LEGISLATIVE COUNCIL

Tuesday 6 September 1988

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

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

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Tourism on behalf of the Attorney-General (Hon. C.J. Sumner):

Planning Act 1982—Proposed O-Bahn Busway Interchange and Commercial Development at Tea Tree Plaza.

Rules of Court—Supreme Court—

Supreme Court Act 1935—Documents, Representation and Interest.

Regulations under the following Acts—

Boating Act 1974—Angas Inlet Zoning.

Children's Protection and Young Offenders Act 1979—Protection, Infringement Notices and Interstate Transfer.

Harbors Act 1936—Fees.

National Parks and Wildlife Act 1972—Park and Camping Fees.

State Transport Authority Act 1974—Expiation Fee.

Roseworthy Agricultural College Act 1973—By-laws.

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

Crown Lands Act 1929—

Return of Surrenders Declined.

Return of Cancellation of Closer Settlement Lands.

Discharged Soldiers Settlement Act 1934—Return in terms of Section 30.

Pastoral Act 1936—Pastoral Improvements.

Regulations under the following Acts—

Fees Regulation Act 1927—Water and Sewerage Planning Fees.

Fisheries Act 1982—

Abalone Size.

Fish Processors—Licensed Operators.

Marine Scale Fishery—Corporate Licences.

Lakes and Coorong Fishery—Corporate Licences.

Western Zone Abalone Fishery—Corporate Licences.

Central Zone Abalone Fishery—Corporate Licences.

Southern Zone Abalone Fishery—Corporate Licences.

River Fishery—Corporate Licences.

Northern Zone Rock Lobster Fishery—Corporate Licences.

Southern Zone Rock Lobster Fishery—Corporate Licences.

West Coast Prawn Fishery—Licences.

Spencer Gulf Prawn Fishery—Licences.

Gulf St Vincent Prawn Fishery—Licences.

Miscellaneous Fishery—Licences.

Medical Practitioners Act 1983—Registration Fees.

Real Property Act 1885—Panel Forms.

Sewerage Act 1929—Disconnection and Inspection Fees.

Water Resources Act 1976—Connection and Meter Fees.

Waterworks Act 1932—Connection and Meter Fees.

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

Building Act 1971—Regulations—Boarding Houses.

City of Salisbury—By-law No. 3—Garbage Containers.

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the Auditor-General's Report for year ended 30 June 1988.

PORT LINCOLN PRISON

The PRESIDENT laid on the table the following interim report by the Parliamentary Standing Committee on Public Works:

Port Lincoln Prison Alterations.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 7 and 8.

NON-PAROLE PERIODS

7. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General—In each of the years ended 30 June 1986, 1987 and 1988:

1. How many prisoners lost remission time for good behaviour?

2. What periods of time did they lose and for what reasons?

3. For what crimes were those prisoners who lost time serving their sentences and in each case what was the head sentence and the non-parole period?

The Hon. C.J. SUMNER: The Department of Correctional Services maintains remission records for individuals in each prisoner's dossier. It is not possible to provide statistics of the sort requested by the honourable member without a prohibitive amount of manual collection.

MINISTERS' INDEMNITY

8. **The Hon. K.T. GRIFFIN** (on notice) asked the Attorney-General—In each of the years ended 30 June 1985, 1986, 1987 and 1988 and from 1 July 1988 to the present time:

1. To which Government Ministers or officials has an indemnity for costs and/or damages been granted?

2. In each case, has the indemnity been given to the Minister or official as plaintiff or defendant?

3. In each case, what is the cause of action?

The Hon. C.J. SUMNER: There are no detailed records maintained of these matters. The Crown Solicitor has no recollection of having represented 'private plaintiffs' in any proceedings from 1986 to the present, and no 'private plaintiffs' have been granted any indemnity. By 'private plaintiffs' I exclude the various corporations sole for whom the Crown Solicitor is instructed to act (for example, the Commissioner of Highways or the Minister of Lands). I also exclude office holders acting in the course of their duties (for example, the Registrar-General, etc.).

The Crown Solicitor has acted for a large number of Ministers and officials when sued as defendants. If they are corporations sole (as the Commissioner of Highways or the Minister of Education) the Crown Solicitor has acted for them without further authorisation. Otherwise, she has obtained the Attorney-General's authorisation to act in accordance with the guidelines from the Crown Solicitor's Handbook. Except when sued as a body corporate or in respect of judicial review of proceedings, the Crown Solicitor cannot recall a case where she has acted for a Minister who was sued in his name or the name of his office.

There is no record of the number of officials or Ministers who have been granted indemnity when sued. I refer to pages 34-35 of the Crown Solicitor's Handbook concerning the appropriate procedure for obtaining such an indemnity. The Crown Solicitor has no recollection of any case where such an indemnity has been granted before the hearing, but she cannot assert that such cases do not exist. If they do exist, the numbers would be very small. Of course, in most cases it is unnecessary for an indemnity to be granted, as the Crown Solicitor is authorised to act for the individual concerned.

In any event, where the defendant is an employee acting in the course of his or her employment, there is no need for a Cabinet indemnity; the employee has a statutory indemnity under section 27c of the Wrongs Act. There have been cases where the Government has paid legal costs, etc., for certain of its employees after a hearing. These are usually cases where the police have been prosecuted by private complaint (for example, for assault) and have been found not guilty. There is a specific Government policy dealing with those matters.

QUESTIONS

MODBURY HOSPITAL

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

Leave granted.

The Hon. M.B. CAMERON: I have been contacted by a constituent from the northern suburbs who draws attention to an apparent lack of weekend radiological services at the Modbury Hospital. The constituent tells me that on the afternoon of Saturday 27 August 1988 he had to despatch a young footballer to the Modbury Hospital with an injury. He believed the lad had probably fractured his leg, and this was also the opinion of ambulance officers who put the youth in a 'jet splint' before taking him to hospital, where he arrived soon after 5 p.m.

At the hospital he was examined in casualty by a doctor. My constituent arrived about 6 p.m. to check on the lad, and was told by a casualty clerk that he was free to go home. The doctor had diagnosed the injury as being a pulled calf muscle. The doctor provided a pair of crutches and some light bandaging, and told the lad he would be all right by Monday. While the constituent was a little surprised at this diagnosis (particularly because of the extreme pain the youth was in) he was even more surprised to learn that Modbury Hospital does not have a radiologist on duty at the weekend that would have enabled a check of the injured leg. Nor, so he was told, was there anyone on duty to read the X-rays if they had been done. The lad was, I am told, in continuous pain over the weekend, and on Monday 29 August he went to the Royal Adelaide Hospital where he was diagnosed as having a fractured tibia (shin bone).

No-one would deny a doctor the right to occasionally make a wrong diagnosis, particularly when junior medical staff at hospitals such as Modbury and Lyell McEwin often work extremely long shifts. The problem here seems to be the lack of facilities to facilitate more accurate diagnoses, particularly when most such injuries occur at weekends when sport is played. Is it true that the Modbury Hospital does not have access to X-ray services at weekends? Is there also a shortage of suitably trained staff to read the X-rays? How many of Adelaide's other major hospitals also do not have access to X-ray services at weekends? What steps are being taken to remedy the situation if it exists, so that radiological services can be provided at Modbury and any other hospitals with this deficiency at the weekend?

The Hon. BARBARA WIESE: I will refer those questions to my colleague the Minister of Health and bring back a reply.

ASER PARKING FACILITIES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about car parking on the ASER site.

Leave granted.

The Hon. L.H. DAVIS: A letter printed in last Saturday's *Advertiser* complained bitterly about the extraordinary delay involved in parking a car at the ASER-Festival Centre site, and stated:

> Last Saturday evening my international visitors had driven seven hours from Melbourne to spend Saturday evening and Sunday with me in Adelaide. They then had to spend an hour bumper-to-bumper to travel 500 metres. They are travel agents from Norway I escorted around South Australia two years ago when the Department of Tourism spent a small fortune to promote the State.
>
> We arrived at the King William Street entrance at 7.10 p.m. We finally arrived at the top floor of the Kings Car Park at 8.10 p.m. missing the first 15 minutes of *My Fair Lady* as did 150 others. Even Melbourne, with its population, can get theatre patrons into and out of its car parks in 15 to 30 minutes.

