LEGISLATIVE COUNCIL

Thursday 23 February 1989

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

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

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the supplementary report of the Auditor-General with respect to the year ended 30 June 1988.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Children's Court Advisory Committee—Report, 1987-88.

South Australian Finance Trust Limited—Report, 1987-88.

Police Regulation Act 1952—Directions to the Commissioner of Police.

MINISTERIAL STATEMENT: OPERATIONS INTELLIGENCE SECTION

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: By virtue of section 21 (2) of the Police Regulation Act 1952, the Chief Secretary is obliged to lay before each House of Parliament a copy of every direction, given by the Governor to the Commissioner of Police, pursuant to that Act. The amending directions I now table were given by His Excellency in Executive Council this morning. They amend the directions given on 24 March 1986 that were made in relation to the functions of the Operations Intelligence Section (hereafter referred to as 'the section') which superseded the abolished Police Special Branch. The directions were last the subject of amendment on 23 April 1987.

The amendments are designed to overcome some practical difficulties experienced by the section in its day-to-day operations. From time to time occasions arise when persons need to know whether intelligence held by the section is available in relation to a particular organisation or individual. While the directions currently provide for intelligence to be made available to, say, Ministers of the Crown, some public officers may also need to know relevant information held by the section. However, the inherent delay associated with the requirement for formal communication through a Minister of the Crown may affect the timeliness and value of the information. The amendment therefore leaves the determination of a person who has a legitimate and proper 'need to know' to the Minister of Emergency Services, acting with the approval or upon the recommendation of the Commissioner of Police. This keeps the question of the practical scope of operation of the directions at the highest level of accountability. It should also ensure that the efficacy and efficiency of the work of the section is not diminished. The independent auditor appointed under the directions (now Mr R.W. Grubb) has full access to the records of the section which, because of the amendment, will now be required to include particulars of any relevant determination, made by the Minister, as to someone's legitimate and proper interest in the information or intelligence of the section.

Since the directions came into operation in March 1986, the Government has been satisfied that the role of the section is being adequately and properly fulfilled. As members will recall, this section was established with clear guidelines to carry out its functions by:

(i) gathering and receiving information;

(ii) assessing the information and certifying it as intelligence where it relates to a person who is reasonably suspected of being involved in acts or threats of force or violence directed to the overthrow of constitutional government in this country; where it relates to a person who is involved in acts or threats of violence to achieve political objectives; where it relates to acts or threats of violence against dignitaries; and where it relates to violent behaviour within or between community groups;

(iii) intelligence so certified and held by the section can be disseminated only to members of the Police Force in this State, the Federal Police, ASIO, pursuant to the agreement of 1982, any Minister of the Crown or to a person whose life or property is or may be at risk from the activities or behaviour of persons on whom intelligence is held.

The South Australia Police thus continues with a proper role relating to threats of violence against the constitutional government of this State and other persons, and may make information available to other agencies, including ASIO, where necessary. The reporting obligations under the directions are being scrupulously observed, and it is clear that the directions are achieving what they set out to do. The section activities, which are important to the security of both the State and affected persons, are being performed well within the limits articulated by the directions. I commend these amendments to the directions, and the ongoing work of the section, to all members.

MINISTERIAL STATEMENT: BOARDING HOUSES

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

Leave granted.

The Hon. BARBARA WIESE: Yesterday, the Deputy Opposition Leader in another place, the Hon. Roger Goldsworthy, said intellectually disabled people were being allowed by the State Government to be housed in buildings which were 'potential fire traps'. In this place, the Hon. Legh Davis described the buildings as being licensed by the Government to provide accommodation for people who are intellectually disabled. That is quite wrong. The places referred to are in fact boarding houses which accommodate many different people from the community. They are also 'private for profit' organisations and, if there is any control over these premises, it rests with local government.

Members will be aware that the Government last year instituted a review of boarding houses and funds have been made available from the social justice program to ensure that the people who live there are provided with additional support. The Intellectually Disabled Services Council does place people in boarding houses, and offers ongoing support for their clients. The South Australian Metropolitan Fire Board started looking at boarding houses after a succession of fires in the boarding house referred to at Kurralta Park

in late 1988. Following discussions with the Intellectually Disabled Services Council, which was concerned about the well-being of its clients living within boarding houses, the Metropolitan Fire Service has been surveying a number of boarding houses, and its reports are being made available to the South Australian Health Commission. The surveys are showing that some of these places have been in clear breach of both the Planning Act and building regulations, as some do not have adequate fire protection arrangements.

The Minister of Health and I will be having further discussion on this matter. We have also been assured by the Intellectually Disabled Services Council that it is trying to find alternatives so that the minimum number of people are being placed in boarding houses. We are concerned that licensing such organisations, or closing them, will invariably drive many people into other accommodation, much of which will also be substandard.

I would just wish to remind members that persons with intellectual disability have lived in such boarding houses for many years, and it was only with the initiative of this State Government, together with the South Australian Health Commission, the Intellectually Disabled Services Council and the South Australian Metropolitan Fire Service, that these issues are now being addressed. There are, however, unfortunately, no easy, simple solutions.

The Accommodation Task Force, again initiated by this Government, has provided us for the first time in South Australia—and I suspect Australia—with reliable information on the accommodation needs of people with intellectual disability. It is information which will enable the State and Federal Governments to plan the services that are so obviously needed. However, it is a very big task. It costs $40 000 to provide appropriate accommodation for one intellectually disabled person. So to house the 154 people urgently awaiting such accommodation, we will need to spend $6 million. We will do that, but it cannot be achieved overnight.

QUESTIONS

ROYAL ADELAIDE HOSPITAL CAR PARKING

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about Royal Adelaide Hospital car parking facilities.

Leave granted.

The Hon. M.B. CAMERON: No doubt we will have a ministerial statement on this subject on the next sitting day. The Opposition is supposed to be wrong each time except that money is needed to do something. The Government has been a failure. On several occasions within the past 12 months I have raised the issue of future plans for car parking at the Royal Adelaide Hospital.

Last July, the Government unsuccessfully tried to allay growing concern about its inaction over car parking facilities near the hospital by announcing a two-stage $14 million car parking scheme. This involved a 577 space car park being built on city council land bounded by Frome Street and Vaughan Place. A second, much later stage—10 years later—would involved the construction of a second park within the hospital's northern precinct.

This was despite widespread support from various groups, including conservationists, the Botanic Garden, hospital unions and the City Council—and, may I point out, the Opposition indicated to the Government that it would support such a scheme—for an alternative scheme involving a car park being built on the site of the existing SAIT parking lot in Frome Road.

Unions within the hospital have advised me that they are now very concerned about the Government's proposal, especially as it involves the first stage of the scheme. In fact, I am told that nurses were so frustrated about the issue of car parking, and how they believe the proposals will be unsuitable, that they had planned to march on Parliament House last week in protest but were talked out of that action only at the last minute.

I am advised that unions at the hospital are happy for the first stage of the Government's car park proposal to go ahead only if that site is bought from the City Council and its deed of title is given to the Royal Adelaide Hospital—so that hospital staff will know that that car park is dedicated to the hospital. I understand that is unlikely and, to quote one union official, 'The Government is trying to make it look like the City Council is welshing on the deal'.

I am further advised that, if the unions do not get satisfaction from the Government by tomorrow, they plan to meet on Wednesday of next week, when it will be recommended that a 'blockade' be imposed on Thursday, preventing a range of goods entering the hospital, and that would be a pity. I understand that St John Ambulance will not be inconvenienced by the blockade. Will the Minister reconsider plans to build a car park for Royal Adelaide Hospital staff and visitors on City Council land on the southern side of North Terrace, given that the proposal will provide no long-term lease, and that hospital staff unions are becoming very angry about the situation indeed? Further, will the Minister indicate when a solution to this problem will finally be announced, because the last one obviously was no solution?

The Hon. BARBARA WIESE: I will refer that question to my colleague in another place and bring back a reply on the latest developments relating to the car park. It certainly has been a long drawn out process in attempting to find a suitable parcel of land to build a car park that would meet the needs of the staff at the Royal Adelaide Hospital. I recall a number of discussions during which the former Minister of Health stated very firmly his desire to provide suitable car parking arrangements which would enable all staff at the Royal Adelaide Hospital, particularly those people who have to work at night, to feel safe travelling to and from work.

It has not been an easy situation to resolve because of the pressures on land in the vicinity of the Royal Adelaide Hospital and because of the competing community priorities with respect to land in that area. It may have been possible, for example, to use some land near the Adelaide parklands, but that area has become almost a sacred site for people in South Australia and was not a desirable choice for the Government to make.

Of course, the Adelaide City Council would not have agreed with that proposal as a way of finding a solution. It certainly has not been an easy matter but the Government has been working with diligence to find a solution which will meet the needs of all the competing parties. As to the latest developments in this area, I will have to seek a report from my colleague the Minister of Health, and I will bring back a report as soon as I can.

PLEA BARGAINING

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on plea bargaining.

Leave granted.

The Hon. K.T. GRIFFIN: On 9 August 1988 the Deputy Premier, in another place, said in relation to the Moyse case and a question why proceedings against him in relation to the Penfield drug crop were not proceeded with:

> . . . so far as I am aware, plea bargaining in any formal sense is totally unknown in this State, and I am not aware of any component of that applying to this case.

In his submissions on sentence in relation to Malvaso, Mr Michael Abbott, QC, said:

> It is correct that before the commencement of the Moyse trial the Crown approached those acting for Malvaso. At that time the prosecution told the defence that they would be prepared to accept a plea to a charge of producing cannabis at Penfield and that no other charges would be preferred against Malvaso if he pleaded guilty.

