LEGISLATIVE COUNCIL

Thursday 28 September 1989

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

PETITION: HARTLEY LANDFILL

A petition signed by 95 residents of South Australia praying that the Council urge the Government to undertake any necessary action to stop the proposed sanitary-type landfill at Hartley gaining approval, to stop the development of the proposed landfill at Hartley and to ensure that the councils involved, namely, Stirling, Onkaparinga, Mount Barker and Strathalbyn, and other councils adopt total recycling and reuse of refuse as the only environmentally sound alternative was presented by the Hon. M.J. Elliott.

Petition received.

QUESTIONS

HILLCREST HOSPITAL

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

Leave granted.

The Hon. M.B. CAMERON: I understand that union members working at Hillcrest Hospital have for more than two weeks imposed work bans in support of better staffing levels. I am advised that, as a result of these bans, patients have frequently been left in their nightclothes throughout the day. Nurses have been instructed to do only 'passive duties' and are banning all procedures involving the discharge of patients. They have ceased carrying out all documentation, other than essential clinical items and timesheets, and are providing no statistical information to the hospital's administration. I am advised that both the nurses union and the Federated Miscellaneous Workers Union have imposed the bans following a decision by Hillcrest management—without any consultation with the unions—to alter staffing levels in most patient areas. I am told the reductions in staff levels are in response to the hospital's budget. This is borne out by a letter from Hillcrest's Director of Nursing, Paul Hunt, to the FMWU dated 21 September, which says in part:

> As a result of severe overspending of the nursing budget due to the cost of replacing unproductive hours, especially in relation to annual leave and sick leave, the nursing executive agreed that greater control of nursing staff deployment needed to be introduced as a matter of urgency.

The Australian Nursing Federation and the FMWU claim that the alterations to staffing will place their members in 'potentially dangerous situations'. It goes without saying that, if that is the case, patients at Hillcrest could also be put at risk.

The ANF in a recent budget submission to the Health Commission and the State Government has raised its extreme concern about the problems at Hillcrest, citing continually contracting budgets, increased activity levels and dependency with static or reduced staffing levels, the need to implement proper workload controls and the need to ensure that there is a suitable mix of nursing skills to maintain adequate patient care. I understand that, following a meeting last Thursday, both the Australian Nurses Federation and the FMWU decided to step up their campaign and begin a program of random stopwork meetings, giving just an hour's notice. During these stopworks there will be no skeleton staff; this effectively would result in the entire hospital, at any hour of the day or night, being left in the hands of any doctors on duty.

Nurses working at the hospital have told me that they believe Hillcrest is between 12 to 16 nurses short at present. While there appear to be no efforts to replace permanent staff who leave, the hospital is placing increasing reliance on agency staff and other casual employees. To quote one casual nurse working there: 'They'd let me work here 24 hours a day if I let them, as I am a casual.' I am also advised that, due to the non-replacement of retiring clothing nurses, there now exists the ludicrous situation where double certificated nurses—highly qualified and highly paid staff—are carrying out tasks such as folding patients' linen. I understand that five of the houses at Hillcrest are in need of a clothing/linen person, which would free up qualified nurses to do what they do best, that is, nurse.

Is the Minister concerned that patient care is suffering as a result of the two-week long work bans and, if so, what steps is the Government taking to resolve the dispute? Further, what steps is the government taking to review the budget of Hillcrest Hospital, given the ANF's extreme concern regarding continually contracting budgets, when the Health Minister claimed recently that the South Australian health system will this year get a five per cent increase in funding, in real terms, over and above inflation?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

MARINELAND

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

Leave granted.

The Hon. K.T. GRIFFIN: The heads of agreement document released by the Leader of the Opposition in another place on Tuesday between the Minister of State Development and Technology, Elspan International Ltd, Peter Ellen and Associates Ltd and Peter E. Ellen includes the following clause:

> Elspan, Ellen and PEE agree that all information contained in or in relation or connection to this heads of agreement (hereinafter called 'the confidential information') shall be kept as confidential and shall not be disclosed by them or any of them to any person, firm, corporation or other body whatsoever and shall further ensure that the confidential information is not disclosed or distributed by them or any of their employees or agents in violation of the provisions itself.