That is an extract from the letter written by Christine Courtney of Unley. The Minister will be aware that this matter has been raised before by irate members of the public and by the Liberal Opposition in this Chamber. In June 1987, confidential reports to the State Government prepared by consulting engineers Pak-Poy and Kneebone were made public, one of which reports predicted a short fall in car parking spaces on this site on peak nights of 1 330 for patrons and 590 for staff, in other words, nearly 2 000 car parks short.

That short fall will occur regularly on Friday and Saturday nights during the year, given that the Festival Centre at capacity will take 2 500 people, the Casino on a busy night 3 500 people, the Convention Centre up to 3 500 people, and with the Hyatt Hotel almost fully operational 1 400 people in accommodation, in the three restaurants, or in the ballroom. At the time of this release in June 1987 Mr Andrew Noblet (Chairman of the Festival Centre Trust) was quoted as saying that the centre had held the view since the beginning of the ASER project that there would be parking problems. He said:

> If there is a decline in attendances at the Festival Centre, I can only say 'I told you so.'

What concerns many people is that the demand for parking will increase even more as the remaining 150-plus bedrooms at the Hyatt Hotel are brought on stream in the next few weeks, and the office building and proposed Exhibition Centre also on the site are opened.

The Kings car parking station at the ASER site provides, I understand, for about 1 050 parking spaces; the Festival Centre has 304 spaces, although not all of those are available to the public; and I understand it is proposed to have an additional 150 spaces for the office building and 340 for the Exhibition Centre.

What concerns me even more is information that has just come to hand in the past few days to the effect that it is now clear that there has been a major bungle in the design of the ASER car parking station. It has not been designed to cope with peak loads; rather it is designed to cope with

regular car flows, as experienced, say, in a retail area car park, such as David Jones. The eastern entrance to the car park has two lanes, which lead to the basement floor of the car park, but those two lanes have to be closed down before the car park is full to avoid congestion in the car park. There is no exit out of that basement area. Therefore, it is hardly surprising that a theatre patron has had to wait for a full hour—as is evidenced from that letter to the *Advertiser.*

In America, parking stations work on the principle of getting the patrons in quickly. Certainly, it might take a bit longer for them to disperse. But in Adelaide it appears that arguably we have the slowest entry into a key entertainment area, comprising the Festival Centre and the ASER complex, with its hotel, Casino, Convention Centre and the shortly to be commenced exhibition hall. My questions to the Minister are: is the Government aware of this continuing problem of car parking? Is the Government taking steps to overcome this continuing difficulty which patrons have with car parking? Does the Minister accept that an hour's delay in car parking is unacceptable to theatre patrons?

The Hon. BARBARA WIESE: I would certainly view an hour's delay as most unacceptable to patrons attending functions in the ASER/Festival Centre complex. Indeed, there is absolutely no reason whatsoever for any patron to experience such a delay, because adequate parking places have been made available in the various facilities in the region to meet the needs of patrons, and this has been the case on almost every occasion since the parking stations were opened in that vicinity. The major problem which is emerging and which leads to the delays of the kind that was explained by the writer to the *Advertiser* last Saturday morning concerns not the problem of poor provision of parking spaces but the fact that Adelaide people have not yet realised that there are numerous entrances by which access can be gained to those car parks. On those rare occasions when there is an overflow other car parking spaces are available within a very short walking distance of the ASER/Festival Centre complex. I have called for reports on this matter on numerous occasions since the completion of the convention centre, because of all the predictions of doom and gloom and the horror stories being presented by people like the Hon. Mr Davis.

The Hon. L.H. Davis: That's right—and here is a letter bearing it out, a year and a half later.

The PRESIDENT: Order! The Hon. Mr Davis has asked his question.

The Hon. BARBARA WIESE: In fact, since these complexes have been opened we have not had the sorts of problems as predicted by the Hon. Mr Davis or by anyone else. I have sought regular reports on this matter. It is a matter of some concern to me as Minister of Tourism and as Minister responsible for the Adelaide Convention Centre that people should have adequate access to these areas.

The Hon. L.H. Davis: What is an hour's delay then!

The Hon. BARBARA WIESE: Excuse me, if the honourable member will just let me answer the question he might understand the problem. The fact is that the car park in the ASER complex is run by a company called Kings Parking Pty Ltd. It is a Melbourne based company and it probably runs the car parks in Melbourne to which the writer to the *Advertiser* referred as being operated so efficiently. In fact, Kings Parking has international experience in managing car parks. I think it is doing an excellent job at the ASER site. The ASER car park, Kings Parking Pty Ltd, the Festival Centre and, when necessary, the Adelaide Convention Centre operators advertise in the newspapers and at various other outlets where patrons have access to this information, when it is anticipated that there will be a significant crowd in the area.

Some people are now starting to realise that, when a large number of people want access to the area, they should be very careful about which entry point they use in order to get a car park. On all those occasions it is recommended to patrons that they use the Morphett Street entrance and not the King William Road entrance. The people who follow those instructions invariably have access and egress from the parking station with little or no delay at all. They are the facts of the matter. It seems from the letter in the *Advertiser*, that the writer probably took the worst possible approach to the entrance of the car park last Saturday. She and other members of the Adelaide public must recognise that the Adelaide Festival Theatre car park fills very quickly, and that on those evenings of considerable pressure in the area it is sensible to take the entrance which will gain access to the car park with little or no delay.

The Hon. R.J. Ritson interjecting:

The Hon. BARBARA WIESE: You should use the Morphett Street entrance and people who do so experience little or no delay.

Members interjecting:

The SPEAKER: Order!

The Hon. BARBARA WIESE: The other point I make about the Kings car park is that, from information I have gained from the company, it appears that there are almost always vacant car parking spaces in that car park. There are few occasions on which it does not have vacant spaces. The suggestions made by people about the enormous delays come back to the issue of which entrance patrons use. Hopefully over time we will be able to educate the Adelaide public to take the most appropriate entrance for those car parks.

In anticipation of problems of this kind during occasions of peak use of car parks in that area, regular meetings are now held between representatives of the various users of those facilities in that area, namely, the Adelaide Convention Centre, the Hyatt Hotel, the Casino and the Festival Centre, along with other such authorities as the police, the Adelaide City Council and so on. At the meetings, which are held every three months, they try to predict the periods of greatest patronage of car parking areas in that vicinity so that appropriate measures can be taken prior to those events to advertise and encourage people to spend a little more time prior to their theatre engagement, function in the Convention Centre or wherever it might be in ensuring that they gain access to a car park in time for them not to be too inconvenienced. Those quarterly meetings are for forward planning purposes. As and when required there is consultation between the various parties so that proper action can be taken to inform the public of those occasions when there could be pressure on car parking. It seems as though the problem outlined by the Hon. Mr Davis and others is not really a problem that relates to the car parking area itself or indeed the design of the car park.

I have not heard anything from the car park operators who are, after all, the experts in this area. They have certainly not complained to me or to anyone else in the Government, to my knowledge, that there is any design problem with the car park. What they have complained of is their frustration at not being able to educate the Adelaide public about choosing the most appropriate entry point. Indeed, we hope that, over time, that will take place and, the sooner a larger number of people realise that there are other entry points beyond King William Road, the sooner they will find that they will have much faster entry and exit from the car parks in that area.

PILOT DIVERSIONARY CAUTIONING SCHEME

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Youth Affairs a question about the pilot diversionary cautioning scheme.

Leave granted.