Mr Abbott also said that the Crown had given a commitment in relation to a suspended sentence that it would maintain 'the most favourable silence possible'.

On 9 August 1988 the Attorney-General said in this House, in relation to questions about plea bargaining in the Moyse case:

> I do not believe that there was any plea bargaining in the sense of any undertakings being given by the Crown on the question of what ought to be an appropriate penalty . . .

On the basis of the proceedings in the Court of Criminal Appeal yesterday in the cases of Malvaso, Sergi and Carbone, when the Chief Justice said the court would not be bound by any deals struck between the Crown and any witness on sentencing, no-one can deny that there was a bargain in Malvaso's case involving plea and sentence.

Does not the submission of Mr Abbott, QC, the proceedings yesterday and the reported perception of the court put the lie to Dr Hopgood's statement that plea bargaining 'is totally unknown in this State'?

The Hon. C.J. SUMNER: It depends what is meant by 'plea bargaining'. If by 'plea bargaining' one means that counsel for both parties in a criminal matter get together and organise a plea which is then taken before the judge for his agreement, then there is no such thing as plea bargaining in this State. The reality is that that is not permitted by the courts and it is not done. Plea bargaining, as it is usually called, is commonplace in the United States of America, but it is not done in South Australia; that is, where a bargain is set and the judge agrees to it because it is put to the judge by counsel for the parties concerned.

However, if the honourable member is suggesting that there are no discussions between Crown counsel—either police prosecutors or Crown prosecutors—and defence counsel every day of the week in courts in this State, he does not know what happens in the criminal courts. The reality is that there are discussions about an appropriate plea for a particular fact situation every day of the week. It is commonplace for defence counsel to say, 'My client does not admit to these matters, but he does admit to these and he will plead to an offence based on these facts.' Crown counsel might then say, 'On the particular facts in dispute there is some doubt—it is not a strong case—so we will accept a lesser plea to the one charged.' As I said, that is commonplace in the courts.

Again, discussions relating to sentence take place between Crown counsel and defence counsel as a matter of course, the Crown undertaking to remain mute—that is, not to make submissions for a particular sentence. That occurs as a result of attempting to get a plea of guilty in particular cases. Again, I understand that is not an uncommon situation in the courts. There are always discussions before a matter gets to the court.

Until a few years ago the Crown never made submissions on sentence. That was the convention for Crown prosecutors, until the introduction of Crown appeals on sentence. Following the introduction of Crown appeals on sentence, it was determined that the Crown had an obligation, where appropriate, to make submissions on sentence.

Even so, the Crown does not make submissions on every matter of sentence that comes before the courts. Historically, the Crown never made submissions on sentence and now, because of Crown appeals against sentences, it does so in some, but not all, cases. The only agreement in this particular case was that the Crown would remain silent on sentence: that was the only arrangement that was entered into. Malvaso agreed to plead guilty and, of course, he also agreed—which is the important aspect of the matter—to hand over a tape of a conversation between Moyse and Mr X which had come into his possession and which counsel acting for the Crown considered to be vital evidence in the prosecution against Moyse.

That advice was tendered to me through the Crown Prosecutor by Mr David, QC, and his junior counsel, Mr Smith—the independent counsel who were appointed to prosecute this particular case. Their recommendation was that the tape of the conversation between Moyse and Mr X was vital evidence to be put before the court in the Moyse case, and one knows that, as a result of that and the rest of the Crown case, Moyse pleaded guilty. What members have to work out is this: would they have been prepared to let Moyse off scot-free and not have—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, that is it; they are the options you had.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: They are the options. You have to decide whether you would have let Moyse off scot-free. If you would have let him off scot-free—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, it is so. Crown counsel's advice to me and to the Crown Prosecutor was that the tape was vital evidence in this matter. Apparently (and the public of South Australia ought to know this)—

Members interjecting:

The Hon. C.J. SUMNER: —and it is a serious business—the Hon. Mr Griffin would have let Moyse off. That is what he would have done.

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

The Hon. C.J. SUMNER: Then you wouldn't have entered into this arrangement; is that right?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, you can't answer that question. You are critical of the arrangement that was recommended by Mr David—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. Griffin: I am asking you questions about it.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am answering them.

The PRESIDENT: Order! I would ask that you answer them through the Chair and that all interjections cease.

The Hon. C.J. SUMNER: I agree with that, Madam President. The reality was that Mr David, QC, recommended to me through the Crown Prosecutor—and the Crown Prosecutor agreed—that it was important. Indeed, the words used by Mr Michael David, QC, were that this was vital evidence in the prosecution of Moyse. That is the decision that has to be made by anyone who wants to be

critical, whether or not that be the Hon. Mr Griffin: would they not have entered into the arrangement to get this tape from Malvaso? Had they not entered into that arrangement, would Moyse have got off scot-free because there was insufficient evidence? The Crown case was to ensure that there was sufficient evidence, and all the evidence possible, to put before the court in relation to the Moyse case. That was done, and Moyse was convicted.

The only undertaking from the Crown was that, in return for the plea of 'guilty' by Malvaso, which was to be taken into account, and the assistance to the prosecution authorities by the provision of the tape, the Crown would remain silent on the question of sentence at the hearing before the judge; and that was the situation. That was done to ensure that vital evidence—that is, evidence judged by Mr David, QC, the independent prosecuting counsel, to be vital evidence—went before the court.

My final involvement and responsibility was to accept the recommendations of Mr David, QC, made through the Crown Prosecutor. In any event, the matter is still before the courts and judgment is to be made in relation to the appeals on sentence which were heard yesterday.

The Hon. K.T. GRIFFIN: As a supplementary question, was the value of the marijuana crop an aspect of the deal which was arranged, because of the fact that it was valued at $4 million in the case of Sergi (one of the parties) and $2 million in relation to Malvaso and Carbone? If it was part of the deal, is the Attorney-General able to indicate why there was a reduction in value?

The Hon. C.J. SUMNER: As I understand the position, it is not possible in any event to put a precise value on a crop of this kind, and estimates are made. I understand that the value of the crop was estimated to be $2 million to $4 million. I will check, but my recollection is that there was nothing in the material that I saw to indicate that the crop value was to be $2 million or $4 million in a particular case. As far as I am aware, that was not a relevant consideration. If that is not the case, I will advise the Council. However, as I understood it when the matter was put to me, the question of the value of the crop was not put before me. Obviously, as the honourable member would know, the valuation of these crops is not something that can be done with any precision. I do not think that played a part in the matter at all. However, if that is not the case, I will advise the Council.

PENALTY RATES

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

Leave granted.

The Hon. L.H. DAVIS: In August 1986 I raised the problem of holiday pay loading and penalty rates, and their impact on the tourism industry in South Australia, which is increasingly being geared to provide a 24-hour, seven day a week service to domestic, interstate and overseas visitors. At the time the Minister of Tourism was quite offhand, indeed flip in her response, which seemed to indicate little understanding of the tourism industry which she represents. I now raise the matter again, 2½ years later, prompted by a report in the *Advertiser* of Tuesday 21 February 1989, which covered the national conference in Adelaide this week of the Restaurant and Catering Association. This report indicated that the Australian hospitality industry would launch a national bid to restructure its wage awards to reduce the impact of penalty rates. The report said that association members had claimed that the present award structure, which includes weekend double time and double and a half time on Sundays, was crippling the industry. Some restaurants were in fact placing a surcharge on Sunday meals to recoup some of the additional costs.

I have discussed this report with two leading Adelaide restaurateurs, and they confirm the accuracy of the report. For example, casual rates for waiters and waitresses on Saturday night are $12.35 per hour, $15.98 per hour on Sundays and, on public holidays, $17.43 per hour. One restaurateur made the point that, as he opened only at nights and on week-ends, he was always paying penalty rates to provide just a normal service. These restaurateurs whom I contacted also confirmed that Adelaide becomes a desert for would-be diners on Sundays and public holidays, because many restaurants cannot afford to open, notwithstanding the growing demand from both locals and visitors to South Australia.

This growing frustration in the restaurant industry about the penalty rate issue is quite clear. It sees South Australia and Australia as being out of step with the rest of the world, and at a time when the economic benefits of tourism to South Australia are being frequently touted by the Premier and the Minister of Tourism.

My two questions to the Minister of Tourism on this subject of penalty rates are as follows: first, does the Minister and the Government accept the views on penalty rates which were expressed in Adelaide this week at the National Conference of the Restaurateurs and Catering Association of Australia and which have been reiterated by leading Adelaide restaurateurs? Secondly, what action has the Government taken or does it intend to take to reduce the impact of penalty rates on the tourism industry?

The PRESIDENT: I point out that I think the question contained a number of opinions.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: I was taking a lead from the Hon. Terry Roberts.

The PRESIDENT: I am speaking, Mr Davis. I point out again that the explanation to the question contained a number of the Hon. Mr Davis's personal opinions, and opinions are not permitted under Standing Orders. I did not pull the honourable member up and rule him out of order. I trust that in consequence there will be no interjections whatsoever during the reply.

The Hon. L.H. Davis: Is that a new form of plea bargaining?

The PRESIDENT: I am quite happy to throw people out if that is what they wish.

