not make de facto relationships in any sense marriages.

Part III of the Family Relationships Act provides that a person is, on a certain date, the putative spouse of another if he—and it would now be he or she—is on that date cohabiting with that person as husband or wife de facto and if that cohabitation has existed continuously for a period of five years or five of the last six years, or there is a resulting child. To establish the status of a putative spouse, an application has to be made to a court. It is worth noting that the Act provides that the fact that the court has declared that the two persons were putative spouses on a certain date is not to infer that they were putative spouses on any other date.

The point of the Act was to enable special Acts to pick up the position of putative spouses and to provide that putative spouses could receive certain benefits, for example, workers compensation, claims under the Wrongs Act and under the Inheritance (Family Provisions) Act. It was an acknowledgement that cohabitation with some degree of permanence creates financial obligations.

I spoke in favour of the Bill for that Act when it was introduced, and would do so again. However, the Act did not purport to create any kind of marriage relationships in these circumstances, and I think it is undesirable that this Bill should do so even for the limited purposes of the Bill.

To pass from the semantic to the substantive, this definition is for the purposes of clause 11 of the Bill, which provides in subclause (1) that subject to subclause (2) an adoption order will not be made except in favour of two persons who have been cohabiting together in a marriage relationship for at least five years. The effect of the definition and this provision means that persons who have been cohabiting in a de facto relationship for at least five years will be eligible to apply to adopt a child. In the interests of the child, I believe, in general terms, that it is not appropriate that a man and woman who have not been prepared to give a lifelong commitment to each other should be able to give a legally effective lifelong commitment to the adopted child.

Through the act of adoption they are giving a lifelong commitment to the child which they can only fulfil if they remain as a stable couple themselves. Persons who adopt a child and seek to take on that commitment to the child should be prepared to make a formal lifetime commitment to each other.

Clause 9 (1) provides that where an adoption order is made the adopted child becomes, in contemplation of law, the child of adoptive parents and ceases to be the child of any previous natural or adoptive parents. That is, of course, as it should be, and that has always been the basis of legal adoption. In a sense, the State through the adoption procedure makes the child, artifically, the child of the adoptive parents. (I do not use the word 'artifically' in any derogatory sense.) In the same way a husband and wife, when they marry, enter into a legally recognised relationship between themselves. It is surely appropriate that the State should choose those who have entered into a legal relationship between themselves to enter into the legal relationship with the adopted child.

It is true that a man and woman living in a de facto relationship, or outside such a relationship, can have a child. That is in the first instance their responsibility. But, when the State, through an Adoption Act, creates the legal relationship of parent and child and acts on its own responsibility, I suggest that it is proper, and likely to be in the best interests of the child, that the parents enter first into the legal relationship of marriage between themselves.

Of course, the fact that the prospective adoptive parents have been married for at least five years is no guarantee that they will remain together in a stable relationship for life. In these days of a high divorce rate it would be idle and misleading to assert that. There have been, and undoubtedly will continue to be, cases where adoptive parents will separate and on many occasions dissolve their marriage sometimes to the grave disadvantage of the adopted child. But, surely one has no faith in human nature at all if one does not acknowledge that a split-up is much less

likely to occur between those who have been prepared to give a formal lifelong commitment to each other than between those who have not. The motives of persons who live together in a de facto relationship for not getting married may be many and various but, whatever the motive, one thing is common, namely, the fact that the parties are not prepared to make a formal legal lifelong commitment to each other.

It is my observation that de facto couples often break up and move on to take other partners. As they have not been prepared to make the marriage commitment to each other, this is not surprising. I acknowledge that I have no statistics to back up this observation, and of course it would be very difficult to obtain them. I might add that a requirement of having to be married for at least five years makes it highly unlikely that a couple would get married simply to enable them to qualify for adoption of a child. If a legal marriage recognised at law under the Commmonwealth Marriage Act (and this is important) which is part of the law applying to us in South Australia breaks down, there are legal provisions in that Act, including provisions in relation to the care, custody and control of the children of the marriage and access to such children. Legal provisions deal with the breakdown of a marriage.

Children who are adopted during the marriage (as they will be by virtue of the Act that will result from this Bill) will be children of the parents in contemplation of law, and they will be children of the marriage. The Family Law Act specifically provides that children adopted during the marriage are children of the marriage.

It is pleasing to note that whereas the review committee recommended that marriage or a de facto relationship be sufficient if it had subsisted for three years, the Government has seen fit in this Bill to retain the present period of five years, and I think that this makes much more positive the likelihood of the relationship remaining stable.

As the Minister said in his second reading explanation, a major thrust in the Bill is towards openness in adoption. I agree with the general thrust, but this subject is set about with a good deal of strain between the three sides of the triangle, the adopted child, the biological parent or parents—usually the relinquishing mother—and the adoptive parents. When I was Minister of Community Welfare, the pressure for and against open adoption was mounting. I remember a number of interviews with people from all sides of the triangle which have remained firmly fixed in my mind. There were relinquishing mothers who, from an earlier period of social values, had a guilt complex about their having conceived and given birth to a child and then felt an all compelling desire to know whether their child was alive or dead, and whether they were well and happy and being well cared for. That was what most of the relinquishing mothers who saw me wanted. Not many of them had any great desire to contact the child, at any rate unless the child and the adoptive parents were likely to be happy with the situation.

There were adopted children who were usually entirely happy with and grateful to their adoptive parents and who felt a burning desire to know, 'Where did I come from? Who am I?' I was quite satisfied that that was a very compelling and understandable desire. There were the adoptive parents who said that they adopted the children on the basis, contained in the Act and the orders, that the details of adoption would never be disclosed. They said that they would never have adopted the children if this had not been the position. They were just as emphatic and just as convincing as the other two sides of the triangle. Some of the adoptive parents who expressed these views to me were people of such a background that I could not disregard them.

Madam President, I am entirely happy about openness in adoption for future adoptions. At this point in time I think that is the way to go. I have some uneasiness about applying openness in adoption to previous adoptions when the clear understanding, on the face of which relinquishing parents and adoptive parents acted, was that the matter should remain secret. I have always had qualms, as this Council has traditionally, about retrospective or, as I think this Bill is better described, retroactive legislation. I also understand the suggestion that it is difficult to have two classes of adoptees—those who have been adopted before this Bill becomes law and those who have been adopted afterwards. It was for these considerations that the position paper put out by the Liberal Party recommended that the birth parents and adopted children affected by adoption orders under the current legislation be entitled to record a veto against the disclosure of identifying information. Upon recording a veto all identifying information in accordance with the recommendation was to be withheld from a birth parent or an adoptee should either party seek such information.

In the context of this Bill, we are principally looking at a veto applied by relinquishing parents—in practice usually the relinquishing mother. While I believe that counselling will always be necessary in this situation, I do not believe that counselling plus the delay proposed in the Bill will overcome the problem. The Hon. Diana Laidlaw has advanced adequate reasons, which are supported from my own experience, why the relinquishing mother should be able to impose an absolute veto in cases where the adoption took place before the coming into operation of the Act resulting from this Bill. As the Hon. Diana Laidlaw pointed out, the numbers of people who will object and impose a veto will be small and diminishing but, for those relinquishing mothers who do wish to impose a veto, the matter is vital, and I will support an appropriate amendment to cover this vexed problem. As I have said, the general thrust of the Bill is good and I support it.

The Hon. J.C. IRWIN: I wish to make a brief contribution on this Bill. I must say that, when I began to think about what I would say, I intended to be very brief, but I say now that I will be a little more than brief in supporting the second reading of the Bill. I acknowledge the excellent and sincere contributions made by my colleague, the shadow Minister of Community Welfare (Hon. Diana Laidlaw) and from the Hon. John Burdett. I just hope that Government members, particularly the backbenchers who interjected throughout the speech made by the Hon. Mr Burdett, will also make a contribution in clear terms on what they believe about various aspects of this Bill.

The Opposition's stance on matters in this Bill has been adequately outlined by the Hon. Miss Laidlaw. I do not intend to go through every point again, because I support what my colleague has said. However, I want to say a number of things. First, as with many things in life, I indicate that I have not had any direct experience with adoption, either into or going from my extended family. I have had very little experience in relation to adoptions being undertaken by my friends and those with whom I grew up. Those people who have had some experience with adoption whom I have been privileged to observe have not shown any outward sign of unhappiness or any difficulty with that situation.

So, from that point of view I do not have any personal experience on which to base my thoughts; nor have I shared the joys and pitfalls experienced by those people who adopt

or who have been adopted. So, with that exclaimer, I admit that this contribution is based pretty well exclusively on the Minister's second reading explanation, comments made by the Hon. Miss Laidlaw and the Hon. John Burdett, the remarks that have been made by those who have contacted me privately, and on some public comments that have been made.