The Hon. K.T. GRIFFIN: The State budget in its social justice strategy states:

> The Police Department and the Department for Community Welfare will jointly provide $154 000 for a pilot diversionary cautioning scheme which will evaluate the impact on young people, particularly young Aboriginal people, of cautioning instead of automatic arrest, to be based in inner Adelaide.

Many questions arise from this broad statement. No information is provided as to the way in which the $154 000 is to be spent and when the scheme is to come into operation.

The scheme talks about 'young people', but it is not stated whether this applies to under 18 year olds, or over 18 year olds, or both. If it is to relate to 18 year olds, it raises the question as to whether or not this scheme is to override the provisions of the Children's Protection and Young Offenders Act which provides for children's assessment panels and aid panels. It also raises questions about the sorts of offences to which it is to be applied. For example, does it apply to rape, arson, larceny, assault and other serious crimes for which arrest is the usual course of action, or is it to apply to offences like vandalism for which arrest is not the norm?

The title of the scheme suggests that cautions will be given by someone, presumably a police officer, but it is not clear what criteria are to apply to determine whether or not a prosecution may still follow, or whether the caution is in lieu of a prosecution. If the pilot scheme is to apply to inner Adelaide, the question must be asked as to what then happens to young people in other areas of the metropolitan area and the State. Are they therefore to be treated differently? Are the same criteria to be applied to non-Aboriginal young people as to Aboriginal young people, or is the scheme to be discriminatory? If prosecutions are not to be instituted, what then happens to a victim's rights to ask the court to order restitution and/or compensation, or to seek criminal injuries compensation?

How long is the scheme to operate for, what are to be the procedures for review; and what criteria will be used to determine whether or not it has been effective? What tests or standards are to be used in any assessment of the scheme? The proposal raises many questions which are issues of importance. There need to be clear answers to all these questions before the scheme is commenced. Can the Minister give the Council the answers to all the questions that I have raised in my explanation and any other information about the scheme relevant to determining its merits?

The Hon. BARBARA WIESE: I will be very happy to bring back a detailed report on the proposed implementation of the scheme to which the honourable member has referred. However, I might say that it is a proposal which has come forward after quite considerable consultation between the various authorities that have had to try to find ways of assisting the young people to whom the honourable member has referred. Therefore, certainly the Attorney-General, as well as the Minister of Aboriginal Affairs and the Minister of Community Welfare, have been involved, at one time or another, in the preparation of the arrangements for this pilot program.

If the pilot program is successful, I am sure it will play an important role in helping to overcome some of the problems of the young people in the target group. However, in relation to the arrangements that are intended for that program, I will seek a detailed report and bring it back for the honourable member.

YOUTH FOUNDATION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Youth Affairs a question about a South Australian youth foundation.

Leave granted.

The Hon. M.J. ELLIOTT: I have had a number of representations in relation to a proposed South Australian youth foundation. Indeed, I believe that it has its genesis not in the Department of Youth Affairs but in the Health Commission, but has more recently been transferred back to the Department of Youth affairs.

I have been told that it is modelled on, but much larger than, a relatively new program operating in Marion known as the Marion Youth Project. It is believed that the foundation may have a budget of about $4 million a year; that seed money will be put in by large corporations such as Westfield; and, that the Government itself will also be supplying seed moneys and some personnel.

The people who have spoken to me say that they can see some attraction in the idea, but they have also expressed some concerns. They say that in the long run, while it might attract some new funds, it may also result in a redirection of funds and that some bodies that are currently getting outside funding may lose it. They say that there is some doubt about the areas in which the youth foundation may operate and whether or not it may operate in areas in which other bodies already operate. Concern has also been expressed about whether or not the youth foundation will have a board which is truly representive of the youth field generally, and that it might lack the necessary expertise and empathy. I do not necessarily mean goodwill. I have been told that there has been consultation going on. It has been suggested to me that it is the sort of consultation that this Government specialises in: you ask but you do not tell.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: Some people feel that they have been kept somewhat in the dark on this. I ask the Minister the following questions:

1. Would the Minister give an assurance that, should the youth foundation be set up, the board will have representation from a wide cross-section of the youth affairs community if it is intended that it operate widely?

2. Would the Minister guarantee that the constitution will very clearly prescribe where it will and will not act so that there is no doubt?

3. Will the Minister open up the consultation so that it is a full public consultation?

4. Can the Government give an assurance that there will be no cut in the Government's youth funding as a consequence of money donated by the private sector?

The Hon. BARBARA WIESE: I am not sure where the honourable member is getting his information from, but there seems to be an enormous amount of confusion about this issue because—

Members interjecting:

The Hon. BARBARA WIESE: Yes, and it has probably come through the consultation process that I established. It seems that it is very difficult to actually consult and brief people about issues because very often the story gets distorted somewhere along the line. Certainly in this case the story has become distorted. I am in no position at all to give any assurance or guarantees whatsoever on this matter because the proposed youth foundation to which the honourable member refers is a private sector initiative. It is a proposal at the moment which has been—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It is a proposal that has come forward from a private sector company which is one—

The Hon. M.J. Elliott: The Premier's Department is coordinating it.

The Hon. BARBARA WIESE: Excuse me! Just listen to the reply and you might understand the issues.

The Hon. L.H. Davis interjecting:

The Hon. BARBARA WIESE: I do not think that is any of your business, and if they want to make it public—

Members interjecting:

The Hon. BARBARA WIESE: The fact is that a private sector company has floated the idea or expressed an interest in it.

The Hon. L.H. Davis: No-one is allowed to know.

The Hon. BARBARA WIESE: Excuse me—they have expressed an interest in establishing a private sector youth foundation. I am pleased to say that this private sector organisation realises that it is very important to work closely with the State Government and with people in the non-government sector who have some involvement with young people in establishing this foundation and in determining the roles and functions for the proposed foundation. For that reason this company approached the Government and indicated that it would like some assistance and advice to set up this youth foundation, or to establish the parameters so that it could make a decision about whether or not it wanted to establish such a foundation.

As a result of that I have called two meetings of people in the youth sector (both within the State Government area and also the non-government sector) to brief those people on the present proposal. I reiterate that this proposal has come from a private sector company, and it is its business how it runs the youth foundation. However, I have had the opportunity of briefing people in the Government and non-government sectors on the proposals and to get the impressions and views of some of those people so that they can be reported back to the private company so that report can also form part of its deliberations when it decides whether it wishes to proceed with the youth foundation.

All of the reservations and concerns that the honourable member has raised, were raised in one or both of the briefing meetings that have been held with people active in the youth sector, and they are being passed on to the company. In my view, the proposal from this organisation is a very exciting one, because if the company is able to collect the amounts that it envisages could come from the private sector to devote to youth projects, then we will have a very substantial new pool of money in South Australia to use for the development of youth services and other appropriate facilities for young people.

As I understand it, this organisation intends that any money dispersed by the proposed foundation would be additional to any moneys that are now being received by various organisations, and it is the Government's view that our contributions to youth organisations would not be affected in any way by the fact that a youth foundation might exist, or that particular organisations might be receiving money from it. As I understand it, the company intends to take advice from people who are appropriately qualified or experienced in the youth sector as to the allocation of resources.

The company does not intend to become closely involved in that aspect of the work of the foundation, because the company recognises that it does not have expertise in that area. It is also very keen that young people themselves should be very much involved in the work of the foundation and in the allocation of resources. I believe that it is a very exciting project, and I hope that it comes to fruition because, as I indicated, it will add significantly to the work of people in the Government sector as well as in the non-government sector in the delivery of services and facilities for young people in this State.

THE LAST TEMPTATION OF CHRIST

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister representing the Attorney-General a question about the film *The Last Temptation of Christ.*

Leave granted.