The Hon. BARBARA WIESE: It would be a welcome change if I could give a reply without repeated interjections. For some time the issue raised by the members of the Restaurateurs Association has been quite extensively discussed, in various sectors, within the tourism and hospitality industry. We should also bear in mind—as the Hon. Mr Elliott has reminded us—that in 1985 people in the restaurant industry were predicting that the fringe benefits tax introduction would cripple the industry. In fact, since then we have seen unprecedented growth in the industry and significant growth in employment, with numerous restaurateurs making appropriate rearrangements of their business and the service provided. They have found it quite possible to continue, and indeed have prospered, during the intervening time. Perhaps their views on penalty rates should be seen in that context.

I think it is acknowledged by thinking people within the tourism, hospitality and restaurant industries that the question of penalty rates is much more complicated than some

people project it to be. It is not simply a matter of saying, 'If we do away with penalty rates, we will be able to restructure the working day, provide a seven day service, employ everybody appropriately and enable employers to prosper.' The fact is that it will not be possible to do away with penalty rates without some other quite complicated restructuring of awards in the hospitality sector which will, in fact, take proper account of the nature of the work and the unusual working hours that people have in that sector of our economy.

During the past two or three years, there have been some quite significant developments in Australia with a view to the restructuring to which I have just referred. In various places on the eastern seaboard, for example, relevant trade unions and employers in particular segments of the tourism and hospitality industry have been able to reach agreement on wages and salary packages which are appropriate for those segments. Whilst they do not provide for a strict inclusion of penalty rates, they certainly provide for proper compensation for unusual working hours and, in some cases, unusual work places where employees in the industry may find themselves.

The matter has been discussed at meetings of Tourism Ministers and there is general agreement among Ministers, trade unions and employers in the industry that there is a need to restructure the awards to make it possible for employees and employers to reach a satisfactory arrangement with respect to the unusual conditions that apply within the industry. A couple of working parties have been established comprising significant people within the hospitality sector together with industry training people and trade union officials to consider pilot projects that might lead to a more general examination of this activity in Australia.

The changes will not occur overnight but, as members would be aware, a lot of work is being done in Australia at the moment on the restructuring of awards, not only in the hospitality sector but also in many other sectors of the economy. As long as it is possible to reach agreement that is acceptable to employers and employees in this industry, something can be done to satisfy the needs of restaurateurs and others in the tourism and hospitality sector. Some of the arrangements that have been reached over the past two or three years in particular segments of this part of the economy show some signs of a breakthrough. Before many years have passed, some significant changes will be made to the awards in this area.

DISTINGUISHED VISITOR

The PRESIDENT: It has been drawn to my attention that the member for Mildura in the Victorian Parliament is present in the gallery. I welcome him and hope that he enjoys his time in South Australia.

SCHOOL AMALGAMATIONS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question on school amalgamations.

Leave granted.

The Hon. M.J. ELLIOTT: Last year, there was a great deal of consternation over a number of proposed school amalgamations. I became involved in the amalgamation of the Henley Beach and Fulham Primary Schools. That amalgamation has gone ahead and a parent of a former Fulham Primary School pupil rang me the other day giving me an update of what has happened. Some members may recall the complaints made last year by parents who felt that there was inadequate consultation. While some considered that amalgamation might have been necessary, they argued that Fulham Primary School, which was a newer school, fully air-conditioned, and had a number of other things going for it, should have been the preferred site. The Government opted for Henley Beach Primary School. It was also argued that many of the children from Fulham would not go to Henley Beach in an amalgamation.

As things have turned out, 70 per cent of the children from Fulham have gone to West Beach Primary School, 20 per cent have gone to private and other schools and about 10 per cent have gone to Henley Beach. Almost all of the transferable assets built up by the Fulham parent bodies over many years went to Henley Beach, not to West Beach, where most of the children went. I have now been informed that Henley Beach Primary School is to have new air-conditioning installed at a cost of $250 000 and that other changes are also necessary.

The Hon. Peter Dunn: What? Air-conditioning, down by the beach?

The Hon. M.J. ELLIOTT: This is at Henley Beach Primary. Last year the parents argued that the consultation process was one way: they talked to the Education Department but there was no rational backwards and forwards discussion. The evidence suggests that they may have been right. I ask:

1. Does the Minister still believe that the consultation process last year was adequate?

2. Will the Minister confirm the cost of air-conditioning at the Henley Beach Primary School?

3. What other upgrading is necessary for Henley Beach Primary School?

4. Is the Minister aware that not only this school but also other school amalgamations have led to children going to the private system, leaving the public system—those who can afford it?

5. Will the Minister confirm that the amalgamation was a complete botch-up?

The Hon. BARBARA WIESE: I am sure that the Minister will reply that the amalgamation was not a complete botch-up. However, as for the details, I will seek a report and bring back a reply.

ACCESS CABS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question on the subject of Access Cabs.

Leave granted.

The Hon. J.C. BURDETT: I have received numerous reports, particularly from care providers assisting the ageing, about the lack of availability of Access Cabs for the ageing and the disabled, particularly those who are both ageing and disabled. According to those reports, frequently there are long waiting times of up to two hours. I know of one case of an elderly lady kept waiting for an hour and a half at night in the freezing cold seeking to go back to her nursing home. The situation has become so serious that care providers in nursing homes and hostels report that disabled elderly people have become so disillusioned with the system and so fearful of being kept waiting for long periods that they are afraid to go out of the nursing home for fear that

they may not be able to get back or to get back without an unreasonably long wait.

On application and production of a doctor's certificate, the fares of disabled persons are subsidised by the Government. One of the problems with the system is that taxi operators do not receive any greater payment for carrying a disabled person than for carrying an ambulant passenger. The time and trouble taken by the operator is much greater in the case of a disabled person.

Recently I attended a meeting of council community care workers, and this was one of the issues that they raised spontaneously. They said that disabled elderly people were caused considerable distress, hardship and mental anguish through the delays and uncertainty with respect to Access Cabs. Will the Minister investigate the position with a view to changing the system so that this distress to ageing disabled people and other disabled people ceases?

The Hon. C.J. SUMNER: I would expect that, on the whole, persons with disability and the community generally applaud the initiative of the Government with respect to Access Cabs. It has assisted disabled persons considerably in facilitating their transport around the city. I will have the honourable member's assertions checked and refer the question to my colleague for a detailed reply.

RAPE IN PRISON

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Leader of the Government in this place a question on the subject of rape in prison.

Leave granted.

The Hon. R.I. LUCAS: Last week on Radio 5DN allegations were made by an 18 year old—a first time offender who called himself Darren—that during his recent four month imprisonment at Yatala gaol he was repeatedly gang raped by other prisoners. Darren claimed to 5DN's Jeremy Cordeaux that he had been raped by other prisoners about 15 to 16 times, and on one occasion had been attacked by eight other inmates. He was told by prisoners that if he went public on the attacks they—and I understand he meant the prisoners responsible—would come around and kill him.

Despite the threats, it seems that the young man summoned up enough courage to speak publicly about the matter, if only to possibly prevent other inmates from being subjected to such treatment. Separately, the Liberal Party has received a copy of a letter addressed to the Minister of Correctional Services (Mr Blevins) from a man called David, who claims he was 'raped and pack raped' at least 20 times while serving a three-month sentence two years ago at Adelaide Gaol for breaking and entering.

David says in his letter that he was 18 years old at the time of his imprisonment. He says he spent the first fortnight of his term sharing a cell with a man charged with child rape, and then was shifted into a cell occupied by a person on remand for rape. David says in his letter:

> In prison I was raped and pack raped at least 20 times; it was not just me, it was nearly every teenager in the whole jail. I have my human rights and yet you, a Government, call that rehabilitation, all of us coming into an environment that because of your age you are completely defenceless against prisoners.

Ms President, I am sure you, and all members, would agree that the allegations made by these young men are most serious and, if substantiated, shed a disgraceful light on what is going on in our correctional services system, and the system's inability to protect prisoners or prevent sex attacks. My questions to the Attorney-General, the Leader of the Government in the Council, are:

1. What steps will the Government take to investigate these allegations by obtaining details from Mr Cordeaux, his radio caller and the circumstances surrounding the incidents recounted in the letter signed by David about the alleged attacks?

2. If the allegations are proven to be correct, what steps will the Government take to ensure that the full weight of the law is brought to bear on those responsible for the attacks?

3. What steps will the Government then take to ensure that all prisoners in South Australian gaols—in particular the young offenders, those 18 year olds—irrespective of their age or crime, are protected from sexual or physical violence from other prisoners?

The Hon. C.J. SUMNER: The simple answer is that rape is a criminal offence, whether it occurs outside or inside a prison. If there is evidence or allegations of criminal offences occurring in prison, the allegations and evidence should be presented to the proper authorities; that is, the South Australian Police. The allegations will be investigated by the police and if, as a result of those investigations, there is sufficient evidence to establish a case of rape, or any other criminal offence, then prosecutions are launched in the courts.

In relation to any such allegations—and the two cases mentioned by the honourable member—if those matters are referred to the police they will be properly investigated. If there is evidence the appropriate action will be taken. I will refer the question to the Minister of Correctional Services and also to the Minister of Emergency Services so that the matter can be referred to the South Australian Police. However, it will obviously require the cooperation of the complainants to provide to the police whatever evidence they have in relation to the allegations so that they can be properly investigated.

In answer to the second question, if there is sufficient evidence to sustain a criminal charge then, as in any other criminal matter, whether inside or outside a prison, prosecutions would be launched. In relation to the honourable member's third question, I will refer that to the Minister for whatever action he considers appropriate.

AUSTRALIAN FLAG

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about the flying of the Australian flag tomorrow—the day of the funeral of Hirohito.

Leave granted.