It has become fairly evident to me that, since this Bill and another Bill on reproductive technology have been introduced into Parliament, very little public or private comment has been made on certain aspects and directions now contained in both Bills. The certain aspects that I refer to revolve around the family and marriage, and I will now address those matters, mainly in relation to this Bill, although I point out to the Council that some of my comments are relevant to the Reproductive Technology Bill, as for me, and I am sure many thousands of other people in this State, reproduction relates to marriage and a family.

The Hon. Carolyn Pickles interjecting:

The Hon. J.C. IRWIN: I am still in a majority; I don't care whether there is a minority, I am in a majority. I acknowledge the Minister's comment in his second reading explanation that over 1 000 copies of the review's report were distributed for public comment, with public comment to be received by March 1987. I would assume that every aspect of adoption would have been canvassed in the 289 submissions received. We have before us a considered view of Cabinet, or the Government, on what weight should be given to resolving various questions and community problems.

Our proper role as an Opposition is to further question the validity of the Government's recommendations, as set out in the Bill before us. As has already been pointed out by the Hon. Miss Laidlaw, the Opposition supports a great deal of the legislation. However, we reject some of it and will seek to amend some provisions. I suggest that the matter of the directions and the assumptions made about the family and marriage has not been fully addressed by the community. I acknowledge the contribution that has just been made by the Hon. John Burdett which dealt, in some depth, with this matter, and I appreciate very much his sound reasoning. He went into the matter far more deeply than I will and from a different point of view. Recently I have spoken to various groups of people about this Bill and the Reproductive Technology Bill, especially as it relates to marriage and the family, and I have found that no-one considered the aspect of the family and marriage when considering adoption options. They certainly did not extend their thoughts to *de facto* couples and single people.

The Hon. Miss Laidlaw referred to this matter in her second reading speech and supported what she said with a graph, showing that in 1972, 776 adoption orders were granted in South Australia, covering all categories of placement, and that by 1986 that figure had dropped to 347. The point I make here concerns not analysing the figures, as the Hon. Miss Laidlaw did, but rather to relate the matter of the total number of adoptions over 15 years, of 7 484, to the South Australian population.

Given a factor of 10 to each adopted child over this 15-year period—and I admit that I have plucked that figure out of the air, and suggest that it does represent those closest to the adopted child—I put it to the Council that only about 5 per cent of the South Australian population has some direct link or involvement in adoption.

I would be pleased to receive information as to what the figure is—it is probably about 5 per cent plus. I assume that that is why few people in South Australia would not be terribly bothered by any new Adoption Bill. I say that advisedly knowing that the 289 people who prepared submissions on this Bill were seriously tied up in it. They may represent many thousands of other people but, in the total South Australian population context, it is not a huge number of people.

Again, I acknowledge that the nearly 300 submissions received would be vitally interested in adoption options and proposals, and I have to question the weight of evidence and submission regarding extending adoption options to beyond what is available in the present legislation. By saying that, I am not condemning all of the options in the Bill.

I am bound to say to the Council that, notwithstanding what I have just said, the rights of the adopted child should be paramount, and I am certainly happy to support that notion. The family, under the sanctity and legality of marriage, is unquestionably of vital importance to the adopted child and I say, without fear, that that option of legal marriage is far and away the best of any other option canvassed in the Minister's second reading explanation. That sentiment would be supported by the vast majority of adults in our community. Certainly, I would be more than happy to have that view tested by public opinion if it was available to home in on that point.

The family is of the utmost importance: it provides the climate, guidance and teachings for the adopted child, preparing that child for adult life and the real world that will be ahead of it. One further point that I will take from the Hon. Ms Laidlaw's speech relates to the review of adoption policy and practice which recommended that the South Australian waiting list be closed in the face of the ever widening gap between those wanting to adopt and the number of children available for adoption. In his second reading explanation the Minister also referred to the ratio of adoptions to adoptees. On that score alone I see no reason for widening the adoption gap by including *de facto* couples or single people in certain circumstances, other than that pertaining to the 1967 Act. In his second reading explanation the Minister stated:

> The social stigma of illegitimacy does no longer exist to the same extent.

I have to agree with that generally—that the community does not seem to view illegitimacy as it did when I and many in this Chamber were growing up, although some sections still do not condone illegitimacy. The Minister went on to state:

> And more accessible contraception has helped prevent the birth of unplanned children.

Again, that is a fact that no-one can dispute, although many would still be grappling with the morality involved, and I guess that there would be many people on the Government side who would still be grappling with the morality of some forms of contraception.

In the context of birth prevention, the Minister did not say anything about abortion. This, too, is a factor in determining the pool of babies who may have been available for adoption. There are many in this State who still do not accept abortion on demand for many reasons. They condemn the relaxed laws and free health care for a worsening situation concerning abortion. Another factor—

The Hon. Barbara Wiese interjecting:

The Hon. J.C. IRWIN: It is another form of contraception. Another factor alluded to by the Minister that has diminished the pool of adoptees relates to single mothers who for various reasons in the past were unable to keep their children. Single mothers are now keeping and raising their children. I am one who did, and I still do, criticise the Fraser Government in relation to welfare payments which,

in effect, encouraged young girls to have children and receive a better return than going on the dole.

Members interjecting:

The Hon. J.C. IRWIN: You can laugh.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: Well, you are talking about statistics.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: Listen to what I am saying instead of signing letters. In effect, this is encouraging fathers of those children to abrogate their responsibility. The Minister knows that, as he is a father, and keeps telling us that. I am not just talking about mothers, because fathers have something to do with the situation as well. Perhaps this is not the time or the place to discuss in detail my concept of marriage and the family. However, it is relevant that I detail some statistics relating to marriage and the family as I draw my conclusions from those figures and hope that others will do that also.

The latest figures available are for 1982, the relevant 1986 census figures not yet being available. According to those figures, of an estimated 14.8 million persons resident in Australia, approximately nine out of 10, or 90 per cent lived in a family, that is, are family persons. Of that 14.8 million people, 53 per cent were spouses, 32 per cent were dependent children, 9 per cent were non-dependent offspring, 3 per cent were single parents, and 2 per cent were other relatives. Of the estimated 1.5 million persons not living in a family, 67 per cent lived alone, 27 per cent lived with other non-family individuals, and 5 per cent lived with a family to whom they were not related. The fact is that marriage, whether by the church or a celebrant (in other words, the State), is alive and well, and families are still considered to be a strong reality.

The Hon. J.R. Cornwall: Have you seen the figures from the Anglican conference held here last week?

The Hon. J.C. IRWIN I will come to them in a moment; they are somewhat inaccurate. I put to the Council that both the traditional family and marriage are institutions that we should be striving to support and strengthen, and not diminish in any way. Of course, the family is changing in a sense; the one working parent family is under pressure for economic and equality reasons, and I see nothing wrong with that, so long as the children do not suffer and one of the two parents is not forced to work, having chosen to parent the children in whatever way they wish. I am not fussed whether it is the mother or father who does this.

The Hon. Carolyn Pickles interjecting:

The Hon. J.C. IRWIN The honourable member can make a speech in a moment, and I hope she does. I do not mind the interjection, Madam President; I just wish that those who interject would pick up the points that we on this side are making and would come back with a considered serious speech on this matter. Whether members opposite agree with the Minister or not, they should have the courage to come out with their own thoughts. The Hon. Mr Burdett has, it is hoped, given a lead so that the Minister or the Government might make this a social issue on which members opposite may make a conscience vote.

This Bill addresses the concept of prospective adoptive parents. Clause 3 defines a marriage relationship as one between two persons cohabiting as husband and wife or de facto husband and wife. Clause 11 (1) provides that, subject to subsection (2), an adoption order will not be made except in favour of two people who have been cohabiting in a marriage relationship for at least five years, and we have heard about that already tonight. Clause 11 (2) provides that an adoption order may be made in favour of one person under certain circumstances set out in paragraphs *(a)* and *(b)*.

The current Act enables single people, in special circumstances, to adopt children. I note the frequent reference to the word 'marriage' and hasten to point out that the accepted definition of 'marriage' is that of a legal contract, not the definition in some dictionaries of 'any close union', which is the direction in which this Bill seeks to take us. I concur completely with the Hon. Miss Laidlaw, who said, *inter alia*:

> . . . it is appropriate, in such an important matter as an adoption, where we are seeking to provide a child with a permanent nurturing relationship and permanent security in a substitute home, that the very least we should require of prospective adoptees is a public commitment to permanence. Such a commitment is central to the legal rights and obligations of married couples . . .
> . . . such a commitment is even more important with respect to adoptions from overseas . . . because such adoptions involve displacing a person or child from their natural home and family network.

The Hon. J.R. Cornwall: What percentage of first marriages break down—45 per cent?

The Hon. J.C. IRWIN: What percentage of de facto relationships break down?