The Hon. J.C. BURDETT: I quote from a letter, which was written to the Commonwealth Attorney-General, Hon. Lionel Bowen, as follows:

> You are no doubt aware of the concern of many Australians that the film, *The Last Temptation of Christ*, may be shown in this country. I have seen a copy of parts of the script, and am greatly disturbed that the film grossly distorts important aspects of the life of Jesus, thereby misleading the public and causing deep offence to many Christians. I believe that the film is blasphemous and, on this ground, I ask you to use the power available to you to prevent its public screening in this country.
>
> Some years ago some Aboriginal people complained to the South Australian Government about an Adelaide Festival of Arts display which contained some garden ornaments in the form of Aboriginals. The people said the ornaments were offensive. The ornaments were removed, and rightly so. I would also be concerned about a film which deliberately set out to distort historical truth about Mohammed in an offensive way. I urge you to act promptly as the South Australian authorities did in the Aboriginal case, and announce that *The Last Temptation of Christ* will not be publicly screened in this country.

The same person also addressed a letter to the South Australian Attorney-General asking him to intercede with the Commonwealth Attorney-General in that way. My questions are: what will the Attorney do about that request; will he make representations to the Commonwealth Attorney-General? Also, will he consider exercising his own powers which he has in regard to the showing of the film in South Australia?

The Hon. BARBARA WIESE: I will refer those questions to the Attorney, and I am sure he will bring back a reply soon.

SICK LEAVE ABSENTEEISM

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question in relation to sick leave allocations in metropolitan hospitals.

Leave granted.

The Hon. I. GILFILLAN: A significant item from the recently tabled Auditor-General's Report is 'Audit Issues' on page vii under the heading 'Sick Leave Absenteeism'. The report states:

> The following table shows the increase in the incidence of sick leave absences of porter and medical orderly staff employed at the three major metropolitan hospitals over the past three years. The data from which the table has been prepared excludes long-term sick leave absences.

	Average Per Person 1984-85 (days)	1986-87 (days)	Per Cent Increase
Royal Adelaide Hospital	8.3	10.6	28
Queen Elizabeth Hospital	6.4	10.7	67
Flinders Medical Centre	7.3	8.5	16

A review of the sick leave trend at the Royal Adelaide Hospital identified that:

- in many cases, the leave taken was of a single day duration, associated with week-ends, public holidays, and rostered and programmed days off;
- a disproportionately higher amount of sick leave was taken on week-days compared to week-ends and public holidays when higher penalty rates are payable.

On the face of it, this leave pattern raises serious questions as to whether sick leave is being taken for genuine reasons in all cases . . .

It must be stressed that the apparent use of sick leave for what appears to be for other than genuine purposes does not apply to all porter and medical orderly staff at the Royal Adelaide Hospital. Of that staff, 39 per cent took less than six days sick leave in 1986-87.

Management Information

Management reporting in regard to staff sick leave was inadequate.

The same report at page viii states:

As these issues need to be addressed on a total health sector basis, including for all classes of employees within that sector, a report on these issues was referred to the Chairman, South Australian Health Commission on 17 December 1987. The report suggested consideration of the need to:

- remind employees of their obligations to confine sick leave to justified occasions.
- create a greater awareness among managers at all levels of the costs associated with sick leave absences and of their responsibility to monitor absences and counsel staff where necessary.
- implement a computerised personnel payroll system and investigate the cost-benefits of a computerised rostering system.
- review the adequacy of regulatory requirements.

A copy of the report was also provided to the Chief Executive Officers of each of the three major metropolitan hospitals.

A little further on, the report compared the situation in Tasmania, which had received some attention, and stated that it expected that there could be a saving of $1 million a year, given the size of the health sector work force which needs to be replaced when on leave. The report continues:

A copy of the report and the Commission's response was forwarded to the Minister of Health on 18 February 1988.

Other Agencies

A review of leave and rostering practices on a public sector wide basis could lead to similar findings and the opportunity for substantial savings and productivity improvement.

A brief explanation of leave patterns of teaching staff in the Education Department and staff of the Department of Transport tends to support this view.

As a first step in the review process, benefits could be obtained by determining the incidence, trend and pattern of sick leave in Government agencies; identifying areas where remedial action is necessary; and establishing a simple data base from that information against which future performance could be measured . . . It is an essential requirement for the more effective and economic management of a large and costly public sector resource. It is a matter of high priority.

All of these matters were referred to the Treasurer on 29 February 1988.

It is rather ironic that for what appears to be the overuse of sick leave the Auditor-General uses the term 'remedial action is necessary'. In other words, a cure is needed for the abuse of the very proper facility for sick leave. I ask the Minister representing the Minister of Health: what action has the Minister of Health taken in response to his receipt of the report in February this year and what plans does the Minister have to correct this apparent gross misuse of the facility for sick leave in the public health system?

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague and bring back a detailed reply but, as I understand it, as soon as this matter was drawn to the attention of the Government, action was taken. It is expected that in this forthcoming financial year about $500 000 will be saved as a result of the action that has already been taken. However, I will refer the questions to my colleague and I am sure that, if there is any further information to be supplied, he will supply it.

WORKCOVER

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Attorney-General a question about WorkCover.

Leave granted.

The Hon. J.F. STEFANI: In October 1987 the Labor Government introduced measures for a singular compulsory workers compensation scheme. This scheme is a Government sponsored system of insurance, and employers have no other choice than to insure with WorkCover. Recently, the board of WorkCover, through a circular, advised thousands of employers that it had introduced a series of penalties and interest charges for late payment of insurance premiums. The interest charge is at the rate of 20 per cent, whilst late penalty charges range from 150 per cent to 300 per cent of the premium payable.

As WorkCover itself does not refund payments on time, the penalties imposed seem to be totally unreasonable, particularly as WorkCover is the only insurer available to the community. My questions are: what action will the Government take to have the penalties reviewed or withdrawn? Will the Government give an undertaking to have the matter of WorkCover payments to its clients reviewed and expedited? Will the Government suggest to WorkCover that a rebate system to encourage the advance payment of premiums from employers would be a more efficient method of collecting premiums on time?

The Hon. BARBARA WIESE: I will refer those questions to my colleague and bring back a report.

PENSIONERS' INCOME TEST

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the income test for pensioners.

Leave granted.

The Hon. DIANA LAIDLAW: A fortnight ago when the Federal Treasurer (Mr Keating) outlined the Hawke Government budget for 1988-89, he failed to mention that from 1 December all capital growth earned by pensioners through managed fund investments will be treated as income in determining their pension eligibility. The budget estimates that the Government will save some $20 million in a full year, an estimate consistent with an average number of 50 000 people losing an average of $4 000 each or up to 100 000 people losing an average of $2 000 each.

It may be of interest to members to note that to lose $2 000 a year a pensioner requires an investment income of only $4 000 a year, effectively a 50 per cent tax rate, yet to earn $4 000 a year from a managed growth fund returning an average of 10 per cent per annum over the past three years requires investment income of only $40 000. As many funds return about 15 per cent or higher, it would require an investment of only $27 000 for a pensioner to earn $4 000. While such a sum may seem large, it is far from uncommon for both blue collar and white collar workers who have retired with superannuation benefits in recent years to do so.

Over the past fortnight distressed pensioners have argued with me (and, I have no doubt, have approached other members of Parliament) that upon retirement they invested in good faith sums of $27 000 and more in managed capital growth funds, but are now to be penalised retrospectively. In South Australia we have the dubious distinction of having the highest proportion of people of 50 years of age and over, and from the figures provided in the budget papers it

appears that there may be at least 10 000 South Australian pensioners who will lose part or all of their pensions as a consequence of this move.

In view of this fact and the forecasts that I have outlined, I ask the Minister whether she is aware that the Bannon Government, on behalf of South Australian pensioners, intends to press the Hawke Government to review its budget changes in relation to capital growth earned by pensioners through managed fund investments.