The Hon. I. GILFILLAN: An article published in this morning's *Advertiser* indicated that the Federal Administrative Services Department had ordered that the Australian flag was to be flown at half mast from all Federal Government buildings tomorrow and that that would also apply to the South Australian War Memorial. I remind members that I have recently been to Japan for three weeks, and I have a respect and admiration for the people I met and for the nation itself. Therefore, my explanation is in no way a reflection of prejudice towards the Japanese people or nation. However, there is, as was evidenced on a 5DN talkback program last night, a very considerable degree of emotional concern and distress, particularly on the part of those people old enough to have had direct association with the Second World War, that the late Emperor of Japan, Hirohito, should be honoured in this way. It appears that there is a very strong feeling of resentment among members of the Australian community.

The questions asked on that program have been asked before: is it an appropriate gesture for the Australian Government to be taking in relation to international relations with Japan, and is it an appropriate gesture to be taken in the case of a head of State with the historical connotations that go with the fact that Hirohito was the Emperor of Japan during the Second World War? In light of that concern, and the fact that it was obviously Federal Labor Government policy, does the Attorney-General—representing the ALP Government in South Australia—believe, or does the Government of South Australia believe, that it is necessary to fly the flag at half mast tomorrow—the day of the funeral of Emperor Hirohito, in order to maintain good relations between Japan and, in this case, South Australia? Did the South Australian Government consider the question of how to, or whether to, observe the funeral by considering how the flag should be flown in South Australia on South Australian government buildings? Has any direction been given as to how the flag should fly over the South Australian War Memorial and, perhaps answering on your behalf, Ms President, was a decision made about the status of the flag over Parliament House tomorrow?

The Hon. C.J. SUMNER: I have not been involved in any discussion in relation to questions two, three and four. As far as I am aware, in decisions relating to this matter one would, to a considerable extent, be guided by the Federal Government, which is responsible for Australia's international relations, and therefore one would anticipate that State Governments would consider the Federal Government's position on the matter. However, with respect to the specifics, I have not been involved in any discussions in relation to South Australia's position on this issue. I will refer the question to the Premier for a reply if that is deemed necessary.

The Hon. I. GILFILLAN: As a supplementary question, the question I asked was directed to the Attorney-General, and I ask him to reply to it. Does he believe that it is necessary to fly the flag at half-mast to maintain good relations between Japan and South Australia? If the Federal Government, as he says, has this prerogative, does the South Australian Government take the lead of the Federal Government in this matter?

The Hon. C.J. SUMNER: With respect to the second so-called supplementary question, as I said, I have not been involved in any discussions on this matter, so I do not know whether the State Government as such has considered it. As far as I am aware, it has not. In answer to the honourable member, the question of Australia's international relations clearly vests, within our Constitution, with the Australian Government—that is quite clear. As it rests with the Australian Government, I believe that some deference to its view ought to be considered. I do not know what South Australia will do in the matter. I have said that I will refer that to the Premier for a reply if necessary, but in these matters, particularly those involving international relations of this kind and matters concerning our relationship with Japan, while we do not slavishly follow the Federal Government, its views should be given reasonable consideration.

CONTRACT INTERPRETER SERVICE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question on the subject of the contract interpreter service.

Leave granted.

The Hon. J.F. STEFANI: I have been informed by senior officers of the South Australian Ethnic Affairs Commission that, due to a pending court action by a contract interpreter previously engaged by the commission, who is claiming workers compensation, registration of many newly qualified interpreters has not been permitted by the Department of Consumer Affairs, which is under the direction of the Minister. This situation has prevailed for more than 12 months. My questions to the Minister are:

1. What is the status of contract interpreters with regard to workers compensation insurance?

2. Will the registration of new interpreters be allowed to resume for the South Australian Ethnic Affairs Commission?

The Hon. C.J. SUMNER: This issue arose because the Government believed that contract interpreters were not employees within the terms of the Workers Rehabilitation and Compensation Act: that is, they were not employees but were independent contractors. As such, they would have to make their own arrangements for injuries that arose during their work. That case was contested by a contract interpreter who was injured while working. My recollection is that the matter went at least to the Supreme Court, if not the High Court (leave to the High Court may have been refused), but in any event it went through the courts and the final decision of the court was that the contract interpreters were, in fact, employees and therefore entitled to workers compensation.

This was not a view accepted by the Government. The Government believed that contract interpreters were independent contractors and, as such, should have made their own arrangements relating to injury while they were working. However, as I have said, the court determined that, for the purposes of workers compensation, contract interpreters were employees. That has therefore placed the Government in a position of determining what policy to adopt in this area in future. That is the background of the matter. How the matter is to be resolved is one for the Ethnic Affairs Commission in conjunction with other Government agencies. I have not received any recent advice on it, but I will take up the matter with the relevant authorities and bring back a reply.

SUPERANNUATION FUNDS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Attorney-General a question on the use of superannuation funds by banks.

Leave granted.

The Hon. PETER DUNN: The Government has refused to help farmers whom they deem to be unviable to access Federal funds, and there seems to be a mystery about that. It has come to my attention—and I mentioned it in this Chamber last week—that banks have asked farmers for their superannuation funds so that they can obtain fertiliser to put in their crops this year. It is my understanding that banks cannot access my superannuation funds, but there is some discrepancy as to what happens to private superannuation funds. Some of those properties and small private companies have a component of superannuation funds of their own. I know that some years ago a portion of those funds had to be in Government bonds. These funds have been set aside for old age and the farmers naturally feel rather reluctant to use them. Does the Minister believe it is fair for banks to demand superannuation funds to offset farm costs necessary for crop production in 1989?

The Hon. C.J. SUMNER: I am not aware of the circumstances to which the honourable member refers, but I will refer the question to the responsible Minister and bring back a reply.

KOREAN ADOPTIONS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Community Welfare, a question on the subject of Korean adoptions.

Leave granted.

The Hon. DIANA LAIDLAW: Earlier this month 70 South Australian couples seeking to adopt children from Korea were advised by the Adoptions Branch of the Department for Community Welfare that their applications would be delayed indefinitely. This advice was a severe blow to the prospective parents, many of whom have no children and many of whom had been on the adoptive persons waiting list for some years without success in obtaining a young South Australian child, while others had also sought to adopt Korean children when they were told that the South Australian prospective adoptees list had closed.

I have spoken with a large number of the parents over the past couple of weeks and was saddened to hear their stories and also the general feeling that they do not consider that they have received an adequate service for the $1 200 which they were required to pay to the Department for Community Welfare when they applied to adopt from overseas. Many advised me that, by telephoning the Australian Embassy in Seoul direct to ascertain what was happening in relation to their applications to adopt, they received far better value for money than they received through any contact with the Adoptions Branch.

Not surprisingly, they resent being forced to pay $1 200—a large sum of money—for a service which they believe is far from satisfactory. They are also concerned that the $1 200 is being channelled into general revenue and not being retained by the branch to upgrade services within that branch.

I understand that in New South Wales the fee paid by prospective parents has been used for the employment of contract social workers to help prospective parents with the processing of their applications. That has meant that in South Australia the processing of applications has been a considerably protracted affair compared with other States.

Finally, I was told by parents generally that they are upset, following a meeting with Adoption Branch workers, that Korea has been closed as a source for further adoptions. That claim by staff is contrary to advice which has been given to prospective adopters in Victoria and contrary to advice that prospective parents have received by making direct contact with Korea.

Does the Minister believe that the full $1 200, which prospective parents are required to pay for the processing of applications for adoption from overseas, should be retained within the branch for that purpose rather than be channelled and lost in general revenue?

Will the Minister confirm, for the peace of mind of parents, whether Korea is entirely closed for adoptions in future, or whether it is correct that it is just an indefinite delay and that parents can continue to hope that their applications to adopt a child from Korea will be accepted in time?

Finally, does the Minister support the implementation of a quota arrangement, whereby prospective parents in South Australia would receive a certain number of children from Korea based on a per head or per capita of population basis—a proposal that is being advanced by organisations seeking to support parents wishing to adopt children from overseas?

The Hon. BARBARA WIESE: I shall refer those questions to my colleague the Minister of Community Welfare and bring back replies.

VALUATIONS

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

Leave granted.

The Hon. J.C. IRWIN: In view of the discussions taking place in local government circles regarding whether councils should adopt capital valuation or site valuation as the basis for future rating, and in view of the Minister's letter to the *Sunday Mail* on 19 February in which she correctly stated that the recently passed legislation does not force councils into using capital valuation, will she make available to me a list setting out those councils which used capital valuation and those which used site valuation for the calculation of their 1988-89 rates?

The Hon. BARBARA WIESE: I shall be delighted to provide a list.

MINISTERIAL STATEMENT: OMBUDSMAN

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: My statement relates to new administrative arrangements relating to the office of Ombudsman and other relevant matters.

1. Background

The purpose of this ministerial statement is to acquaint the Parliament with the nature and extent of certain new administrative arrangements that have been put in place in relation to the office of the Ombudsman.

The Ombudsman is a statutory office-bearer who is appointed by the Governor and who exercises certain statutory functions pursuant to the Act of Parliament that constitutes that office, namely, the Ombudsman Act 1972. That Act came into operation on 14 December 1972 and its administration is now committed to the ministerial responsibility of the Attorney-General (see *Gazette*, 6 March 1986, page 474).

For very sound legal and constitutional reasons the Ombudsman is an officer of the State who is not a Public Service employee and who enjoys an independence from interferences or direction by the Government of the day. The Ombudsman may only be removed from the statutory office upon the presentation to the Governor of an address from both Houses of Parliament seeking the Ombudsman's removal.