Members interjecting:

The Hon. J.C. IRWIN: I would rather have the option of marriage. I wonder where people like the Reverend Dr Geoff Scott, Chairman of the Government Review Committee, stand on the issue of de facto relationships and their ability to adopt children.

An honourable member interjecting:

The Hon. J.C. IRWIN: Where does his church stand? I am left wondering what the next step will be if the de facto provisions of this Bill are not amended or excluded. Do the social engineers want the definition of 'de facto' broadened still further from two persons cohabiting as husband and wife to two persons cohabiting whether they be two females or two males.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: The Keith Hospital has nothing at all to do with this.

The Hon. J.R. Cornwall: You talked them out of becoming incorporated and cost them a million dollars and you've disadvantaged every poor person in the Tatiara.

The Hon. J.C. IRWIN: That is your responsibility as Minister.

Members interjecting:

The Hon. J.C. IRWIN: You can tell when the Minister has been hit on a couple of sore points because he goes right off the subject. I am left wondering where my Anglican church stands after reading an article in the *Advertiser* on 2 October regarding the National Anglican Welfare Commission's recent meeting in Adelaide. Referring to the Assistant Bishop of Perth (Rev. Michael Challen), who was Chairman of the commission, the article states:

> . . . the word 'family' no longer could be defined but instead was a concept which described people who were committed to each other and cared for each other within stable relationships, developing a sense of belonging—'well, something along those lines'.

Rev. Challen was reported to have said:

> Amongst these groups there would be Christians who want to use—with some misunderstandings as far as I'm concerned—some Christian principles to bolster a rather rigid understanding of love and marital and family relations. I think such people are unrealistic.

I must say that my immediate reaction was that I was appalled by the general tenor of the article. Is the church now following a political pragmatic line by seeking to make itself more popular with more people by weakening its beliefs and principles?

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: I have said that in relation to that article, which I am not sure is accurate. I only hope that the sentiments expressed in the article were incorrectly reported, which would not be unusual, taken out of context or are not the views expressed by the majority of the members of the Anglican Church. I have taken this matter up with the Anglican Archbishop, Dr Rayner, and am now awaiting his advice on the matter. I hope I am not over reacting to what was written in the article. At this stage all I can say is that the views expressed in the article are directly at odds with those views supported by me, taught to me by the church itself and by my own family peers. If I were to support the views expressed in the article it would lead me to reflect on all the simple basic beliefs—I say 'simple' because I and most others are not theologians—that I have grown to accept, namely, that the great bulk of the laws of this land are enacted through this Parliament and others in Australia.

When considering single parent adoption, I need some clarification from the Minister, rather than having his back. What I say does not imply any lack of parental ability by most people who are single, but I believe very sincerely that couples give the best opportunity for the nurturing of children. In this age of equal opportunity, affirmative action and anti-discrimination, does the availability for single parent adoption give equal access to adoption by both single male and single female parents? After some preamble, the Minister says in his second reading explanation:

> Single status should not be sufficient grounds for excluding a prospective applicant.

The Minister also says:

> Applications by single people will be assessed on their merit according to the principle of what is in the best interests of the child.

Would the Minister explain clearly whether his Government would support a known single homosexual or single lesbian being eligible to adopt a child? That would be abhorrent to me, and any person who goes along that track should surely forfeit any right to parent someone else's child. Silence from the Minister.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: We are not supporting that. Further, now that we are in the grip of the AIDS virus, would the Minister say clearly that any person or persons known to have AIDS will not be eligible to adopt a child? Silence, again. The Minister says in his second reading explanation:

> A person's medical condition will only be taken into consideration if it will affect their ability to care for the child.

I guess that criterion will apply to both single and couple adoptors. Will any consideration be given to testing prospective adoptors for AIDS? I assume that adoptees entering this country from overseas are given a thorough medical examination to ensure that undesirable medical conditions are not brought into this country. Will an AIDS test be part of, or is it now part of, that medical examination? If not, why not?

Finally, on the question of a select committee, I support the comments made by the Hon. Ms Laidlaw and the Hon. Mr Burdett on this point, but we have to take into account the contributions made by the Hon. Mr Elliott on behalf of the Democrats, so my guess is as good as anyone's at this stage as to whether or not there will be a select committee. I want to finish on this note: after nearly two years in this place, I happen to believe that there should be a much increased use made of select committees or standing committees of this Chamber. Council members do not, of course, have the direct electorate responsibility of Assembly members. I am concerned that I am paid for a year's work in this place and find myself with great slabs of time not being productively used for legislative work or preparation for legislative work. In my opinion this should have priority over personal and Party preparation.

This is not the time or place to elaborate, but I believe a select committee type of process, involving all Parties, prior to legislation being introduced should make for better legislation and better understanding from those people who have been given the responsibility of legislating, and should be considered favourably for major pieces of legislation such as the Adoption Bill now before us. I support the second reading.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

WEST BEACH RECREATION RESERVE BILL

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

The Hon. DIANA LAIDLAW: I move:

Page 1, line 24—Leave out 'the Corporation of'.

I move this amendment following correspondence from the Henley and Grange council, which identified that the Bill incorrectly addressed the council. In a letter to the Hon. Bruce Eastick of 25 August, the Town Clerk, Mr Tony Stacey, indicated there were minor and major concerns relating to the Bill before the Parliament. In relation to the minor issue, he said:

> The name of my council is incorrect. That is, it should be 'City of Henley and Grange' rather than 'The Corporation of the City of Henley and Grange'.

The Liberal Party believes that, out of courtesy to this council and in order to ensure that the legislation is technically correct, we must amend clause 4 to remove the words 'the Corporation of'. I indicate that it reinforces concerns of councils that, when first contacted by the shadow Minister of Local Government in the other place, those councils were amazed that this Bill was before the Parliament. As I understand it, they had not been advised nor had a response for some 18 months from the Local Government Department, and they certainly had not seen the Bill. Otherwise, as I say, matters such as this would have been brought to their attention earlier, and it would not be for us to seek amendments as I have so moved.

The Hon. BARBARA WIESE: First, I indicate that the Government supports this amendment. By way of explanation, I point out that when the Bill was originally drafted the name of the council was correct. The name of the council subsequently changed and it was not picked up by either my officers or me when the Bill was being finalised. I do not put that foward as an excuse: it should have been picked up, but it certainly was correct at the time of original drafting. The fact that it has been recorded incorrectly in this final Bill is in no way meant to be a reflection on the council but is merely an oversight. I regret that it has happened, but I am glad the matter has been rectified by way of amendment moved by the Hon. Miss Laidlaw.

I take up the point raised by the Hon. Miss Laidlaw both in the second reading speech and again this evening about consultation with councils on the drafting of this legislation, because it is misleading for it to be recorded in this place that the councils concerned have not been kept informed of the progress of the legislation and its introduction into the Parliament. When the city of Henley and Grange first made representations to me about being included on the

West Beach Trust, I contacted both the West Torrens council and the Glenelg council to seek their views on the issue and ascertain whether they would agree to the Henley and Grange council becoming a member of the West Beach Trust. They both indicated that they would be quite happy about that taking place and also indicated their thoughts on the composition of the board.

Since that time my representative on the West Beach Trust has raised the matter of the Bill and its progress on drafting on a number of occasions at trust meetings over the last 18 months. The representatives of both the Glenelg and West Torrens councils were present at those meetings and therefore received those reports. In addition, the Chairman of the trust has also kept the trust informed of discussions he has had with me during the preparation of legislation.

At the most recent meeting of the trust prior to the Bill's being introduced, the trust was informed that the Bill was about to be introduced. Those councils have been kept informed of the progress of the legislation. If members of the individual councils have not been informed of its progress, that is a matter for them to take up with their representatives on the West Beach trust to ensure that they are receiving regular reports on the work of the trust. I hope that that clarifies that point.

The Hon. C.M. Hill: What are the views of the councils?

The Hon. BARBARA WIESE: We will come to that in relation to a later amendment, if that is all right. In conclusion, the Government will support the amendment moved by the Hon. Miss Laidlaw.

Amendment carried; clause as amended passed.

Clause 5—'The West Beach Trust.'

The Hon. BARBARA WIESE: I move:

Page 2, line 16—Insert 'or by any one of its members and the chief executive officer of the trust' after 'members'.

This amendment is fairly straightforward. Under the original Bill there was a requirement for documents bearing the common seal of the trust to be witnessed and signed by at least two members of the trust. Under this proposed amendment we will be allowing the chief executive officer, together with a member of the trust, to effectively witness the application of the common seal.

This proposed amendment is designed to give effect to a longstanding practice that has emerged within the trust for usually the Chairman, together with the chief executive officer, to witness documents bearing the common seal. That practice has arisen because it is often more convenient for the Chairman and an officer of the trust to get together at an appropriate time in order to execute those documents. The amendment in no way alters the fact that decisions by a majority of the votes of the members present will be decisions of the trust, and that any contracts or arrangements executed are duly authorised by a decision of the trust. What it primarily intends to do is to provide flexibility for the trust to meet its obligations in this respect.