The Hon. BARBARA WIESE: I am not aware of any moves by the State Government to approach the Federal Government on this issue. I am not certain whether the impact of the recent decisions taken by the Federal Government has yet been fully assessed in this State. I have heard the predictions that the Hon. Ms Laidlaw has outlined—I cannot say whether they are accurate. However, I am quite certain that the appropriate agencies within the State Government will look not only at the impact of this decision but of all other decisions that have been taken by the Commonwealth Government in the recent Federal budget. Should it be considered that the impact on people in this State is unreasonable, I am quite certain that the Government would be interested to take up the matter with the Federal Treasurer or the appropriate Commonwealth Ministers. Speaking generally I point out that last week I attended a luncheon at which the Federal Treasurer was guest speaker.

The Hon. R.I. Lucas: Did you pay $75?

The Hon. BARBARA WIESE: I certainly did, out of my very own pocket.

The Hon. R.I. Lucas: Did he call you from the airport on his car phone?

The Hon. BARBARA WIESE: No, he didn't; I haven't got a car phone so I am all right.

The Hon. R.I. Lucas interjecting:

The Hon. BARBARA WIESE: No, I don't think so; he is much too polite to people he likes! Anyway, during question time at the luncheon the Federal Treasurer was asked a question about the recent decision relating to investment funds and how this might impact on people who had already made decisions and who were now being affected retrospectively. In a general way the Treasurer addressed this issue—and I guess this does not really satisfy those people who are personally affected—and pointed out that during the past few years the Federal Government has made numerous decisions which are designed to use Federal Government resources as equitably as possible in our community and to ensure that those people who have the greatest need are cared for within our community. Sometimes, decisions that are designed to have that outcome impact on some people more than on others.

In this instance, the situation may very well be that some people will be affected by the decision but, conversely, a larger number of people will benefit from the decision with the availability of resources to be redistributed to them. All these decisions need to be looked at in this context and assessed for their overall merit, applying in this and in all other instances. However, I shall take up the matter that the honourable member has raised to see whether any further information is available at the State level and to ascertain whether or not the Government intends to raise this issue at the Federal level.

REFERENDUM QUESTIONS

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

The Hon. M.J. Elliott: Shame! Lies and fabrications!

Leave granted.

The Hon. J.C. IRWIN: I hope that is recorded. Now that the people of South Australia and Australia have spoken on the four referendum questions, I ask the Minister of Local Government to focus her attention on the answer given by the people to question 3 relating to local government. In answer to a question asked by the Hon. Carolyn Pickles on 10 August, the Minister said that she was most disappointed, indeed flabbergasted, that the Federal Liberal Party had chosen to oppose question 3. The reality is, on the figures available today, that only 29 per cent of South Australians supported question 3 on Saturday. Perhaps this was the most simple of the four questions. That figure of 29 per cent support says a number of things. First, it was the second lowest, to Tasmania, of all the States and Territories, numbering eight in all. Secondly, that 29 per cent represents a little more than half the vote on a two Party preference system that the ALP received at the last State election. Thirdly, the ALP how to vote card carried no recognition whatsoever of the Federal Government's intention to support any of the questions—except if one happened to have glasses on and could read the very small print at the bottom of the card. In her answer of 10 August, the Minister said quite clearly:

> ... I, as Minister of Local Government—and the Government as a whole—will support the push by local government across Australia to achieve recognition in the Federal Constitution.

I ask the Minister the following questions: why was the Premier, who happens to be the Federal President of the ALP, so silent in his support—and this applies to the South Australian Government's support as well—for all four referendum questions, in particular question 3? Why did so many ALP voters abandon their ship to vote decisively 'No' to question 3? Is the Minister still 'flabbergasted' that there was such little support for question 3, or does the Minister, like the Prime Minister and the Leader of the Democrats in this House, question the people's ability to make up their own minds on matters which vitally affect the future of their country?

Members interjecting:

The PRESIDENT: Order! Before calling on the Minister I would point out that what the Premier thinks or does not think is not really within the responsibility of the Minister of Local Government, and I suggest that the Minister completely ignore that part of the question.

The Hon. BARBARA WIESE: I note that I have approximately 30 seconds to give my reply. Can I say that I am absolutely flabbergasted that the honourable member has had the gall to stand up in this place and ask a question about the referendum proposals.

The Hon. L.H. Davis: Why?

The Hon. BARBARA WIESE: Because he comes from a Party that has demonstrated enormous hypocrisy on these issues. The fact is that all four questions came out of a joint Party committee.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: They were issues that were supported by people of all Parties.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! I have called for order, and that includes the Hon. Mr Lucas.

The Hon. BARBARA WIESE: For cheap political purposes, the Opposition at the Federal level decided to oppose these referendum questions, despite its having expressed support in the past for the very sentiments contained in the questions. The scaremongering tactics pursued by members of the Liberal Party in the past few weeks generated con-

fusion in the minds of people around Australia. Because they felt such doubt about these issues they decided to vote against them. I believe that that is absolutely appalling, because there has been general support in political circles in this country during the past few years as to the need for constitutional reform. For the Opposition in this State and nationally to play with the issues in the way that they did in order to score cheap political points was appalling.

BUDGET PAPERS

The Hon. Barbara Wiese, for the **Hon. C.J. SUMNER (Attorney-General):** I move:

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1988-89.

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

SUPPLY BILL (No. 2)

Adjourned debate on second reading.
(Continued from 24 August. Page 473.)

The Hon. R.I. LUCAS: I support the second reading. It provides $995 million to enable the Public Service to carry out its myriad functions for about two months. The general matter I will address in this debate is the question of priorities in Government spending and the age old question of Government waste. An Opposition Party and alternative government must obviously criticise, oppose and be negative on occasions in relation to cutbacks in Government programs and the abolition of certain Government programs. This, of course, will be most readily apparent in relation to large State spending areas such as education, health and transport. One of the other responsibilities of an alternative government or State Opposition, apart from being negative and criticising, is to highlight where the reordering of priorities in Government can be achieved and where waste exists within the system and within present Government priorities so that money can be diverted to the important spending programs being cut and therefore criticised by the Opposition Party.

I will look in general terms at Government spending. I do not profess this to be an all-encompassing embrace of waste in Government spending, but I will nevertheless highlight the extent of Government waste under the Bannon Government and will also address in more detail some of the waste that occurs within an area with which I am more familiar, namely, the Education Department budget.

When one looks at wastage generally in South Australia, some immediate examples spring to mind. One only needs to look at the debacle over the *Island Seaway*, where the estimate of its eventual cost may run into $20 million to $30 million. We also have the debacle of the South Australian Timber Corporation, which is the subject of a select committee of the Legislative Council. When one looks at publicly available information in relation to the Timber Corporation, one can see that accumulated losses at the end of 30 June 1988 are about $16 million to $17 million.

One of its investments in relation to the New Zealand Timber Company places at risk many millions of dollars of taxpayers' money, and that will be the subject of the select committee report due in the not too distant future, we would assume. Publicly available information on that New Zealand investment shows that last year some $1.6 million was lost on its trading operations, compared to a trading period loss of some $2.9 million over the previous 18 months. I note from the Auditor-General's Report, from which we had a copious reading by the Hon. Mr Gilfillan during Question Time, that the Auditor-General has noted that a valuation by a firm of chartered accountants has attributed no net value at all to the International Panel and Lumber (Holdings) Pty Ltd. The Auditor-General has made this information available, and I am sure that select committee members will be interested to read and pursue that matter also. The IPL(H) group includes the New Zealand Timber Company on the west coast of New Zealand and also the investment in the south-east of South Australia at Nangwarry and other interests.

The Auditor-General notes that subsequently the Timber Corporation has made a provision of $10 million to cover a potential loss of invested capital in IPL(H). That is only a provisional reserve figure of $10 million by the Timber Corporation to cover a potential loss of invested capital in IPL(H). Over recent years we have seen such debacles as the three-day horse event at Gawler which wasted a considerable sum of money as well as the State Government's involvement in the yachting challenge off Western Australia, which again wasted a considerable amount of money. The Auditor-General's report this year and in previous years highlights the enormous blow-out in the cost of various Government projects.