In the day-to-day performance of many, varied and important functions and duties that the Ombudsman is required by law to discharge, that officer is free from political direction. That officer's capacity to investigate and report on executive maladministration—or non-administration—is assured by the terms of the statutory charter pursuant to which he or she is obliged to act.

2. Staff Control and Financial Expenditure

However, the legal and factual independence—and the perceived independence—of the office of Ombudsman has not hitherto been matched in respect of the Ombudsman's staff; that is, those persons assigned to work in the office of the Ombudsman. Indeed, several incumbents of the office

of Ombudsman have criticised Governments for their inaction in this quarter.

The staff of the Ombudsman's office consists of public employees appointed to the public service persuant to the Government Management and Employment Act 1985. The Ombudsman Act 1972 is presently committed to the responsibility of the Attorney-General, pursuant to the Administration of Acts Act 1910. Therefore, the staff of the Ombudsman's office is comprised of officers of the Attorney-General's Department.

In addition, the Ombudsman effectively has no power of approval or control of financial expenditure and must rely on officers of the Attorney-General's Department who are his Assistant Ombudsman (with a delegated power of expenditure not exceeding $10 000) and the Administration Officer (with a delegated power of expenditure not exceeding $1 000). Such delegations are made by the Chief Executive Officer of the Attorney-General's Department (that is, the Crown Solicitor). The Ombudsman possesses no such powers.

These staffing and expenditure arrangements are unsatisfactory. They are inconsistent with the Government's need to ensure that, as far as practicable, the Ombudsman is (and is seen to be) independent of the Government on a day-to-day basis. For example, the Ombudsman has indicated to me that:

> There has been a steady growth this year of instances during which individual members of the public have expressed concern to me or my staff that the staff are in fact part of the Attorney-General's Department, especially in those matters when the other arm of the department, namely, the Crown Solicitor's Office, has been engaged in legal proceedings on behalf of other departments involving the complainants to the office.
>
> An examination of the nature and style of the Ombudsman or Parliamentary Commissioner offices in other States and other parts of the world shows the South Australian position to be somewhat unique and perhaps, with the benefit of experience, incongruous.

On 9 May 1988 I met the Ombudsman and the Commissioner for Public Employment to discuss with them two matters that had been raised with me, by the former, for consideration, viz.:

(i) the effective day-to-day independence of the staff of the Ombudsman's office from any department of Government; and

(ii) the greater financial autonomy of the Ombudsman.

In consequence of further discussions between the Ombudsman, the Crown Solicitor and the Office of Government Management, I selected the following policy options in respect of both control of staff and the financial independence of the Ombudsman:

Staff Control

(i) The Attorney-General would direct the Crown Solicitor that she is to direct all officers in the Ombudsman's office that, in respect of the performance of their duties of assisting the Ombudsman in performing his statutory responsibilities, they should comply with directions given them by the Ombudsman and that, in respect of the performance of those duties, the Crown Solicitor should not give any other directions to them.

(ii) The Attorney-General would direct the Crown Solicitor that, in respect of selection processes for appointment or reassignment to the Ombudsman's office, all persons on the selection panel shall be approved or nominated by the Ombudsman.

(iii) As Chief Executive Officer, the Crown Solicitor would delegate the following functions to the Ombudsman:

(a) Making nominations for appointment under section 51 of the Government Management and Employment Act to positions in his office.

(b) Exercising the Chief Executive Officer's powers as disciplinary authority under section 68 of that Act in respect of employees in positions in his office.

(c) Reclassifying positions in his office pursuant to section 46 of that Act, providing that such reclassification accords with advice given to the Ombudsman by the Department of Personnel and Industrial Relations.

Financial Independence

The remaining matter is financial independence. All authority for expenditure (and therefore for variations in proposed expenditure) must be made by a Minister or a Minister's delegate (see Treasurer's Instruction 301.01). Giving to the Ombudsman a ministerial budget line, rather than a departmental line, ought to result in greater financial autonomy. There are advantages in terms of the perceived independence of the ministerial line being as it is separate from the rest of the Attorney-General's Department.

3. Action taken by Attorney-General

On 25 August 1988 I therefore gave a written direction to the Crown Solicitor—again in her capacity of Chief Executive Officer of the Attorney-General's Department—in the following terms:

> (1) That you should direct all officers in the Ombudsman's Office that, in respect of the performance of their duties of assisting the Ombudsman in the performance of his statutory responsibilities, they shall comply with directions given them by the Ombudsman or by the person for the time being performing the duties of the Ombudsman.
>
> (2) That you should not give any direction to officers in the Ombudsman's Office in respect of the performance of their duties of assisting the Ombudsman in the performance of his statutory responsibilities other than the direction referred to in paragraph (1) above.
>
> (3) That you shall ensure that, in respect of selection purposes for appointment or reassignment to the Ombudsman's Office, all persons on any selection panel involved in such selection process shall be approved or nominated by the Ombudsman or by the person for the time being performing the duties of the Ombudsman.

At the same time, in respect of the question of the budget line, I wrote a minute to the Crown Solicitor in the following terms:

> . . . I understand that the Treasury is prepared to transfer budget lines between appropriation votes . . . by increasing the ministerial appropriation vote using the Governor's Appropriation Fund and then effectively decreasing the departmental vote by administrative means.
>
> I would be obliged if you would arrange for the Manager, Support Services, to have discussions with the Treasury so as to effect the transfer of the Ombudsman's budget line from the Attorney-General's Department vote to the Attorney-General's Miscellaneous vote.

Finally, at the same time, the Attorney-General approved a recommendation from the Crown Solicitor, pursuant to Treasurer's Instruction No. 302.01, that the Ombudsman incur expenditure up to an amount of $15 000 within his area of responsibility and subject to his budget line.

On 17 September 1988 the Treasurer gave his formal approval to the following:

(i) the creation of a new budget line under 'Attorney-General Miscellaneous' titled 'Ombudsman';

(ii) the appropriation of $415 800 in 1988-89 to this new line on the understanding that an equivalent amount will be saved by the Attorney-General's Department under Program 1, Ombudsman, in 1988-89; and

(iii) the appropriate work force budget adjustments being effected (that is, the Attorney-General's Department's work force budget is to be reduced by 9.4 average FTE to 232.1 and the 30 June target level by 9.4 to 227.6 and an allocation of 9.4 AFTE and 9.4 target FTE approved for the Ombudsman's Office).

On 30 September 1988 the Acting Crown Solicitor gave the necessary contemplated directions (pursuant to the Attorney-General's direction of 25 August 1988) to the staff of the office of the Ombudsman and confirmed this in writing to the Ombudsman himself.

4. The Ombudsman *vis-a-vis* the Auditor-General

On 10 November 1988 the Governor-in-Council issued a proclamation to remove the Auditor-General, and the administrative unit for which he is responsible, from the purview of the Ombudsman Act 1972. This action was taken pursuant to a request from the Ombudsman himself.

His request was prompted by several considerations, including:

- the fact that the Auditor-General (by virtue of the provisions of the Public Finance and Audit Act 1987) is already separately accountable to Parliament in the exercise of his powers and functions. So, too, is the Ombudsman. It appears to be anomalous for one public 'watch dog' to be accountable on a day to day basis to another, of virtually equal and coordinate status, when both are already directly accountable to the Parliament;
- the fact that such a move is not without precedent because the activities of the Auditor-General (or equivalent functionary) are excluded from the jurisdiction of the Ombudsman (or equivalent functionary) in other State jurisdictions in Australia (viz. Victoria, Queensland, Western Australia and Tasmania) as well as in the Commonwealth and New Zealand; and
- the fact that the Auditor-General had himself approved this course of action.

There is provision, in section 4(3) of the Ombudsman Act 1972 for the Governor by proclamation to declare an authority or a department of Government to be an authority or department to which the Act does not apply. It was this provision upon which the Governor's proclamation was based.

5. Conclusions

When the Parliament takes into account the recent passage of and assent to the Ombudsman Act Amendment Act 1988 (No. 56 of 1988)—which better assures the liberty of people to bring their complaints to the Ombudsman—together with this package of administrative initiatives, it should appreciate the total effect of the measures taken in order to enhance the legal, factual and perceived independence of the Ombudsman. These significant initiatives are a reaffirmation of the faith of this Government in the institution of the Ombudsman. Moreover, they remove any public disquiet that may have existed regarding the perceived independence and integrity not only of the office of Ombudsman itself but also of the staff who are required to perform their duties in assisting the Ombudsman in the performance of his statutory responsibilities.

MARKET ACTS REPEAL BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2054.)

The Hon. PETER DUNN: The Opposition supports this Bill, which is the death knell for the East End Market. It is sad to see the East End Market go after it has operated on this site for about 106 years, which is about twice as long as my short span in this world. I used to walk past the market in the mornings when I went to school and can remember the aromas and my visual senses being excited by the sight of the fruit, and so on, in the middle of the road. There was always hustle and bustle, people yelling at one another, and carts going here and there. When in full flight, the East End Market was a very mobile and interesting part of the city. At 6 a.m. when the bell rang all hell broke loose, but that was only normal marketing practice in the exchange of goods for money, bartering and tendering. This led to fruit and vegetables getting to all areas of this State.

The East End Market supplied most of the fruit that went to country areas. Country grocers had their agents in the city bidding for the fruit: they often bought it, packaged it, put it on transport and sent it to their stores. Even today we can see small trucks going through the city laden with vegetables. I observed one on Unley Road the other day and thought that it would lose half its load, but it did not, so presumably the grocer received that fruit in an undamaged condition.