The Hon. DIANA LAIDLAW: We support this amendment.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Membership of the trust.'

The Hon. BARBARA WIESE: I move:

Page 2—
Line 22—Leave out 'four' and insert 'three'.
Line 28—Leave out 'and'.
After line 30—Insert new paragraph as follows:
and
(e) one will be appointed as follows:
(i) the first appointment (and any subsequent appointments to fill a casual vacancy in the office of the first appointee) will be made after consultation with the West Torrens council;
(ii) the next appointment (and any subsequent appointments to fill a casual vacancy in the office of that next appointee) will be made after consultation with the Glenelg council;
(iii) the next appointment (and any subsequent appointments to fill a casual vacancy in the office of that next appointee) will be made after consultation with the Henley and Grange council;
and
(iv) subsequent appointments will be made in accordance with and in the order of the preceding subparagraphs.

I will speak to the three amendments I have on file to this clause simultaneously as they are consequential on each other. The effect of the proposed amendments is to reduce by one the number of so-called Government appointments to the trust in order to bring the representation of councils to a majority position on the trust.

Following discussions between the Chairman of the trust and representatives of the three councils that will be involved with the trust, the Government has chosen to move this amendment. The councils have expressed the very strong view that local government should have a majority of membership on the trust. In view of their strong feeling and the fact that members of the Liberal Party and the Australian Democrats support that view, I believe that no good purpose can be served by allowing any conflict to develop on this issue.

During the past many years since its inception the management of the West Beach Trust Reserve by and large has been a very successful operation. It has been a cooperative venture, and I certainly would like that situation to continue. The major purpose of restructuring the West Beach Trust was first to allow for the city of Henley and Grange to be represented on the trust and, secondly, to give effect to the recommendations of a firm of consultants who were employed by the West Beach Trust to review its structure and operations. The consultants recommended that over the years the nature and functions of the trust have changed quite significantly away from being an organisation that is designed to provide services and facilities primarily for the use of local residents to being a tourism and recreation facility of Statewide significance.

As many members would be aware, a number of the developments that have taken place in recent times on the West Beach Reserve land have been of quite some substance and have been worth quite large amounts of money. It was considered by the consultants and certainly by the trust, which accepted the recommendations of the consultants as they were presented, that at times in the past, it has lacked the appropriate expertise to be able to handle the various processes involved with some of the projects that have come before it for consideration. For that reason, it was considered desirable that the representation on the trust should be broadened to include people with appropriate financial, perhaps tourism and other management skills that would allow the trust to fulfil the functions that, in the 1980s and 1990s, it has come to be expected to perform.

The initial decision to alter the balance of representation was not, as has been implied by Opposition members, due to the Government's concern about the manner in which local government representatives have performed on the trust in the past. To the contrary, I think that members of local government have performed very well but, in view of the nature of the changes that have taken place in the trust's responsibilities, it seemed appropriate to the Government that the balance of representation and the range of expertise contained on the trust should be broadened.

The amendments that I have moved have been discussed with the councils concerned, and they have all agreed to the method of representation contained in them. Each council will have a single representative on the trust appointed for a period of up to five years. In addition, a single local government representative will be appointed from one of the councils for a period of up to three years. Upon expiry of the term of office of that council representative, one of the two remaining councils will be represented for a period of up to three years and the last remaining council will have a representative following that period of office.

So, in effect, there will be rotating membership for each of the councils in relation to that floating position. It is intended under this amendment that the West Torrens council will have the first of the floating members referred to. As I have indicated, this amendment has the unanimous support of all the councils that will be involved in the West Beach Trust, as it is about to be reformed. Although it is certainly not the Government's preference that this should be the composition of the trust, nevertheless, we will proceed with this amendment, because I think it is the most likely measure to receive the cooperation and support of the Council.

The Hon. DIANA LAIDLAW: The Opposition supports these amendments. I note that the Opposition had a similar, if not identical, amendment on file. These amendments relate to membership, as the Minister has outlined. The identical amendment and an earlier amendment both sought to uphold the principle that has been established since the trust was first formed that local government representatives have majority control on the trust. We believed that that was an extremely important principle to uphold. We saw no reason for a change in past practices, and in her second reading explanation the Minister did not identify a reason for such a change. In her comments made a moment ago, the Minister did allude to her concern, but I still do not believe that it is valid. I am very pleased to note that she has accepted the principle that local government should have majority representation on the trust.

In respect of my second reading contribution to this Bill, I indicated that I would move amendments to increase the trust membership to 10. The motivation behind the remarks that I made at that time was to seek to accommodate the Minister's preference for four people who had experience in fields that the Minister believed would best assist the trust in the performance of its functions but then to provide two people from each of the Glenelg, Henley and Grange and West Torrens councils. I can readily accept that that seemed excessive and that it could be cumbersome, but it was an initiative to try to accommodate the wishes of both members and the councils.

At that time, I read into *Hansard* the very strong letters received from those three councils in respect of their wish not only to maintain majority control but also for each of them to have two representatives. The Minister has indicated that there have been negotiations and exchange of correspondence since I last spoke on this Bill, I think on 9 August. I will read into *Hansard* a letter from the Town Clerk of the City of West Torrens, Mr H.W. Boyce, to the shadow Minister of Local Government, in another place, Dr Eastick, as follows:

Dear Sir,

On behalf of my council I would like to thank you most sincerely for your support concerning legislation introduced by the Government to amend the West Beach Recreation Reserve Act and in particular with regard to local government representation on the trust.

That relates to our efforts to ensure that local government maintained majority control of the trust. The letter continues:

I can now advise a meeting of the mayors and town clerks of the three councils was held on this day (22 September) and that as a result of that meeting it was unanimously agreed the Chairman of the trust be authorised to advise the Minister of a compromise arrangement whereby there would be four (4) local government representatives on a trust of seven (7)—one from each council, with the fourth being appointed from each council on a rotational basis for a term of three years, commencing with West Torrens and to be then followed by Glenelg and Henley and Grange in that order.

Whilst we would have much preferred to have had the fourth representative permanently appointed from West Torrens as, quite obviously, we have the greatest interest, to at least have apparently achieved our primary objective is an accomplishment in itself and it is unlikely the three councils would have unanimously adopted any other compromise alternative and again we would ask you to accept our very sincere appreciation for your support and assistance and without which we would undoubtedly not have been so successful.

I indicate that, in supporting the Minister's amendment, we are heartened to see that she has supported and seen the wisdom of the case, which we have pressed all along, to maintain majority control by local government. We also support most heartily the inclusion for the first time of representation from the Henley and Grange council. I spoke at some length on that in the second reading debate and I do not intend to elaborate on that at this time, but certainly we accept the amendment.

The Hon. I. GILFILLAN: The Democrats support this amendment. I am not sure that I can endorse the observation made by the Hon. Diana Laidlaw that the Minister, in moving these amendments, has endorsed the principle of a majority of local government representation on authorities and entities such as this. I think that the hallmark of the Government is in fact to move the other way and reduce the occasions when local government has a majority in these sorts of structures, but I congratulate the Minister on her statespersonlike reaction to the inevitable. That sometimes takes a magnanimous spirit, and the Minister has shown that in this instance as she quite often does.

The Democrats were involved in a series of discussions, one of which was with the Chairman of the trust (Hon. Geoff Virgo), whom I found to be very enthusiastic about the work of the trust. He put the point of view that he believed that there should be a majority of non local government people. In the course of our discussion I made plain that the Democrats did not agree with that approach, and I am happy to see that, without any vitriol, the issue seems to have been resolved. So that the record is properly balanced, I would like to read into *Hansard* a letter that I received from the Town Clerk of the City of West Torrens, Mr H.W. Boyce. Addressed to me, the letter states:

Dear Sir,

On behalf of my council I would like to thank you most sincerely for your support concerning legislation introduced by the Government to amend the West Beach Recreation Reserve Act and in particular with regard to local government representation on the trust.

I can now advise—

The Hon. Diana Laidlaw interjecting:

The Hon. I. GILFILLAN: Let me interrupt and make it plain to the Hon. Diana Laidlaw that this letter carries my personal name and is addressed specifically to me. It is not a photocopy; it is a genuine original letter.

The Hon. Diana Laidlaw interjecting:

The Hon. I. GILFILLAN: No, my sense of humour is still there. I just want to be accurate in the comments made about my letter. The second paragraph states:

I can now advise a meeting of the mayors and town clerks of the three councils was held on this day and that as a result of

that meeting it was unanimously agreed the Chairman of the trust be authorised to advise the Minister of a compromise arrangement whereby there would be four (4) local government representatives on a trust of seven (7)—one from each council with the fourth being appointed from each council on a rotational basis for a term of three years commencing with West Torrens and to be then followed by Glenelg and Henley and Grange in that order.