I refer, for example, to the justice information system which the Auditor-General notes was estimated originally to cost $4 million or $5 million and will blow out to the order of $30 million to $50 million by the time it is completed. A blow-out from $4 million to $5 million to possibly $30 million should not be accepted under any modern day financial management control system. The ASER development—a matter that the Hon. Mr Davis and other members have assiduously pursued as to eventual cost—was also noted by the Auditor-General that the investment from the superannuation trust had increased or blown out by some $54 million since original estimates were made. In both the Auditor-General's Report and the South Australian Government financing report further information is provided that the Government through SAFA has converted substantial debts of the Linen Corporation, the Clothing Corporation and the South Australian Timber Corporation into equity capital.

In simple terms, that means that significant million dollar debts of those Government trading authorities have been written off by an arm of Government (SAFA) and converted into equity capital for those trading organisations. The net effect of that is that SAFA will not be able to collect the interest payments on the loans previously outstanding to those Government trading authorities. One would presume from the scant detail provided in the Government documentation that the return to taxpayers of South Australia and to SAFA is meant to be any possible dividend payout by the trading companies involved. As I previously indicated, when the Auditor-General reports that the accumulated losses at the end of 30 June 1988 were some $16.8 million for the Timber Corporation, then at least the short or medium-term possibilities of the South Australian taxpayers benefiting from dividend payments from those Government trading corporations are very slight indeed.

The Auditor-General's Report and other Government department reports have in the past highlighted the significant problems to which the Hon. Mr Gilfillan referred today relating to sick leave and other leave entitlements of Government employees not only in the Health Commission

but also in the Education Department and other significant employing departments of the Bannon Government. As the Hon. Mr Gilfillan indicated, the Auditor-General highlighted potential annual savings of some $1 million in relation to the Health Commission alone. The Minister's response indicated that some action had been taken and that a possible saving of $500 000 would be effected this year. That means that if that figure is correct, according to the Auditor-General, about $500 000 is still being wasted by employees of the Health Commission in relation to sick leave entitlements.

The Hon. Peter Dunn: That would go nicely in country hospitals.

The Hon. R.I. LUCAS: It certainly would. The Hon. Mr Dunn quite rightly points out that $500 000 or $1 million would go very nicely to the country hospitals that are currently under threat and, by itself, it would almost make up the estimated annual savings to be achieved from the Health Commission's rationalisation or closure program for country hospitals. In those broad areas alone there is significant room for criticism of the financial management and expertise of Premier Bannon in particular, as Premier and Treasurer, and also of the Bannon team and the Bannon Cabinet. In all those areas that I have highlighted millions of dollars are being wasted each and every year while, at the same time, this Government toys with the prospect of additional taxes in the TAFE sector, cutting courses in schools and TAFE colleges, or reducing funds and the closing of hospitals under the auspices of the South Australian Health Commission.

I now turn to the area of education and again highlight the significant millions of dollars that are being wasted each and every year by the present Minister of Education (Greg Crafter), who will not be the Minister for much longer, and also the Bannon Cabinet. Within this one portfolio area there is a long list of wastage within the Education Department. First, for about 12 months now the Public Accounts Committee has looked at the reorganisation of the Education Department, and we have been advised that a report is imminent as to that committee's analysis of how the reorganisation of the Education Department has fared. In simple terms, the theory of the reorganisation of the Education Department was that one central bureaucracy in Flinders Street would be rationalised to five area officers—two in the country and three in the city—and that, in so doing, significant salary savings would be achieved. The Cabinet documents of that day argue that, if the reorganisation of the department was achieved, salary savings of $1.5 million per annum would be effected.

The second alleged benefit of the reorganisation was to bring decision-making closer to individual local communities and schools. On both grounds it is fair to say that in South Australia there is probably only one person left who will argue that the reorganisation of the department has been successful and that is the outgoing Minister of Education (Greg Crafter). Virtually no-one else in the education area at the departmental level, at the school level or in the parent communities would argue, first, that the reorganisation saved $1.5 million in salary costs or, secondly, that it has achieved significant improvements in service delivery at the local school and community level.

The information available to educators and the Liberal Party is that, rather than saving $1.5 million, the blowout of that simple reorganisation was about $5 million or $6 million. In previous reports the Auditor-General has highlighted two areas of potential significant saving in Education Department costs. In his 1986-87 annual report the Auditor-General stated that a reorganisation of the school bus transport service would have the potential to save the Education Department about $3 million per year through changes such as school bus route rationalisation and the greater use of private contractors in the school bus transport system.

The other major area highlighted by the Auditor-General related to school cleaning services and, again, the Auditor-General referred to the fact that there was a potential for saving about $2 million per year if private contractors were used more frequently in the school cleaning contract system. There have been many other examples in the Education Department spending budget. The Youth Music Festival, which was originally budgeted to cost about $250 000, blew out by some $700 000, so that, instead of costing $250 000, the eventual cost was about $1 million just for the organisation of a Youth Music Festival in South Australia.

We have the continuing problem of the overpayment of teacher and staff salaries within the Education Department. For the 1986-87 year overpayments to teachers and staff amounted to about $800 000. Obviously, the Education Department employs staff to chase up and collect overpayments to teachers and staff. It has to spend additional money in that process but, at the end of the 1986-87 financial year, after all that chasing up and collection of overpayments, about $400 000 was still overpaid and uncollected from teachers and staff in the Education Department.

The Education Department continues to waste some $300 000 each and every year paying rent for vacant teacher houses. We have a large number of vacant teacher houses throughout South Australia, and the Education Department is required to pay rent for them to the Government Housing Authority. This matter has been raised year in and year out by the Auditor-General because, clearly, there is a great incentive for the Education Department to reduce the number of vacant teacher houses throughout South Australia. But still, as of 1986-87, we see at least some $300 000 every year being spent, or wasted, by the Education Department. Over five years, the total spent on vacant teacher houses is some $2 million.

The Hon. M.J. Elliott: Do you want to sell those?

The Hon. R.I. LUCAS: Well, the Government Employee Housing Authority is looking at the rationalisation of some vacant teacher houses. The Hon. Mr Elliott, having spent some time in country areas, would well know that some of them could be sold whereas others should not be sold.

The Hon. M.J. Elliott: A lot of the country communities want them to stay.

The Hon. R.I. LUCAS: That is correct, but, equally, some country or provincial city communities would be quite happy to see some sensible rationalisation of the housing stock of the Government Employee Housing Authority. Again, the emphasis is on 'sensible rationalisation' as opposed to wholesale sell-off as it exists, for example, in relation to some other agencies in the metropolitan area.

The questions of the overstatement of student numbers in some schools in South Australia was a matter of controversy 12 to 18 months ago. As members might be aware, a small number of schools deliberately overstated their February enrolments in order to achieve higher levels of Government funding and staffing. At the time those issues were raised, some 12 to 18 months ago, there was some criticism that the Liberal Party was highlighting an isolated instance which occurred in South Australia and which did not really amount to much at all. Subsequent to our raising that issue, the Auditor-General had his officers conduct a sample survey of 160 schools in South Australia. The Auditor-General's officers ascertained that about 40 of those 160 schools had overstated enrolments for varying reasons—

not all deliberately, I hasten to add. However, they had overstated enrolments as of the February census.

I wish to highlight to the Council that we are not talking here in terms of estimating in one year the number of students that might exist in a school in the February of the following year, because, indeed, inaccurate estimates can be made in relation to student enrolments in that circumstance. However, we are talking here about the senior staff of a school actually going around the classrooms in February of a particular year and counting the students—or following whatever procedure they choose to adopt to count the number of students—in that school on that particular day.

There is no excuse at all for significant discrepancies between the actual number of students in the school and the returns submitted by schools at the time of the February census. As I said, the Auditor-General's officers found that 25 per cent of the schools that they looked at had discrepancies between the actual number of students in February and the number of students that they indicated to the area office they had in their schools as of the February census.