The demise of the East End Market illustrates this State's progress. I guess that it was erected on that site in the 1860s and the 1870s because it was close to where most of the produce was grown, namely, in the Torrens Valley. When considering the variety of fruit and vegetables that was grown in that valley, it is sad to think that we have been stupid enough to erect houses and put tar and cement over that beautiful, productive soil. Previously in this Council I have said that I believe the Torrens Valley in the Klemzig area was the premium place in Australia for growing celery, in particular, and many other fruits and vegetables. Certainly, the highest priced celery came from those areas. Also, a lot of fruit was grown in the Hills and the East End Market was ideal for selling this produce, too.

Some contributions that were made in the other place show the nostalgia associated with the East End Market. One member suggested that his uncle or grand-father fell off his vehicle and broke his neck when the horses he was driving were frightened by a steamroller. I guess that those stories about the East End Market will continue, and it is sad that it has had to be shifted from the centre of the city.

This market has now gone to Pooraka—a place which I would not have chosen but which, I guess, was chosen by the Government in conjunction with today's producers. I have looked at that market and it is my opinion that it is not a good place for the sale of produce because of the strong aroma which comes from the boiling down works at the abattoirs and which wafts across the area when a west wind is prevailing. Also, the wind picks up dust from the lairage yards and, when it is very windy, it would not result in good and healthy fruit. The reason for repealing these three Bills is outlined in the Minister's second reading speech, as follows:

> Advice to the Government indicates that the East End Market Act and the Adelaide Fruit and Vegetable Produce Exchange Act may limit the use to which the land at the East End Market site can be put in the future and inhibit the proposed redevelopment by retaining an obligation to conduct markets.
>
> In order to remove these impediments and because these Acts serve no further useful purpose, these three Acts should be repealed.

I agree with that. However, the fact that the development on the site had a rather chequered career before it was finalised indicates to me that perhaps the market should have stayed there, and the area developed but still used for

that purpose. It could have become a very useful car parking area for the city. It is very difficult to find car parking spaces, as demonstrated by the question raised in this Chamber today regarding car parking facilities at the Children's Hospital and Royal Adelaide Hospital.

It is difficult to find adequate car parking facilities anywhere in the city. I would have thought that perhaps the market could stay there. However, it has been deemed that it cannot. Development must go ahead in this State, and I support that. I guess that what has been done now is in the best interests of the city centre. The Adelaide City Council will, I guess, reap greater rates and taxes from the proposed development. In fact, that is probably why most of the market and the produce exchange was shifted: because rates and taxes and so on were getting very high.

There is very little else that I need to say, other than that this Bill marks the end of a piece of this city's history. It is sad to see it go. They are rather lovely buildings and I am sad to see the operation of the market leave the city centre. Adelaide is unique in that the city centre is in the middle of the city, and it is very easy to get access to all the supermarkets, and so on, that were using that facility.

It is interesting to note the change in fruit exchange methods. Years ago, with small groceries, much or all of the fruit went through that exchange. Today, supermarkets make special contracts with growers and, because the supermarkets are such huge buyers, they do not deal through that system. They are not prepared to risk paying more (or less, as the case may be) for a product that they wish to resell. So, they draw up contracts. I am not sure that this is in the best interests of those producers. However, many producers like the fact that they have a known value for the product that they are selling, so they sign those contracts. Having been in Tasmania recently and talked with some people who, for instance, have contracts to provide peas for freezing, I found that they are really being screwed right down by some of the big producers. That is as may be. They are in a free market situation and I agree that they should be allowed to negotiate those deals.

The market has served a very useful purpose in South Australia. It has now shifted from the east end of Adelaide to Pooraka. The development will grow on that site, and, I suppose, in another 100 years it will be shifted again. Fortunately, I will not be here to speak on that. I commend the Bill to the Council and believe that it is correct to repeal those three Acts.

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

TERTIARY EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 February. Page 2004.)

The Hon. R.I. LUCAS: I support the second reading. I want to cover briefly some of the ground referred to by the Hon. Dr Ritson and look at some of the detail in the first annual report of the South Australian Institute of Languages.

The Opposition, over some 12 to 18 months, has supported the concept of establishing the South Australian Institute of Languages as worthwhile and worthy of support, as we indicated some 15 to 18 months ago—whenever it was that we first discussed this matter in this Chamber. That is a further indication of the bipartisan support from the Liberal Party in South Australia towards some of the initiatives of the Bannon Government in relation to language provision and multicultural education policies, both in schools and now in the tertiary sector.

The major criticism that the Liberal Party made at the time of the last debate on this legislation (from memory it was in late 1987) was that, whilst we agreed with the concept of establishing the South Australian Institute of Languages, we felt that it ought to be established with all its powers and functions and the composition of the institute having been outlined quite clearly in the parent legislation, the Tertiary Education Act.

The Liberal Party strongly opposed the idea that the South Australian Institute of Languages be established permanently under the regulation-making provisions of the Tertiary Education Act. With goodwill on both sides and after some fruitful discussions with Mr Romano Rubichi, who is the presiding officer responsible to the Bannon Government for the establishment of the institute, and with the Minister of Employment and Further Education (Hon. Lynn Arnold), the two major Parties and the Australian Democrats came to an agreement that the Liberal Party would facilitate the passage of the Bill in late 1987.

Implicit in that was that the regulations, establishing the South Australian Institute of Languages, would come into effect in early 1988. The Minister indicated that, within 12 months of late 1987, he would introduce amending legislation to the parent Act to place the South Australian Institute of Languages within that Act and out of the regulation-making provisions. The Minister was true to his word. The legislation was introduced late last year and we in the Liberal Party are now happy to debate it and to facilitate its passage through both Houses of State Parliament.

When one compares the 1988 regulations, which formally provided for the purposes, functions and composition of the institute, with the legislation before the Council, it is true to say that in virtually every instance they are exactly one and the same. Some very minor changes relate, in part, to clause 4 of the Bill which has a slightly different definition of the term 'language studies' from the definition that was included in the regulations. There are one or two other minor differences between the legislation and the regulations.

As the Hon. Dr Ritson pointed out, the only significant difference upon which there should be any debate relates to the additional function or power of the institute. Under new section 9e (1) *(d)*, the institute shall have the power 'to provide courses (but not courses leading to academic awards) in areas related to language studies'. With respect to its other functions, the institute has a coordinating role between tertiary institutions, an advisory role to the Bannon Government or to other tertiary institutions, and a research role. As the Hon. Dr Ritson indicated, I also indicate Liberal Party support for those functions.

Paragraph *(d)*, which I have just quoted, is a new provision and, like the Hon. Dr Ritson, I also indicate the Liberal Party's support for it. I note the important proviso that it will involve courses that do not lead to academic awards because, if the courses did lead to academic awards, the South Australian Institute of Languages would be in competition with other tertiary institutions and that may jeopardise the healthy spirit of cooperation which exists between most people in the institutions and the institute. If that were to occur, it would certainly be counterproductive to the future value or benefit of the work of the South Australian Institute of Languages. This particular provision is one on which the Liberal Party and, I suppose, the Bannon Government will keep a close eye. We will certainly note the annual report of the institute. However, in the way the provision has been drafted and in the way we have been

advised that it is intended to operate, the Liberal Party is happy to support that. As I understand, the tertiary institutions are relaxed about this additional power or function of the South Australian Institute of Languages.

In discussing those powers and functions, I will refer to the first annual report of the institute for 1988. One of the healthy provisions in this legislation is that an annual report must be presented. I congratulate Mr Rubichi and those responsible for the report on producing it within a time frame which can make for sensible discussion of what is going on within the institute. In further education and in education generally, it is not uncommon to receive in 1989 an annual report relating to the 1987 calendar year. It makes a nonsense of the reporting provision for members of Parliament to receive, over 15 to 18 months later, the annual report of a body, department or institution. Quite clearly, in many cases the information contained within the annual report is already out of date.

The only part of the report to which I will refer concerns the activities of the institute, which are broken down into what the institute has labelled its purposes. In the Bill they are labelled as powers and functions. Purpose *(a)* states that, as originally set down, the institute's function was to facilitate the introduction and maintenance within tertiary institutions of as wide a range as practicable of courses in languages. The annual report notes that the institute has spent some time in setting the foundations for inter-institutional cooperation in the offer of programs in Japanese. I am pleased to note that. It is obviously an important matter for the Institute of Languages and our other tertiary institutions at the moment.

At a later stage, I will seek more detail from the Minister about the success or otherwise of the institute's attempts. A quick reading of the annual report does not give much indication other than that considerable time and effort has been spent in setting the foundations of this inter-institutional cooperation, and I am interested in the results.

The institute notes that it has made submissions to the inquiry on the future of the disciplines of Spanish and Portuguese at Flinders University and various other inquiries that have been conducted by other Government departments or arms of Government. The institute indicates that it conducted a survey into whether there was a sufficient level of potential demand to warrant commencing negotiations with the University of Adelaide towards that university's acting as host institution for teaching, by a lecturer funded through the institute, of already accredited programs imported from interstate universities.

The institute notes that the programs for languages accredited in this way were Russian and Arabic and that, in a similar fashion, accredited programs in Ukrainian will be offered through the Institute of Languages. I understand that, since the report was written, Flinders University and not Adelaide University is more likely to act as the host institution for the Russian and Arabic courses in South Australia. Can the Minister provide an update on the current arrangements in relation to the provision of Russian, Arabic and Ukrainian language teaching in our tertiary institutions through the Institute of Languages?

The institute's annual report states 'Purposes *(b)* and *(c)*' are:

> To coordinate, in consultation with the tertiary institutions, courses in languages offered at the tertiary institutions.
>
> To promote cooperation between the tertiary institutions in areas such as cross-accreditation and recognition of courses in languages.