I presume, from the debate so far, that a similar clause appears in the agreement between the Minister and the Abels. On 15 September 1989, solicitors for Grant and Margarete Abel wrote to the Minister of State Development and Technology, as follows:

> As you know, we act for Mr and Mrs Abel. We refer to the comments made by you on the ABC program the *7.30 Report* on 5 September 1989 concerning the Marineland redevelopment. Our clients are anxious to respond to your comments but are mindful of their obligations under the deed of agreement and heads of agreement which they entered into with you. On behalf of our clients, we request that you consent to them responding to your comments made on the *7.30 Report*. We would be grateful if you would provide us with your response to this request by Wednesday 20 September 1989.

I am told that, in discussions with the Crown Solicitor, that date was extended to yesterday, 27 September and that yesterday the Crown Solicitor indicated that a reply would be forwarded late yesterday. It has not been received. Yes-

terday, details of payments made by the Government in this debacle were made public by the Minister. This morning, Mr Rod Hartley, the Director of State Development, who has been in the thick of the saga, was on radio talking about the whole Marineland issue.

My questions are as follows: first, in view of the payout of over $6 million in taxpayers funds to meet claims, and the public statements by the Minister of State Development and Technology on the *7.30 Report* on 5 September, his statements yesterday and the statements today by the Director of State Development, which appears to be in breach of the heads of agreement, does the Attorney-General agree that, as a matter of equity and fairness, other parties to the various heads of agreement should now be released from the obligation to keep the background confidential?

Secondly, does the Attorney-General agree that not to release the other parties from that obligation makes the whole matter very much one-sided in favour of the Government and that such a refusal by the Government is oppressive in the circumstances?

The Hon. C.J. SUMNER: As I understand it, what the Minister and the Director of State Development and Technology have said is not in breach of the terms of the agreement to which the honourable member has referred. That being the case, I cannot see any basis for the honourable member's assertion that the situation is oppressive. The honourable member also mentioned that moneys have been paid for compensation in this area. Of course, it should be reiterated that the original guarantee in this matter was approved by the bipartisan Industries Development Committee in this State, and that committee comprises members of both the Government and Opposition Parties.

The Hon. K.T. GRIFFIN: I have a supplementary question. In light of the Attorney-General's response, does he agree that the other parties to the heads of agreement are now at liberty to disclose publicly the background to the various matters which led to the execution of the various heads of agreement?

The Hon. C.J. SUMNER: That is a matter about which they will have to take their own legal advice. I have not studied the matter, but I am sure that the Minister of State Development and Technology is aware of the nature of the agreement relating to confidentiality and would not have breached it—and, as I understand the situation, he has not done so. Certainly the parties that entered into the so-called confidential clauses remain bound by them.

The Hon. K.T. Griffin: It appears that that doesn't apply to the Minister of State Development and Technology.

The Hon. C.J. SUMNER: It applies to the Minister, also. The Minister has not been in breach of the confidential clauses.

ADELAIDE-MELBOURNE EXPRESS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Leader of the Government, in the absence of the Minister of Tourism, a question about the Adelaide-Melbourne express.

Leave granted.

The Hon. L.H. DAVIS: Just 102 years ago in 1887 the first Adelaide to Melbourne express covered the rail journey between the two capital cities in just 18 hours. In 1928 the time taken between Melbourne and Adelaide had been reduced to 17 hours actual travelling time: the express left Melbourne at 4.30 p.m. and arrived in Adelaide at 9 a.m. In 1960 the express left Melbourne at 8 p.m. and arrived in Adelaide at 9 a.m.—a time of 13½ hours. Now, 30 years later, the express departs Melbourne at 8.35 p.m. and arrives in Adelaide at 8.50 a.m. The journey takes 12 hours 45 minutes after taking into account the 30-minute time difference. In other words, there has been virtually no improvement in the travelling time of the Adelaide-Melbourne express in the past three decades and, arguably, even longer than that.

The Adelaide-Melbourne express covers the 774 kilometres in 12¾ hours at a breathtaking average speed of 60 kilometres per hour. It would not even attract a speeding fine in the metropolitan area of Adelaide. The travelling time of the so-called Adelaide-Melbourne express is in sharp contrast to the car. Travelling within the speed limit, a car can make the journey between Adelaide and Melbourne in 7½ hours. I had a recent experience of that myself. Of course, that is 5¼ hours faster than the express. So, to call it the 'Adelaide-Melbourne express' is a misnomer. At best, it can be described as a very pedestrian passenger train. I understand that, with the pilots strike, the Adelaide-Melbourne express is enjoying boom times.