The simple fact is that, with an existing allocation to be spent on all schools in South Australia, if a minority of schools—but nevertheless not an insignificant minority—overstate their enrolments, those schools gain staff and funding levels from the Government and the Education Department at the expense of all the other honest schools and teaching staffs in South Australia. Those schools that overstate their student numbers do so at the expense of the majority of honest schools in South Australia. This is an important issue which the Liberal Party will continue to pursue not only on behalf of the majority of honest schools and staffs in South Australia but also, of course, on behalf of the taxpaying community in South Australia.

I highlight perhaps the worst example of all. In terms of money spent, this is an indication of the warped priorities of the Bannon Government and the outgoing Minister of Education, Greg Crafter. In this respect, I refer to the decision taken at the time of the 1986 Bannon budget to appoint a public relations officer in the Education Department at the same time that the Minister abolished the positions of Chief Speech Pathologist, Chief Guidance Officer and Chief Social Worker in the Education Department. Any members who have had any experience, either directly or indirectly, with the operations of schools in the 1970s and 1980s, will know of the invaluable work that is done by speech pathologists, social workers and guidance officers in the modern day operation of schools. For a Minister of Education and a Premier to adopt priorities which are so warped and to say that the public relations aspect of the Education Department is more important than issues such as speech pathology, social work and guidance work within the department is, indeed, a very sad indictment of the Minister and the Bannon Cabinet.

In concluding my remarks at that this stage, I state that not only in the education area, as I have just indicated, but also in general, as I indicated at the outset, there are as many issues as one would wish to pursue where an alternative Government can highlight millions of dollars being wasted by the Bannon Administration. It is in those areas that the savings will be made to pay for the changed priorities of the next State Liberal Government. Therefore, let us not hear any more from Premier Bannon and other Ministers arguing that we are always criticising, and saying that they should not cut funding or increase taxes.

They should not argue, 'Show us where the savings can be made and where the priorities can be reordered,' because we have laid down today, and John Olsen has previously laid down, the areas that we will be looking at as an alternative Government in order to reorder priorities to ensure that we have a better and more cost efficient administration in South Australia under the next Liberal led Government. I support the second reading.

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

IRRIGATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 August. Page 431.)

The Hon. PETER DUNN: The Opposition supports this Bill for the very reason that it was amended quite heavily by the Hon. Mr Arnold in another place. The Bill seeks to amalgamate irrigation and drainage rates into a single rate payable by all ratepayers in Government irrigation areas, despite the fact that many ratepayers are not provided with a drainage facility. It also provides that the fixation of a base rate be converted from a rate per hectare to a percentage of water allocation for a given property. This action has probably been needed for some time.

I understand that this Bill was introduced into the Lower House some time ago; however, it was not deemed to be acceptable in the form in which it originally came into the House. It has been heavily amended and it sets out quite clearly that a person cannot be charged for having drainage facilities if they are not there. The Hon. Mr Arnold's amendments are quite clear in determining that.

It also sets out what irrigation boards may do and their responsibilities. It states that they cannot under the Minister's direction amalgamate the irrigation and drainage rates. They are kept quite separate, and I believe that that is an important part of this Bill. The Bill has been given a good hearing and has been spoken to by most people in the area to which it applies, that is, the people along the Murray River. They understand what the Bill does and I believe there has been very little objection to it. For those reasons we support the Bill.

The Hon. M.J. ELLIOTT: The Democrats support the Bill in general terms. I have some reservations about the implications of one particular part of the Bill: that is, the transfer of water rights under certain conditions. Transfer of water rights is something that is occurring now, and all this Bill is doing is clarifying some legal questions but not changing that practice. For that reason I am not tackling that particular clause by way of amendment, but I wish to raise some arguments to which I hope the Government will respond.

It is no secret that we have major problems with the Murray River in relation to both the quantity and quality of water. While we have an entitlement flow in the Murray it really is not sufficient to flush out the river and particularly its backwaters (the anabranches). The quality, particularly in terms of salinity, is steadily deteriorating and is under great threat from two sources; first, the Eastern States. Victoria and New South Wales both have major salinisation problems in their soils in the river system and they wish to offload salt into the river. The trade-off which our State Government has been asked, and appears willing, to make is to consider sacrificing some important natural areas such as the Chowilla system. Anyone who has seen that area knows that it is an area of immense beauty and a wetland of international significance: the people in Renmark particularly are up in arms over the proposal.

It is interesting that we are not demanding that the Eastern States clean up their own act—I do not mean their Act in terms of Act of Parliament but their own irrigation practices. The other threat to the Murray River is saline inflows coming from the mallee regions due to clearance of the mallee quite some time ago now. The level of water in the tables is slowly rising and also increasing the salt, and the increasing gradient of that water is causing an increase flow of highly saline water into the Murray system. It is my contention that we must start looking for long-term solutions and not for engineering marvels that are so often looked at. We are setting up massive interception schemes which are necessary in the short term, but will be an ongoing expense for ever. People are now talking about a pipeline to carry all the highly saline water to the sea: once again a major engineering and highly expensive job, and it is for ever. It is not the sort of thing we should be looking at in the longer term.

As I see it, there are two solutions; one, we need to look very seriously at what we can do about water tables under the mallee. I will not address that further at this time because it is not directly relevant to the Bill. The second one is that we need to change irrigation practices. Irrigation practices need to change in all States, but it is very hard for us in South Australia to ask the other States to do so unless we are willing to do so ourselves. We have the greatest problems with salt, so it is obvious that we need to act first. The problem that we have at the moment is that still too many of our blocks are being irrigated wastefully for a number of reasons. First, the water allowance system gives people an allowance and they tend to use it whether the crops need it or not. In places without pipelines they have to take the water when it is available and not when they need it. Sometimes even when there has been recent rain they will take the water because they are not sure when they can get it next. The practice problems are two-fold. The Government supply system needs to be upgraded; this is being done, but far too slowly. Secondly, there is a problem with farm practices.

We really should be moving to drippers and undertree spray systems, which deliver the amount of water which is needed, no more—no less. What this Bill is allowing, unfortunately, is for people to put in such systems which will save water and then they have an excess of water and a right to sell some of that water to somebody else. That means that savings being made out of our present irrigation by way of improved irrigation practice is then being wasted again.

I think it would be sensible for the Government to say, 'Okay, where a block has become unproductive perhaps due to the fact that it is being sold for urban development (which is happening in some parts), it is reasonable that the water right be on-sold, but where more efficient practices are being used then we do not believe the water should be on-sold.' We should be looking to encourage all blocks to use efficient practices, and it should not be an option. The on-selling of water rights, of course, helps pay the expense of putting in the efficient system, so, if we are to induce blockies to use more efficient practices, we must do something to help them.

Several things need to be done, some by the State Government and some by the Federal Government. The Federal Government used to have a tax write-off on irrigation equipment: it could be written off over a period of 12 months. In fact, I think it had a 115 per cent write-off. I believe that that should be returned, so that there is a real benefit to fruit block owners using efficient systems. I also believe that the present rating system we use for blocks should be changed so that those who are using small amounts of water efficiently will have the first portion of their water fairly cheaply, but those who are using water excessively need to pay the added cost.

I think that the rating system needs to be looked at. I must admit that there are problems because different crops need different amounts of water. Whether or not the rating is linked to the land area or some combination of the land and which crop is covering it might need to be examined. The other thing the State Government needs to do is provide an efficient pressurised water delivery system which allows the most efficient irrigation systems to be installed. They cannot work off the open channels which still exist in some areas or off some of the the lower pressure systems. The Democrats support this Bill. We think that there is an opportunity (which has not been taken at this time but I hope will be taken soon) to strive for increased efficiencies and increased savings of water in the irrigation areas. We need it, the Murray River needs it, and I urge the Government to give consideration to it.