The annual report notes that the institute's major initiative will be the development of a tertiary languages policy and implementation plan for South Australia. It notes that the development has only recently been set in motion. Can the Minister, through the institute, state whether, rather than having to wait for next year's annual report, it would be possible for the education spokespersons of all the major Parties—including the Australian Democrats if they are interested—to be informed about the development of the tertiary languages policy and implementation plan for South Australia because, as I indicated at the outset of my second reading contribution, there has been a healthy bipartisan approach to multicultural education and language policy in South Australia. That would be facilitated by the continuing involvement of all major Parties. At least there would be an awareness on the part of all major Parties of the development of the tertiary languages policy and implementation plan for South Australia.

There is nothing in the annual report in relation to the other purposes, powers or functions of the institute that I could productively refer to during this second reading debate. I again indicate my support for the second reading and my good wishes to the Institute of Languages in the important work that it has ahead of it in the years to come.

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

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 February. Page 2005.)

The Hon. I. GILFILLAN: Although the Australian Democrats do not oppose this Bill, there are some observations that should be made on the issue whilst we have this opportunity. It appears that there is an opinion in the Government—particularly on the part of the Hon. Frank Blevins who was in charge of the matter when this matter was discussed—that, if the increase in the fee from $50 to $100 was not accepted, the Motor Fuel Licensing Board and the supporting legislation would be at risk and that board would be disbanded. It appears that, from discussions I have had with the Motor Traders Association, it believes most fervently that the board must stay. The association believes it is the one last bastion standing between the petrol retailers and the major oil companies.

Looking at the legislation and the comments made during the second reading debate, it appears that there is a flavour of sunset for the board and for the legislation. One must ask whether the major oil companies, although at this stage supporting retention of the board, may have been pursuaded to do so with the tacit understanding that a couple of years down the track the board would be disbanded and a move made to repeal the legislation. In fact, the legislation is the only legislative means to keep the major oil companies in line. As I understand it, the legislation is unique in Australia. It is the envy of motor traders and petrol retailers in other States. The Australian Democrats believe that it is essential that the legislation remain on the statute books for the foreseeable future. We can see no circumstances which would justify the repeal of this legislation.

In his second reading speech the Hon. Legh Davis questioned the attitude of the Government. He stated:

> The Government has followed a policy of deregulation and has indicated that it would consider repealing the Motor Fuel Distribution Act, basing its argument on the fact that the Act, which was set up to control the number of petroleum outlets in South Australia, has done its job. There is no further need for the Act; therefore, the Act can be repealed.

That does appear to be at least the inference of the Government's attitude at this stage. The Hon. Mr Davis continued:

That is a commendable initiative, taken at face value. It is certainly consistent with the Liberal Party view of deregulation. However, there has been considerable apprehension on the part of the oil industry and key associations . . .

He then listed those. However, he then continued:

I do not wish to buy into that argument; it is not relevant to this debate. The point of the Bill is, I think, a tacit admission on the part of the Government that perhaps it is premature to repeal the Motor Fuel Distribution Act, and for this purpose the amendment to the Business Franchise (Petroleum Products) Act is now before us to increase for the first time since 1979 the annual fee payable for a licence or permit.

I would like very much to have heard very strongly from the Opposition. Although critical to a degree with the Government's attitude, it has not clearly indicated that if it attains power in this State it will undertake to retain this legislation and the board. I would ask any members of the Opposition who would like to put into *Hansard* a firm affirmation that that is indeed the Opposition's policy to do so, so that the Democrats and the Motor Trade Association and others interested can see clearly spelt out what a Liberal Government would do as regards this legislation.

I did ask the Motor Trade Association if it wished to comment on the legislation, and I will share their response with members. First, they thanked me for the opportunity to comment, and the letter continues as follows:

The MTA firmly believes that the MFD [Motor Fuels Distribution] Act, which exerts some control over the number of retail petrol outlets will be needed for many years and for this reason does not oppose the application of the user-pays principal, of petrol retailers actually funding the administration of the Act; by way of the Business Franchise Licence Fee.

Taking this one step further we assert that the MFD Act should continue in place for as long as retailers remain willing to fund its administration.

The oil companies, while currently supporting its retention, have indicated they would be content to see it repealed 'in a couple of years'. We view the MFD Act as being of continuing benefit to the 'retail industry' as a whole, not simply of benefit to oil companies.

The oil companies are not notorious for their consideration of interests other than their own.

Their recent imposition of lease premiums has created further pressure on the incomes of service station operators and is another example of their disregard for others in the industry.

I remind members that the Democrats played a very active role in attempting to establish fair lease terms for retailers from major oil companies. I am afraid the situation is still one where the small business of petrol retailers is very much at threat and at risk of extortion by the major oil companies. The letter continues:

While the MTA understands the Liberal, Democrat and Government attitudes towards unnecessary regulation, there are areas where some regulatory overview is paramount.

One example of this is the Unleaded Petrol Act which is set to expire on 31 December 1989.

The MTA has written to the Minister of Consumer Affairs explaining why we believe this legislation needs to be continued beyond this year, and strengthened.

They sent me a copy of that letter, and I will take the time of the Council to refer to it because, although it is not directly related to the substance of this Bill, it is part of the continuing debate of responsibility that this Parliament has for the proper marketing of fuel in this State. The gravamen of the issue is that there has been, environmentally, a responsibility to promote the sale of unleaded petrol, and I am sure that all members support that particular motive. Legislation is in place to encourage the sale of unleaded petrol. That is due to expire at the end of this year. By reading this letter into *Hansard*, I hope that, as with amendments to this legislation, the Government will be urged—whichever Government is in power at that time—to extend this particularly important piece of legislation. The letter, addressed to the Hon. C.J. Sumner, from the MTA states:

Dear Minister,

The Unleaded Petrol Act 1985 is set to expire on 31 December 1989.

The MTA believes it is necessary for the Government to extend its life (if that is possible) or replace it with similar, updated, legislation. The Unleaded Petrol Act is environmental protection legislation and was introduced specifically to reduce the level of pollutants emitted by motor vehicles. It is the only legislation in force in SA that:

(i) ensures protection of the environment by prohibiting the misfuelling of vehicles manufactured in accordance with ADR 41/00,

(ii) ensures the supply of unleaded petrol to consumers by requiring all petrol retailers to stock and sell 91 RON unleaded petrol,

(iii) ensures the protection of the public by prescribing that the retail price of 91 RON unleaded petrol shall not exceed the retail price of leaded petrol.

When the Unleaded Petrol Act was implemented it was anticipated that ULP use would rapidly increase so that the market share of ULP 91 RON would be approaching 50% by 1990. Unfortunately, a number of vehicle market factors have affected its sale growth and it now seems unlikely that sales of ULP will exceed 25% of total motor spirit sales by the time the Act expires.

In spite of the fact that the Unleaded Petrol Act has been in place for four years there is still a significant number of sites (mainly country areas) that do not sell it.

These sites can apparently continually renew the exemptions they first obtained in 1985. When the Act expires in December 1989 such sites will no longer have to bother about an exemption and will obviously not bother about installing a ULP pump.

At a public hearing on 8 February 1988 the Motor Fuel Licensing Board granted a permit to a site at Alawoona, the owners of which stated they intended to sell super leaded petrol only.

Their attitude, although based on a lack of knowledge of the petrol retailing industry, is hardly in keeping with the need to promote SA as an attractive touring venue.

The need to promote tourism and to ensure that the fuel services to visitors are maintained to the best standards is a further reason why an extension of ULP legislation is necessary.

To ensure the Government's environmental protection goals are achieved, a strengthened Unleaded Petrol Act needs to be enacted.

(a) It should now be made compulsory for all petrol outlets to sell ULP, in preference to super/leaded motor spirit.

(b) Strict control of pricing parity between ULP and leaded super at both wholesale and retail levels is absolutely imperative if exhaust emission control is to continue to be effective.

In the USA, oil companies have shown themselves to be totally irresponsible in the area of pricing; they continue to dump leaded motor spirit on the market at discount prices, while maintaining substantially higher prices for the unleaded fuel that all motorists ought to use. Retailers have no option but to sell the leaded fuel at cheap prices virtually forcing motorists to deliberately misfuel their post 1975 cars with leaded gasoline, clogging their catalytic converters and polluting the atmosphere.

Such a situation must not be allowed to occur in South Australia (or indeed Australia).

In light of the foregoing, particularly the need for all outlets to have good quality ULP for sale, at a price no higher than leaded petrol, the MTA suggests that unleaded petrol legislation is strengthened and kept in place for at least a further five years.

We look forward to your early response.

Yours faithfully (signed) Richard A. Flashman, Executive Director.

As the publicity pertaining to the potential lead level in Hindley Street has been in the news lately, it is remarkably apposite that I have this letter to read today. Most members would have noted the very narrow margin with which unleaded petrol is underpriced in relation to super. It really becomes a question of .1 of a cent, just to comply with the legislation. In the light of this letter and of what I believe would be the same attitude by oil companies in Australia and South Australia, it is essential that this legislation be continued. I would invite and urge the Attorney-General, if he is to reply to the second reading debate, to indicate the Government's intention regarding this piece of legislation.

The other point I will make is that there has been a continuing rationalisation of retailers generally in the metropolitan area, and that has been supported by the Australian Democrats, but we have been strident critics of the chaotic and extraordinarily cruel way that that has taken place in South Australia. It would be even worse if the board were to disband. Therefore, I invite the Attorney-General to give a clear indication that the Government will respond to the plea from the NTA, that it does intend that the Motor Fuel Distribution Act will continue in place indefinitely, and assure the Council that it will move to renew the unleaded petrol legislation which apparently has a sunset clause for the end of the year. I support the legislation.