Whilst we would have much preferred to have had the fourth representative permanently appointed from West Torrens as, quite obviously, we have the greatest interest, to at least have apparently achieved our primary objective is an accomplishment in itself and it is unlikely the three councils would have unanimously adopted any other compromise alternative and again we would ask you to accept our very sincere appreciation for your support and assistance and without which we would undoubtedly not been so successful.

That is the end of a well put letter.

The Hon. J.R. Cornwall: Who was that from?

The Hon. I. GILFILLAN: Mr Boyce, Town Clerk of West Torrens. I make the point that the Democrats were strongly sympathetic to the argument put by West Torrens council that it is entitled to a higher number of representatives on the trust than Glenelg council or Henley and Grange council because of the degree of responsibility and territorial interest involved. That observation is made in passing. This amendment will improve the Bill to a point where it will ensure that the trust will be a harmonious working entity for many years to come. I support the amendments.

Amendments carried.

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

Page 2, after line 33, insert new subclause as follows:

(3) A person to be appointed as a member of the trust after consultation with a council is not eligible for appointment unless he or she is a member or employee of that council.

Not only must we look at the words in a Government Bill when it comes before us for review, but also we must look between the lines. Much has been said in the past half hour or so about representatives of the council who will be members of the trust. In fact, the way in which the Bill was fashioned and in which it reads, even with the just amendments carried, means that there need not be council representatives on the trust. The Minister's obligation under the Bill is to consult with the respective councils.

The Hon. Barbara Wiese: That was in the original Act.

The Hon. C.M. HILL: I do not care about the original Act, which goes out the window when the new Act comes into force. It is bad legislation if everyone, including the councils, thinks that they will have representation on this trust whereas the legislation does not require the Minister to appoint any council representatives. The Bill requires that the Minister consult with the councils and then make appointments. I am not saying that this will happen with present Government members or members of the trust, but it might well be that a future Government has swords crossed with one of these three councils on an entirely different matter, the question of an appointment arises, the Minister consults with the councils as he or she is supposed to do, and then appoints his or her assistant, some friend of the Government, or some person whom the Government might like to favour. It may have nothing to do with the names raised during the consultation with the council.

My amendment seeks to check this possibility by saying that on the date of appointment the appointee must be a member or employee of the council. It might well be that the council would like to see its Clerk, Engineer or some other senior staff member such as the Planner, serving the council by appointment to this trust.

It is possible that the Mayor of a council (whether it be Glenelg, Henley Beach or West Torrens), or the Deputy Mayor or some other councillor might be favoured for appointment by that particular council. The council might consider a number of possible appointees and in that process could provide the Minister with two or three names for consideration. That is true representation from the council, and I believe that is what the Minister intends. I believe that the clear intention of the new amendment, which adds a fourth person (after consultation) to the seven party board—in fact, it was mentioned by speakers on both sides—is that the proposed appointees be representatives of the council, members of the council or in the employ of the council at the time the appointment is made.

One cannot be sure, because of the periods of appointment—up to five years in some cases and three years in the case of the amendment—where this one extra rotating member (if I may use that expression) will be included. It is possible that the appointee will not continue to serve as a member of the council over the period of appointment. However, I do not think that that kind of detail needs to be considered at this stage, but certainly at the date of the appointment the appointee, if he is to be a true representative of the council appointed after consultation with the council, ought to be either a member or an employee of the council. I do not think this legislation would be in satisfactory form if it was passed allowing those unusual situations to apply when suddenly, for example, the Glenelg council finds that it does not have a council member or staff member included as a possible appointee and, in fact, all the names that the council put forward during the consultation period were not considered and that some other person was chosen by the Minister for one reason or another. I ask the Minister to accept this amendment so that this truly representative situation can apply in the new law.

The Hon. BARBARA WIESE: I indicate that the Government will support this amendment, but in so doing point out that the wording used in this Bill was been taken from legislation under which the West Beach Trust has operated for many years, and operated very satisfactorily under both Labor and Liberal Governments. All Ministers in the past, of whatever political persuasion, have honoured the spirit of the legislation when appointing members of councils after consultation with those councils. As I have already indicated, it is my intention to appoint people who are either members of councils or employees of councils as the local Government representatives of the West Beach Trust. This amendment clarifies my intention and, although I think it demonstrates a remarkable lack of faith in the Government to fulfil the spirit of the legislation, nevertheless, in the interests of cooperation and compromise, I support the amendment.

Amendment carried; clause as amended passed.

Clause 8—'Conditions of membership.'

The Hon. BARBARA WIESE: I move:

Page 2—

Line 34—Leave out 'A' and insert 'Subject to subsection (1a), a'.

After line 36—Insert new subclause as follows:

(1a) A member of the Board appointed pursuant to section 7 (1) *(e)* will be appointed for a term of office not exceeding three years.

Line 37—After 'Trust' insert '(other than a member appointed pursuant to section 7 (1) (e)).

I indicate that these amendments are consequential on those already agreed by the Committee.

Amendments carried; clause as amended passed.

Clauses 9 to 12 passed.

Clause 13—'General functions and powers of the trust.'

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

Page 5—

Line 26—Leave out 'or'.

After line 28—Insert new paragraph as follows:

or

(c) lease any of its real property for a term exceeding ten years, without the prior approval of the Minister.

The amendments deal with the question of general functions and powers of the trust, and particularly relate to the trust's power to dispose of any interest in any real property under the control of the trust. The Minister, quite properly, has inserted in her Bill a restriction on the trust's power to sell real property without reference to the Minister. That point is covered in clause 13 (4) *(b)*, which provides:

Notwithstanding any other provision of this Act, the trust may not—

(b) sell or otherwise dispose of any of its other real property, without the prior approval of the Minister.

I think it is important that that should be in the Bill but, again, one must foresee unusual situations that might arise, and it might well be that the time will come when the relationship between the Minister and the trust is not as amicable as it has always been. If such a situation arose and the trust wanted to do a deal with some developer in regard to some of the land under its control, and if it wanted to circumvent the need to seek the Minister's consent to sell that land or get rid of it in one way or another, it could, as the Bill reads at the moment, lease that land on a long-term lease without having to consult the Minister.

I know that the whole measure is under the care and direction of the Minister, but the Minister of Local Government, because of all her duties, is a busy Minister, and it might well be that the trust may not consult the Minister and the Minister may not know every detail of the trust's activity. Therefore, the trust could proceed to give a 40 or 50 year lease of portion of its land to someone wishing to build on it or make some use of it in one way or another. By that mechanism the trust could circumvent this clause which provides that the Minister's consent must be given before any of its real property is sold or otherwise disposed of.

I think it would be a prudent precaution, therefore, to insert this provision. Hopefully, it will never come to pass that the situation that I have described will occur—but it may. It is in the interests of the people at large and of the Government of the day, which is the trustee for these people, to have this check in the Bill so that this problem could never arise.

The Hon. BARBARA WIESE: The Government will support the amendments. What normally happens with matters relating to the leasing of land under the care and control of the West Beach Trust is that the trust consults with the Minister prior to such leasing arrangements being entered into, so that in practice, at least during the time I have been Minister, the problem to which the Hon. Mr Hill has alluded has not arisen.

I have some reservations about the need for leases as short as 10 years to require the approval of the Minister. My preference would be perhaps for a longer period for approval to be mandatory, say, 21 years, but I do not really think it is worth arguing about. I do note that in some cases it could cause delays in leasing arrangements taking place or leases being renewed, and I suppose that adds to the paper war and more bureaucracy. However, as I understand the point being made by the Hon. Mr Hill and the safeguard that he is trying to include here, I indicate that the Government will support it.

The Hon. C.M. HILL: I am not casting any reflections at all upon those who have been in charge of this trust and who are in charge of it now. The late Mr Lewis, the former Town Clerk of Glenelg, steered the trust through the early years of its activities. The late Mr Jack Wright, appointed by Mr Virgo as Chairman years ago, was a former senior officer in the Engineering and Water Supply Department. He was tragically killed in a motor vehicle accident in New South Wales just a few months ago. Mr Virgo, the present Chairman, is an extremely competent person, and none of the circumstances which I have raised as possible future situations would occur if people of the calibre of those gentlemen continued at the helm.

I do not in any way criticise members of the trust themselves. Indeed, I commend them as I have commended the Chairmen over the years. So, I was not in any way casting any reflections at all. I was simply raising possible situations so that, in reviewing the legislation and passing it through this Parliament, we can be assured that the very best legislation comes on to the statute book. Finally, I thank the Minister for her cooperation.

Amendments carried; clause as amended passed.

Clauses 14 to 18 passed.

Clause 19—'Report.'