The Hon. BARBARA WIESE (Minister of Local Government): I thank members for their contributions to this debate. I undertake to pass the Hon. Mr Elliott's comments to the Minister in another place for her to address.

The Hon. Peter Dunn interjecting:

The Hon. BARBARA WIESE: It should be said that the issues being raised by the honourable member are very complex and, clearly, as the Hon. Mr Dunn has just interjected, are separate issues from those being addressed by this Bill. I am sure that the honourable Minister will be happy to consider the issues raised by the Hon. Mr Elliott, and I do not think that they need to hold up the passage of this Bill.

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

UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 504.)

The Hon. K.T. GRIFFIN: The Opposition supports the general principle of this Bill but wishes to raise a number of questions about certain aspects. The Bill seeks to provide a mechanism to allow the Government to declare a State commercial emblem by regulation and then to prevent its use except under licence approved by the Minister responsible for the administration of the Act. The Government initially is proposing to declare as a State commercial emblem the Jubilee 150 logo of a stylised piping shrike, modified to remove the J150 references but to add another, namely, 'South Australia'. I see no difficulty with this although, generally speaking, I think that it would have been preferable to have described the emblem in the Bill rather than to leave this to regulation.

However, I recognise that the State badge and State emblem already are prescribed by regulation under the principal Act. The first point which needs to be made about the Bill is that, even though the Act would give protection to a declared State commercial emblem, it gives protection only within the borders of South Australia, and even then there may be some conflict between the Act and the regulation and the Federal Trademarks Act. I suppose it would make an interesting legal question as to whether or not that was

the case and, in that event, whether the State Act was invalid.

Questions arise about copyright and about royalty arrangements, and I should first address those to the proposed varied Jubilee 150 logo. My recollection is that when the Jubilee 150 logo was adopted arrangements were made with respect to copyright with the original designer. I am not sure what those arrangements were: whether the copyright was assigned to the State; whether that copyright included any variations or authorised any variations; and I think that we ought to know the extent of the arrangement with respect to the Jubilee 150 logo in so far as it relates to questions of copyright and to the question of whether or not any interest in that Jubilee 150 logo or any variations of it remain with the original designer.

In this context it is important to recognise that the State Act cannot override the Federal Copyright Act. The other point is that if there is any residual copyright in the original designer, it is my view that that ought to be resolved between the State Government and that designer before this Bill is passed and regulations promulgated to declare the varied Jubilee 150 logo a State commercial emblem, because unless arrangements are made between the parties it seems to me that this Bill would seek to override any residual right in the original designer. I do not believe that that course of action would be appropriate for any Government.

Problems could arise in relation to other State commercial emblems. It is not clear whether these are to be declared by regulation only where the copyright has vested in the State or where some design comes into common use and the State Government believes it ought to be adopted as a State commercial emblem.

If that issue is not addressed, again, what it can mean is that by regulation the State can take over an emblem and declare it a State commercial emblem, without reference to the person who holds the copyright or who may have developed the emblem which has come into common use. The regulation under this Bill seeks to override that. There is some safeguard in subsection (12) of proposed section 3b, which provides:

> This section does not . . . affect the use of an emblem by, or with the permission of, a person who, before the commencement of this section, would have been entitled to prevent another person from passing off, by means of the use of that emblem or a similar emblem, goods or services as the goods or services of the person.

That provides that when this Bill comes into operation—and that is to be on a date to be fixed by proclamation—the rights are preserved of any person who before that time would have been entitled to prevent another person from passing off an emblem. I suppose it is recognition of copyright. If an emblem is being used by some other person, with the permission of the person who would have been entitled to prevent another person from passing that emblem off, the right in that regard, too, is preserved. However, I suggest that one other area has not been addressed. In relation to an emblem designed by an individual with that individual making some commercial use of the emblem, which over a period of time might be closely associated with South Australia, the passage of this legislation would allow the Government, without preserving the rights of that person, to declare by regulation that it is a State commercial emblem. In those circumstances, the rights of the person who has developed that emblem, who has spent money in relation to it, and who has licensed others to use it, would effectively be overridden.

There is the question of copyright. The person who designed the emblem may have copyright, and in those circumstances there would be a constitutional challenge, I would suggest, if the commercial emblem was sufficiently valuable. I suggest that the State Act would be declared to be invalid. However, I see this problem as being one which has not been addressed and which needs to be addressed. The Australian Formula One Grand Prix Act Amendment Act 1986 contains a definition of 'logo', as follows:

> . . . means the design (the copyright of which is vested in the Crown in right of the State and the general design of which is set out in the schedule) which is more particularly depicted and described in the graphic standards manual.

That provision recognises that, in relation to the Grand Prix, only a logo, the copyright of which is vested in the Crown in right of the State, can be protected. That same sort of provision ought to be included in this Bill to put beyond doubt that the State Act does not in fact provide a right for the State to override the copyright of any other person. As I have said, there would be some constitutional difficulties about it but, having made that provision in the Australian Formula One Grand Prix Act, it would seem to be appropriate for any State commercial emblems in relation to this Bill.

The Bill gives the police power to seize goods which a police officer suspects on reasonable grounds of having been or intended to be supplied in contravention of section 3b. If there is a conviction the goods are automatically forfeited to the Crown. I submit to the Council that that is unusually harsh. The court has no discretion, and the goods are automatically forfeited. The matter was raised in the other place and the Premier indicated that this matter might be further considered. I hope that it will be. I again refer to the Australian Formula One Grand Prix Act, and particularly to section 28b, which enables the seizure of goods by a member of the Police Force where that member of the Police Force suspects on reasonable grounds that the use of the Grand Prix insignia has not been authorised by the Grand Prix Board. Subsection (4) further provides:

> The court by which a person is convicted of an offence against this Act may order that goods to which the offence relates be forfeited to the Crown.

That is a good precedent. There ought to be a provision for a discretion in the court as to whether or not those goods are forfeited. It may be, for example, that this relates to objects, such as teaspoons or mugs from which, if the actions of the police officer in seizing the goods is upheld, the insignia could be relatively easily removed and without too much cost. In those circumstances, the court ought to make the decision whether the goods are forfeited to the Crown or whether the person who has manufactured them can recover them provided that they are modified so that they are no longer in breach of the Act.

If there is no conviction within three months, under this Bill, the defendant can recover the goods or the market value of them. That is a fairly limited right. I put it to the Council that there may be circumstances, in which goods are seized and proceedings are not instituted and convictions not recorded, when the goods would be returned. But, in the meantime, it may be that the person from whom the goods have been seized has actually had to defer production and sales on the basis of the risk that if the person does proceed there may be other breaches of the Act and other penalties imposed.

In those circumstances, I propose that the right to recover compensation ought to be wider than merely the market value of the goods. Again I use as a precedent section 28b of the Australian Formula One Grand Prix Act which provides that in the circumstances to which I have referred 'a person from whom goods are seized shall be entitled to recover the goods, or if they have been destroyed compensation equal to the market value of the goods at the time

of their seizure, and compensation for any loss suffered by reason of the seizure of the goods'. I see no reason why that similar provision ought not to be included in this Bill. I have already referred to proposed subsection 12 *(b)*, which protects only those who have an interest before the commencement of the section. It does not deal with others who may later develop an interest in an emblem which may or may not be subject to copyright or the Trade Marks Act but who find that a Government passes a regulation to declare that emblem a State commercial emblem. No rights are preserved in respect of those persons, and they ought to be.

While the principle of the Bill is supported by the Opposition, those other matters to which I have referred need attention before we can give unqualified support. I hope that the Government will see that what I am proposing is fair and reasonable, that precedents exist particularly in the Australian Formula One Grand Prix Act and that there should be no impediment at all to accommodating the concerns I have expressed in relation to this Bill.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ADJOURNMENT

At 4.18 p.m. the Council adjourned until Wednesday 7 September at 2.15 p.m.