The Hon. C.J. SUMNER (Attorney-General): I am not quite sure how the honourable member managed to embark on a discourse on unleaded petrol, or by reference to what Standing Order he did it, but he has done so without any complaint from honourable members. I can only say on that point that I shall have the matters that he has raised examined.

As regards the Motor Fuel Distribution Act, I refer the honourable member to my second reading speech when introducing this Bill, where I made the following statement:

> As the main purpose of the Act has now been completed and in line with the Government's policy on deregulation the operation of the Act was reviewed with a view to repealing the legislation. However, there is still very strong support for it to be retained, especially from the Motor Trades Association which considers the Act vital to the well-being of the Industry. Apart from Esso Australia Ltd this view is also held by oil companies. In this regard both the Motor Trades Association and the Australian Institute of Petroleum (South Australian Branch) have acknowledged the application of the user pays concept to maintain the Motor Fuel Distribution Act.

The Bill gives effect to the 'user pays' principle in this area of regulation—that is regulation requested and maintained at present by the industry. Therefore, the Government is not moved to repeal the legislation and it is not its current intention to do so. Obviously, because the matter has been the subject of review and because of the support for the retention of the legislation, the Government has at this stage taken the option of ensuring that those who want the regulation should pay for it. Therefore, the measure is not to be repealed.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 15 February. Page 1921.)

The Hon. PETER DUNN: The Opposition supports this Bill and the intent, but I am not sure that we support exactly what it does or the way that it is doing it. The object of the Bill is to eliminate multi-licences and to have a licence for the whole country, so that each State does not have people with two or three licences. In his second reading speech, the Minister said:

> It is proposed that a prerequisite to the issue of a licence or learner's permit be that any licence or permit issued to an applicant in another jurisdiction be surrendered and a request for cancellation of that licence or permit be made.

That clearly says that one should have only one licence, and I agree with that. What is happening? When people get near the maximum number of demerit points—I think that is 12—they go to another State, get another licence, and therefore have two licences. If they infringe the traffic rules again, they produce their interstate licence. This is fairly common among truck drivers. I can understand why truck drivers do it, and I have some sympathy with them. They make their living from driving trucks and they are therefore exposed for much of their time to the road traffic rules. By their very nature, I guess that they will infringe the rules, or they will have reason to infringe the rules more often and therefore get caught more often than other people. I believe that almost everybody infringes the rules by speeding or driving over double white lines, and so on. Truck drivers get caught because their exposure to the traffic rules is greater than the average person's. I think that truck drivers should be a special case. They should be given an amelioration of the rules regarding demerit points. If they had a greater number of demerit points, they would probably avoid getting licences in two, three, four or perhaps more States.

The Bill specifically provides that a licence has to be issued when a person comes into the State and has been resident there for three months. The old ruling was that one had to apply for a South Australian licence as soon as was reasonably practicable. That is quite clear, but I suspect that in law it is very hard to determine. The new law says that, after being a resident for three months, a person must take out a licence. That is equally difficult to define. When does the period of three months start? Is it the moment one drives over the border or perhaps buys a house? There are so many variables that I am amazed at the way that it has been put in. I do not believe we can determine when one starts, let alone finishes. If that is so, why cannot the Government extend the period to six months? I believe that six months is a more reasonable time.

I should like to pose a couple of scenarios to demonstrate why I believe that three months is too short a period. For example, students go interstate. If a student cannot do a course in this State, he will head off to Victoria, New South Wales or Queensland and he will be there for more than three months. What happens? He will have to take his licence in, have it cancelled, and take out a licence in that State.

This legislation has been proposed by ATAC, the Federal body which coordinates licences, registrations, and so on, and gives advice to Governments, and that body says that it wants the single licensing system. I think that its view is correct, but I do not believe that three months is a reasonable time. For instance, retired people—and I guess a few of us might not be far off that—who wish to go up the Queensland coast can spend more than three months travelling around that State in their caravan. I thought that the Minister's response to a question in the other House was rather unusual. In response to a question by Mr Blacker, the Hon. G.F. Keneally said:

> The easy way, if on a holiday in Queensland, would be to take a trip down through New South Wales and then go back up into Queensland, after the three months starts again.

To allow six months before a licence need to be renewed would be much better. What happens after three or even six months have passed? Does a person lose his licence and, if so, what happens to his insurance? I am aware that third party insurance goes with the registration, but if a person is unlicensed is that insurance and his comprehensive insurance negated? I suggest that this might be so and that a person may, unwittingly, be unlicensed after a three month period has elapsed. I think that a longer period than three months should be provided. Previously a 'reasonably practicable' period was allowed and that was not far off the track. The point is that what is reasonably practicable is

only one person's judgment, and I do not think that that is definite enough.

I do not know how difficult it would be to have uniform Australian driving licences. We have an Australian tax number, and I guess we could have an Australian driving licence. Each State could put its information on computer although this would be expensive. The Bill provides that only one licence should be held throughout Australia. There are only about 16 million people living in Australia, and I suppose that means that 10 million will have licences. I do not think it is beyond the pale to have a uniform Australian licence.

I notice that various States have different renewal times on their licences. I think that in Queensland one can have a licence for 15 years. In South Australia it has now gone up to five years, and in some of the other States it is on an annual basis. Perhaps the renewal times and the value should be the same. This would facilitate the exchange of money from State to State. The question was asked about a person who had a South Australian licence that did not expire for 4½ years and who shifted to Victoria. The Minister explained that that licence would be transferred in three month lots, and I think that that is fair and reasonable. However, I am worried about what occurs after the three month period if one does not have a licence.

What happens to people who get licences in different names? I guess we will never stop that until photographs on licences are made mandatory—not that I totally agree with that because people can doctor their faces and photographs. I understand that, when one is asked by the police to produce a licence, in this State one has 24 hours to do so at the nearest police station. I presume that under this legislation, if one is driving interstate on that licence, one will have to produce it instantly. Perhaps the Minister can clarify that. I will ask questions during the Committee stage, but they will not be of great moment. The Opposition supports the intent of this Bill. However, I believe that three months is not a sufficiently long period to change one's licence. Perhaps we should communicate with the Minister before we take it further.

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

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's consequential amendments:

No. 1. Clause 8, page 3, line 22—leave out '27' and insert '27b'.

No. 2. Page 3—after line 31 insert new clause 8a as follows:

Repeal of s. 29

8a. Section 29 of the principal Act is repealed.

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

That the House of Assembly's consequential amendments be agreed to.

The Hon. R.J. RITSON: It is my understanding that the Opposition has no objection to that course of action.

Motion carried.

ARTHUR HARDY SANCTUARY (ALTERATION OF BOUNDARY) BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

In July 1939, some 13 years before Mount Lofty Botanic Garden ws initiated, E. & F.K. Barton (descendants of Arthur Hardy) made a gift to the Crown of 15 acres to be held as a sanctuary in perpetuity. Until 1973, the area, section 459 Hundred of Onkaparinga, was managed as a forest reserve by the Woods and Forests Department. In that year the sanctuary was placed under the control of the Board of the Botanic Gardens pursuant to the Botanic Gardens Act, as the land was contiguous with the upper entrance of Mount Lofty Botanic Gardens (first opened in 1977) and as it was therefore in the interests of the economical management of the sanctuary to do so.

Until the serious bushfires of 1983, the sanctuary was retained in virtually undisturbed condition. However, the area became infested with self sown weeds and 'weed trees'—viz., blackberry, broom, South African daisy and, most importantly, *Pinus radiata*. This resulted in it being an enormous fire hazard. Following the bushfires it was necessary to remove much of the damaged timber. A diminished number of stringybark and exotic trees is all that remains.

The Board of the Botanic Gardens faces two additional problems. First, there is a demonstrated shortage of parking space in spring and autumn at the entrance to the gardens. Secondly, the present arrangement of fencing of the sanctuary does not allow for a visual improvement to the entrance. While conscious of its obligations to the Barton family, the board of the Botanic Gardens now considers it in the public interest to rationalise the boundary of the sanctuary so as to improve the appearance of the upper entrance gate and provide improved car parking facilities for approximately 60 cars, in a suitably landscaped manner. At the same time the board will undertake maintenance and planting of the species, which will result in fulfilling its original intended role as a bird sanctuary.

Recent correspondence between the Botanic Gardens board and the two surviving relatives of Felix R. Barton (Miss M. Hardy and Mr R.M. Hardy), has shown that the family has no objection to the proposal. Previous discussions with the family suggested a wish to retain a mixture of native and exotic trees in the sanctuary, and so the envisaged uses within the neighbouring gardens are consistent with these wishes. The Mount Lofty Botanic Gardens are, of course, a bird sanctuary.

This Bill accordingly provides for an alteration to the boundary to the Arthur Hardy Reserve to allow for improved parking facilities and more professional landscaping of the entrance to the Mount Lofty Botanic Gardens.

The clauses of the Bill are as follows:

Clauses 1 and 2 are formal.

Clause 3 provides several necessary definitions.

Clause 4 vests the relevant piece of land in the board of the Botanic Gardens, free from all pre-existing trusts and interests.

Clause 5 requires the board to use the land for the public benefit as part of the Mount Lofty Botanic Gardens.

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

ADJOURNMENT

At 4.45 p.m. the Council adjourned until Tuesday 7 March at 2.15 p.m.