The Hon. DIANA LAIDLAW: I am keen to ask the Minister a question about the trust delivering to the Minister a report on the administration of this Act during the financial year ending on the preceding 30 June. When I first looked at this Bill my immediate response was to go to the library and look for the last few annual reports to ascertain some of the past activities of the trust. I was interested to find that there had been no annual reports since 1982, and that was confirmed when I went to see the Chairman, Mr Virgo, in relation to this Bill. He admitted that that was the case, that it was wrong, and so on.

The Hon. M.J. Elliott: It should be defunded.

The Hon. DIANA LAIDLAW: Well, it is certainly not accountable, as required by the Act. What does the Minister intend to do in the future to ensure that the trust is more diligent in meeting requirements under this Act compared with requirements under the previous Act?

The Hon. BARBARA WIESE: I must admit that I was not aware that annual reports had not been provided since 1982 onwards. I certainly regret that, as I do not think it is appropriate, either. I am not sure why that would have slipped through our net because at least in my office, I understood that my staff was very diligent in reminding the various agencies and authorities under my control of their obligations to provide annual reports at the appropriate time each year. How this has slipped through the system I really cannot say. Now that it has been drawn to my attention, I assure members that it will not slip through next year if I am still here.

Clause passed.

The CHAIRPERSON: Clauses 20 and 21 are money clauses in erased type which means that no question can be put on those clauses. The message which transmits the Bill to the House of Assembly is required to indicate that these clauses are deemed necessary to the Bill.

Clauses 22 to 24 passed.

Clause 25—'Regulations.'

The Hon. DIANA LAIDLAW: I have amendments to latter parts of this clause, but when I was reading through subclause (2) in relation to regulations I noticed that the current Act always refers to 'property of the trust and the foreshore', whereas this Bill refers only to 'reserve'.

As I read the Bill and after having looked at the title, I note that the definition of 'reserve' in the Bill does not include the foreshore. Will the Minister confirm whether my understanding is correct and whether we have lost the foreshore?

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes. The reserve is in respect to Certificate of Title volume 4196 folio 330. That

does not include the foreshore dotted area. This needs to be clarified.

The Hon. BARBARA WIESE: I can explain why the terminology is as it currently is; why it was as it was in the old Act I cannot explain. Subclause (2) deals with providing admission to and regulating certain areas. It would not be within the trust's capacity to regulate admission to the foreshore. For that reason the terminology that has been used restricts itself to the area of the reserve only. Probably the original Act should have done the same, but it in fact covered the entire area. It would never have been capable of being acted on as far as the foreshore is concerned.

The Hon. DIANA LAIDLAW: Subclause (2) provides:

(c) regulate, restrict or prohibit the entry of animals onto the reserve;

Members would be aware that other councils along the foreshore have sought to prohibit animals from being on the shore between certain hours. Does this mean that the trust, if it sought at some stage to restrict the entry of animals on the foreshore, would not be able to do so?

The Hon. BARBARA WIESE: I will need to check this. If I am giving incorrect information, I shall certainly correct it. It is my understanding that it is not within the power of the West Beach Trust to restrict or allow entry of animals onto the foreshore in front of the West Beach Reserve land. The current view of the West Beach Trust is that it does not favour the proposal that was floated at one stage for there to be an animal beach in that vicinity. I believe that the proposal has not been acted on by anyone. It was floated for discussion and a number of points of view for and against it have been put. As far as I am aware no formal requests have been made to act on it. It would be the West Beach Trust's view that that area immediately adjacent to the reserve would not be a suitable part of the beach for that purpose.

With respect to the substantive part of the question, I do not believe that that land is subject to the control of the West Beach Trust, so it is not its preserve to make a decision about it.

The Hon. DIANA LAIDLAW: In relation to the Minister's concluding remarks, clause 14 states:

Subject to the Coast Protection Act 1972 that part of the foreshore that lies between the low water mark and the part of the western boundary of the reserve that borders the sea will continue to be under the care, control and management of the trust.

In respect of those powers to care for, protect and manage the foreshore, there are no powers under the regulations to assist the trust to undertake any of those responsibilities, because all the regulation-making powers today just refer to the reserve which, if one looks at the legend, does not include the foreshore. I make the point that we may have to look at that area again. I may well be wrong but, from my reading of the matter, that seems to be the case.

The Hon. BARBARA WIESE: I will have that matter examined again, and, should there be any need to amend any part of the Bill to ensure that all points that should be covered are covered, there will be time when the Bill reaches the House of Assembly for such amendments to be included.

The Hon. DIANA LAIDLAW: I move:

Page 7, line 39—Insert 'or driver' after 'owner'.

I note that subclause (3)*(a)* and *(b)* relates to proceedings for an offence against a regulation designed to regulate, restrict or prohibit the driving or parking of motor vehicles on the reserve. The subclause raises issues of evidentiary burdens and defences. Members may recall that last year these matters were debated at length in this place in relation to the Private Parking Areas Bill. At that time both the Hon. Trevor Griffin and the Hon. Mike Elliott indicated that they were not prepared to accept the Government's proposal that evidentiary burdens and defences be included in regulations.

The Hon. Mike Elliott normally does not speak on matters of local government, but he noted, in speaking on that occasion, that his leader was away. Both the Hon. Mr. Griffin and the Hon. Mr Elliott fought to have the rights of citizens, where it is alleged that they have committed a breach of the Bill, clearly set out in the statute and, rightly so. They both argued it was a matter or principle that the rights, obligations and duties of citizens on an issue of defence or some burden of proof should be the subject of debate in Parliament and should be voted on by Parliament rather than simply being left to regulations.

The Minister saw the wisdom of these arguments and, on 2 December last, she may recall introducing amendments to accommodate the concerns that were expressed by those members. The Minister's amendments were subsequently agreed to by all members of this Parliament. Considering the circumstances, I note it is rather disappointing that, in relation to this Bill, the Minister has reverted to what we consider to be the disagreeable option of relying on regulations to give defences and withdraw defences rather than including these matters in the Bill to be debated and voted on by the Parliament.

Therefore, the amendment to clause 25 (3) seeks to place in the Bill the same evidentiary burden and defence provisions that the Minister saw fit, some nine months ago, to incorporate in the Private Parking Areas Bill. This amendment aims to clarify that in any such prosecution either an owner or a driver of a specified vehicle will be accepted as the person named in the complaint, in the absence of proof to the contrary. This clarification is necessary, for both the owner and the driver should be entitled to prove that they were not the person responsible named in the complaint.

Clarification is also necessary to ensure that the provisions for any proceedings for an offence against a driving or a parking regulation are the same in this Bill and the Private Parking Areas Act. On this occasion, the only difference is that I, and not the Minister, am moving the necessary amendment to make both Bills compatible. I repeat that the amendment which seeks to insert 'or driver' after 'owner' brings this measure into line with the amendments moved by the Minister last December to the Private Parking Areas Bill.

The Hon. BARBARA WIESE: This amendment gives effect to exactly what the Government is intending. It is the preference of the Government to include such measures in regulations rather than in an Act. However, I am prepared to accept the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 7, lines 41 to 43 and page 8, lines 1 and 2—Leave out all words in these lines and insert new subsections as follows:

(4) The owner and driver of a motor vehicle are not both liable to be convicted of an offence arising out of the same circumstances and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

(5) Before proceedings are commenced against the owner of a motor vehicle for an offence against a regulation, a notice must be sent to the owner by the Trust—

(a) setting out the particulars of the alleged offence; and

(b) inviting the owner, if he or she was not the driver at the time of the alleged offence, to provide the Trust, within 21 days of the date of the notice, with a statutory declaration setting out the name and address of the driver.

(6) In proceedings against the owner of a motor vehicle for an offence against a regulation, it is a defence to prove—

(a) that, in consequence of some unlawful act, the motor vehicle was not in the possession or control of the owner at the time of the alleged offence;

or

(b) that the owner provided the Trust with a statutory declaration setting out the name and address of the driver in accordance with an invitation under subsection (5) *(b)*.

Again, this amendment brings the wording of the Bill into line with that in the Private Parking Areas Bill that was passed last December.

The Hon. BARBARA WIESE: I support the amendment.

Amendment carried; clause as amended passed.

Schedules and title passed.

Bill read a third time and passed.

MARKETING OF EGGS ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

The Hon. J.R. CORNWALL: I move:

That the Council do not insist on its amendments.

The Hon. M.B. CAMERON: The Opposition is deeply disappointed at the attitude of the Government in this matter. However, we do not believe the matter is worthy of a conference so we will not be insisting on our amendment.

The Hon. M.J. ELLIOTT: I share the sentiments of the Hon. Mr Cameron. Certainly, this is not the sort of clause over which one goes to the wall. The point was being made in this Chamber that the Government has consistently failed to consult with various bodies before making decisions, and this amendment was simply asking the Minister to consult. It was a fairly reasonable thing to ask. I agree with the Hon. Mr Cameron that we need not insist upon the amendment.

Motion carried.

PLANNING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 8 October. Page 1074.)

The Hon. J.R. CORNWALL (Minister of Health): This Bill, as I am sure honourable members know, as passed by the House of Assembly, seeks to remove the existing requirement that the Chairman of the South Australian Planning Commission also be the Chairman of the South Australian Advisory Committee on Planning, that is, the body providing policy advice (I stress) to the Minister for Environment and Planning. Instead, the Bill seeks to provide that the Advisory Committee contain a planner, but not necessarily the Chairman of the commission.

This is based on the concept of separating policy making, that is, the legislative function, from determining development applications, that is, the judicial function. I am sure that the Hon. Mr Griffin understands that as well as or better than anybody in this Chamber. The Bill as it comes before the Council seeks to allow the Governor to appoint any member of the advisory committee to preside at meetings. The intention of this, obviously, is that the Governor would be able to choose the most appropriate person to preside, whether or not that person was the planner. The Opposition's amendment, and I am canvassing this at large during my second reading reply for the purpose of convenience as much as anything—

The Hon. K.T. Griffin interjecting:

The Hon. J.R. CORNWALL: Of course. Through you, Mr Acting President, I thank the Hon. Mr Griffin for that courtesy. The Opposition's amendment accepts the separation of functions concept, but seeks to require the planner to chair the advisory committee. The argument put by the Hon. Mr Davis is that the Chairman must often attend meetings and negotiate with councils and planners and must therefore, in the Opposition's argument, be able to understand the planning process and hence be by profession a planner.

I foreshadow that the Government intends to oppose the amendment. The Bill as passed by the House of Assembly allows flexibility to choose the most appropriate 'planner' for the committee, in other words, in the broadest sense, and to appoint the best person to preside, whether or not the presiding person is the planner in the formal sense. The ability to choose the most appropriate person to preside means that in future the planner, or the most appropriate person in that situation, can be chosen.

The new planner may not be familiar with operating practices and the like and hence, without undervaluing his or her advice, may not be the most appropriate person to preside; in other words the formal planner, who would be required automatically to be appointed under this amendment, may by no means be the person with practical experience extending over a long period. So, in our submission the amendment would substantially reduce the flexibility of the advisory committee.

In addition, the principal function of the advisory committee is to assess supplementary development plans. The Act and its regulations require all plans to be written by professional planners, thus giving adequate protection, that is, protecting the interests of the planning profession. Furthermore, officers of the Department of Environment and Planning conduct the detailed negotiations on council plans, thus substantially negating the principal arguments of the Opposition.

The Opposition, in its second reading response, attempted to make the point that there was no consultation with the Royal Australian Planning Institute on this Bill. That is substantially true. It is conceded that the Bill was not the subject of wide consultation, although the main substance of the Bill relating to the Planning Commission was initiated by the Chairman of that commission, who is currently Federal President of the Royal Australian Planning Institute. So, in that sense, in-house, as it were, there has obviously been ample opportunity for an exchange of ideas.

In addition, in his response to the second reading, the Hon. Mr Davis suggested that the Government was attempting in some way to lay blame on the Joint Committee on Subordinate Legislation for alleged delays in the processing of supplementary development plans. This simply is not true. The original second reading speech stated:

Without implying any criticism of the joint committee, it is clear that many plans have still been at the joint committee stage when the 12 month limit neared lapsing.

This statement was obviously written in good faith and is a statement of fact. There is no intention, and never has been, to argue that there have been any delays as a result of the joint committee. Accordingly, to set the matter straight I want to put on record that the joint committee has dealt with plans expeditiously and that there has been no complaint about its operation. The committee has provided a valuable role in the process. I seek the support of the Council.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Constitution of the Committee.'

The Hon. K.T. GRIFFIN: I move:

Page 3—

After line 3, insert 'and who will be the presiding member of the Committee'.

Lines 21 and 22—Leave out subsection (2b).

The amendment seeks to deal with the question of who shall be the presiding officer of the advisory committee. The advisory committee on planning is responsible under section 15 of the Planning Act to advise the Minister on any matter relating to urban or regional planning that should in the opinion of the committee be brought to his attention and to advise the Minister on any matter referred by the Minister to it for advice. The responsibility of the advisory committee, as its title suggests, is advisory, but it is advisory on matters relating to urban or regional planning. The advisory committee, with the Minister's approval, may establish specialist subcommittees to investigate and report to the committee on any matter. As the Minister has indicated, we accepted the principle of separating off the functions of the Planning Commission from the advisory committee and vice versa. However, it seems to me that the advisory committee is still very much involved in planning activities.

If one looks at the amendment, one sees that the advisory committee is to comprise a person who is a corporate member of the Royal Australian Planning Institute Inc. or who has qualifications and experience in urban and regional planning, environmental management or a related discipline. It is our view that that person ought to be the presiding member of the advisory committee because that person is required to be a professional planner. While the Minister has said that it may be that the person has to chair the meetings, the fact is that the person who presides over the advisory council has wider responsibilities than merely chairing meetings. That person must give guidance and leadership and has to liaise with the Minister and groups in the community that may want to make submissions to the advisory committee or from which the advisory committee may seek submissions. Other people may be able to do that, but I think that, as the advisory committee is specifically related to planning functions, it would be quite appropriate—in fact necessary—for the person acting as chairperson or presiding member to have those professional planning qualifications.

The other members of the advisory committee comprise two persons with wide experience of local government, and persons with wide experience respectively in environmental matters, commerce and industry, rural affairs, housing or urban development and the utilities and services that form the infrastructure of urban development.

They all have particular skills which are to be brought to bear on the deliberations of the advisory committee, but I would suggest to the Committee that it is the professional planner whose experience encompasses all of those individual skills and would be the person most suited to bringing together the potentially diverse views of the members of that advisory committee and showing the appropriate leadership, which would be necessary in reaching a conclusion and then presenting the advice to the Minister. So, I would urge the Committee to support the amendment: if there is some doubt about it, nevertheless to support it, and some further consideration can be given to it as the matter progresses through the procedures of the Parliament. I commend the amendment to members.

The Hon. J.R. CORNWALL: I have already outlined the reasons why the Government opposes the amendments, but I will briefly recount them. The Bill, as it came to us, allowed flexibility to choose the most appropriate planner for the committee and appoint the best person to preside, whether or not the presiding person is the planner. The amendment, as we interpret it, restricts very substantially that flexibility and would in the event, we believe, prejudice to some extent at least the good conduct of the committee. Therefore the Government opposes the amendment.

The Hon. M.J. ELLIOTT: I would expect that in many, if not most, cases the professional planner might be the most appropriate person to be Chairman of that committee, but I am not convinced that that person would necessarily be the best person in all cases. I have not heard anything like a convincing argument as to why the Chairman must in all instances be the planner, and I do not intend to support the amendment.

The Hon. K.T. Griffin: He cannot be the Chairperson for some things and not for others.

The Hon. M.J. ELLIOTT: I think, with this type of committee, it is quite appropriate that someone else with sufficiently wide experience could do it.

The Hon. K.T. GRIFFIN: Once a person is appointed as a presiding member, that means that the person is the Chairperson for all of the deliberations of the advisory committee. One cannot pick and choose and have a presiding officer for one meeting for one purpose and some other person for another meeting. That is what I understand the honourable member is proposing.

The Hon. M.J. ELLIOTT: All I was saying was that any of those people may in some circumstances, having been appointed members of the board, be a suitable presiding officer for the total committee. I was not suggesting that the person would change from one meeting to the next. I did concede that in many, if not most, cases, the most appropriate person would be the planner. There is every possibility, though, that people who could be equally competent may come from any of those categories. I do not think we need to be restrictive.

The Committee divided on the amendments:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, Peter Dunn, K.T. Griffin (teller), C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons G.L. Bruce, J.R. Cornwall (teller), M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. L.H. Davis. No—The Hon. T. Crothers.

Majority of 1 for the Noes.

Amendments thus negatived; clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 1062.)

The Hon. M.B. CAMERON (Leader of the Opposition): The history of this Act began in 1979 when, as many members will recall, it replaced the ton mile tax which was the subject of a lot of court action and many problems. The enabling legislation was introduced by the Corcoran Government just before it lost office in 1979. In moving the second reading of the Business Franchise (Petroleum Products) Bill on 31 July 1979, the then Transport Minister (Hon. G.T. Virgo) described it as follows:

> . . . a Bill to replace the loss of road revenue resulting from a decision earlier this year, by all States, to abolish road maintenance charges . . .

Mr Virgo promised that the measure would do nothing more than offset the loss of revenue from road maintenance

charges so that Government road programs could continue. The Liberal Party at that time questioned this commitment and emphasised the view that, once the legislation went onto the statute books, it must not be manipulated by a subsequent Government and become more a general revenue raiser than a simple source of funds exclusively for road building. Mr Virgo, the Minister of Transport at that time, had some strident things to say about that. For example, during the second reading debate on 1 August 1979, he stated:

> A lot of foolish statements have been made. I am reminded of, I think, the member for Torrens, and certainly the Leader of the Opposition, talking about the Government's using this Bill as a means of supplementing the State's revenue. No-one who has read the Bill could make such a stupid statement because, if members cared to read clause 30, they would see that it provides that the total fund, less the cost of collection, must go into the Highways Fund.

Mr Virgo further stated:

> The money raised in this area will be used for road purposes, and clause 30 makes this abundantly clear.

He became quite rude at this point and stated:

> Anyone who cannot understand that does not deserve to be on the payroll as a parliamentarian.

What has happened since those concrete commitments were given by Mr Virgo proves two things: first, when the Labor Party makes a tax promise we should not believe it as it will be broken. Secondly, when the Liberal Party warns about Labor's tax promises the public should take heed as invariably Labor's promises are broken.

The Hon. I. Gilfillan: There is a certain *deja vu* here. I am sure they are familiar phrases.

The Hon. M.B. CAMERON: Yes, it is the same as the comments opposite, but I will get to something new in a minute. At the stroke of the Premier's pen the principle of this tax was changed in 1983 and the Government started diverting funds to general revenue. Under the planned legislation the Government intends to introduce a three zone system of fuel pricing and hopes to generate, by way of this tax, $21 million this financial year and $28 million during the full year. The Premier for his part has admitted that the new scheme will be more complex to administer but obviously he has not examined all the ramifications of introducing the additional tax, particularly its effects on the road freight transport industry.

This Bill will add 2 cents a litre to the cost of fuel bought within a 50 kilometre radius of the Adelaide GPO, and the effect on South Australia's transport and manufacturing industries could be devastating. The Bill before us will be a job destruction Bill because the major end result will be an increase in freight charges, which must cost jobs in the manufacturing sector. The Bill will have a multiplier effect in reverse and will result in the loss of four jobs for every one manufacturing job lost. The stupidity of the Government of a State with enormous distance problems attacking a freight industry which helps overcome that isolation is quite beyond comprehension. Any advantage South Australia had over the eastern States in attracting industry through the availability of cheaper land prices is being eroded by increased freight costs to manufacturers who choose to set up operations here.

At present, road transport trucks usually fill their fuel tanks in Adelaide before setting off on interstate trips. The majority of them can reach major city destinations on one fuel load. The only option for these interstate operations will be to set up unstaffed transport fuelling depots at the 100 kilometre mark. But only the big operators will be able to do this—the smaller operators will not be able to take this step, and it will be disastrous for them. This Government obviously does not care about the little man and the battlers and for the industries they serve.

The Government, for its part, claims that the tax will result in no rise in the cost of living, but this is nonsense. It will add to the cost of metropolitan deliveries and that must affect the price of goods and hence the cost of living. The majority of money raised from this tax, of course, will go into general revenue rather than the highways system, yet the Act was passed in the first place with the prime objective of providing funds for our road system.

In the end, Government greed takes over and such funds are plundered for general revenue. Exactly the same thing happened with the lotteries fund, which was supposedly for hospitals. The Opposition will be moving a suggested amendment to try and retain at least half of the money raised by the tax for highways purposes.

I have no doubt that all members received a letter from the Royal Automobile Association of South Australia which clearly backs up what the Opposition is saying. I will read parts of it into the record because I believe it clearly outlines a very strong argument against what the tax is doing. It states:

> The association is most concerned that the Government is further extending its use of funds derived from the State fuel tax for general revenue purposes.
>
> The Bill to amend the Business Franchise (Petroleum Products) Act, which is soon to be debated in the Legislative Council, provides for an increase in State fuel tax but does not provide for increased appropriations to the Highways Fund.
>
> In 1983-84, the Government started to divert, for general revenue raising purposes, some of the revenue collected from State fuel tax. This move breached the principle upon which the fuel tax introduction was based.
>
> The provisions of the Bill will return approximately $75 million in a full year of which only $25.726 million will be credited to the Highways Fund. This creates a situation where the proportion of net proceeds allocated to the Highways Fund will have reduced from 100 per cent in 1982-83 to approximately 34 per cent. This situation is totally unacceptable to the association.
>
> Of further concern is the fact that 'extra contributions' made to the Highways Fund from general revenue in recent years are in fact loans to the Highways Department on which interest payments from the fund must be made. The association views this as a case of 'double dipping'. Not only is the Government withholding funds from road improvements but it has also made loans to the Highways Department from moneys which should rightfully have been credited to the fund under the principle upon which the State fuel tax was originally established.
>
> It is clear that the Government is looking to the motorist more and more for collection of tax revenue without providing corresponding increases in road funding.
>
> At the very least the association believes the Bill should be amended to provide for a significant increase in the appropriation to the Highways Fund from the revenue raised.

That letter upholds what I, on behalf of the Opposition, have said—that there has been a continuing decrease in funds allocated to the roads. Anyone who travels on the roads of this State will see their deteriorating condition and will agree with that.

The Opposition reluctantly supports this Bill which we believe would destroy jobs in this State and damage manufacturers who rely in interstate markets. We trust that the Government will consider our amendment so that money raised through this measure will be used where it is intended, and that is on the roads of this State which, as I have said, are deteriorating under the stewardship of this Government. The Government must go back to the position taken at the time of the original Act when Mr Virgo said, 'The money raised in this area will be used for road purposes . . .'.

In the Committee stage I will move a suggested amendment that will require the Government for the next financial year to allocate half the proceeds from this tax to the Highways Fund. This will have the effect of making available at least an extra $14 million in 1988-89 for road

building as a first step towards confronting the massive backlog in road building programs throughout this State. One only has to go to Eyre Peninsula to appreciate the problems that face people within this State. Further, it will guarantee motorists a fairer and better deal. The RAA provided a set of statistics that indicates very clearly the State's fuel tax and the amount raised in revenue from that fuel tax. It is purely statistical and I seek leave for it to be inserted in *Hansard.*

Leave granted.

State Fuel Tax

(a) Tax Rates

Date (cents/litre)	Petrol (cents/litre)	Diesel
October, 1979	1.15	1.72
February, 1981	1.33	2.25
May, 1982	1.50	2.53
September, 1983	2.51	3.49
November, 1987 (metro zone)	4.50	5.49

(b) Revenue

Year	Fuel franchise collections $ million (1)	Fuel franchise credited to highways fund $ million (2)	(2) ÷ (1) %	Consolidated Account 'contribution' to highways fund $ million
1979-80	14.209	14.158	100	—
1980-81	20.230	20.167	100	—
1981-82	23.794	23.737	100	—
1982-83	25.792	25.726	100	—
1983-84	38.569	25.726	67	5.5
1984-85	48.487	25.726	53	0.2
1985-86	46.448	25.726	55	12.265
1986-87	47.285	25.726	54	—
(full year at new rate)	75.0	25.726	34	—

The Hon. M.B. CAMERON: We support the Bill but, as I said, during the Committee stage I will move an amendment.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support of the Bill at least. Needless to say, the Government will oppose the amendment. Really, this matter should be left to general Government decision-making.

The Hon. M.B. Cameron: We did that in the first place.

The Hon. C.J. SUMNER: In 1983 the legislation was amended to provide that not all moneys raised from the fuel franchise tax should go into the Highways Department fund. That was the decision taken at that time and, in my view, that decision should not be altered. Surely the most sensible approach is for the Government to be left to manage its finances and, if the people are not satisfied with the allocation of those resources, they can express their views through the ballot box at the next election. It seems that that is the way that Government finances ought to be managed.

I believe that the Public Accounts Committee gave some attention to the question of the highways fund just as Mr Becker in another place has given some attention to it. When the matter has been considered outside a narrow political context, generally the considered view is that there ought not be what I believe is now called hypothecation of Government revenues to particular categories of service by way of legislation. This is a financial matter on which the Government should be allowed to govern. If the community is not satisfied with the decisions taken by the Government as to the allocation of resources between roads, police, welfare or health, then the people have the opportunity to express a view on that through the ballot box. I believe that that is what ought to happen.

It is undesirable in these circumstances to specifically allocate, as the Opposition purports to attempt to do here, a certain amount of moneys raised by this means to the highways fund. That can distort quite badly Government priorities and the Government's capacity to assess the needs of the community according to the priorities as the Government sees them. After all, the Government is elected to govern and it has the responsibility for allocating the funds that it raises. It ought to be given the responsibility to do that and to suffer the consequences of any misuse of those funds or the community's disagreement with the Government's decisions as to that allocation. So, the Government will firmly oppose the Hon. Mr Cameron's suggested amendment.

Bill read a second time.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

SUMMARY OFFENCES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

JURISDICTION OF COURTS (CROSS-VESTING) BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.42 p.m. the Council adjourned until Thursday 15 October at 2.15 p.m.