Members interjecting:

The Hon. L.H. DAVIS: I will withdraw that and call it a dispute to keep the leprechauns out of my backyard. However, the current patronage of 99 per cent of the Adelaide-Melbourne express is a direct reflection of the pilots dispute and not so much a reflection on the rapidity of the journey. I understand that, before and during school holidays, it does enjoy fairly heavy patronage running well over 90 per cent, but outside school holidays the Adelaide-Melbourne express usually runs at 50 to 60 per cent capacity.

The Hon. R.I. Lucas interjecting:

The Hon. L.H. DAVIS: As my colleague the Hon. Robert Lucas rightly observes, it is not exactly cheap. My questions to the Leader of the Government are simply this: has the State Government taken any interest in this matter? Does it believe that in 1989 nearly 13 hours travelling time between the two capital cities of Adelaide and Melbourne is acceptable? Will the Government take up the matter with Australian National as a matter of urgency to see whether this time can be reduced so that the train—which can be a source of great enjoyment and interest for visitors and tourists alike—can become a more acceptable and rapid form of transport between Adelaide and Melbourne?

The Hon. C.J. SUMNER: I will be happy to refer that matter to the Minister of Tourism to enable her to make representations to Australian National—and presumably Victorian Railways—to see whether the travelling time between Melbourne and Adelaide can be reduced.

PAPER RECYCLING

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking you, Mr President, a question in relation to the recycling of office paper.

Leave granted.

The Hon. I. GILFILLAN: The Kesab organisation has put out a couple of lucid but brief flyers relating to the recycling of good quality office wastepaper. It seems to me—and I believe it would appear so to you, Mr President—that the paper it lists is typical of the material that comes from our offices in this place, as compared to what is regarded as the lower quality wastepaper newsprint.

One of the handouts lists the types of paper suitable for recycling and then notes that 'Staples, paper clips, need not be removed'. The handout also indicates that free collection for quite a small amount—in this case six cardboard boxes—

would be picked up free by the people who will recycle it. The flyer states:

Your office waste paper need not be wasted!

The Kesab Paper Bank project aims to save the vast quantities of good quality office waste paper from ending up at the dump.

Pace Messenger Service and Australian Paper Manufacturers will collect good quality office wastepaper from your business.

Why only good quality paper and not newspaper, old magazines, etc.?

Paper manufacturers in Australia have recently introduced 100 per cent recycled office paper. The paper collected as part of the Kesab Paper Bank project will be used to manufacture recycled paper. The quality of the finished product depends on the quality of the wastepaper collected. Also, as with other recyclable materials, it is far more efficient if separation of different materials occur at its source, that is, in your office, by you and your staff—before collection.

KESAB RecyclaBins and desk top recycler have been designed especially for the collection of good office waste paper. Please ensure that the paper is not contaminated with unsuitable materials as even small quantities of other substances or low grade paper can make large loads of recyclable office paper unsuitable.

The KESAB Paper Bank project is an ideal opportunity for your business to begin operating in an 'environment friendly' manner. You may wish to appoint a paper bank coordinator who can liaise with KESAB and paper collectors and who also can ensure things are running smoothly.

This flyer has on it the telephone numbers and addresses to deliver material, if one is delivering it. They ask that the Parliament, if involved, purchase three KESAB RecyclaBins at a cost of $3 each, and desk top recyclers are $1 each. Mr President, I put it to you that it is long overdue for Parliament to be catching up with what is the accepted attitude of many people, businesses and individuals in Adelaide, to make an effort to recycle waste products, and there is an acute demand for good quality office paper.

Why has there not been a system introduced into this Parliament as yet (and I understand there has not) for the recycling of paper? My understanding is that paper is just dumped in bulk. Will you take whatever action is necessary to make this system available in Parliament House for the recycling of office material, provide to all members the desk top recycler bin at $1 each and ensure that the bigger bins are made available so that this material can, in fact, be recycled? When will Parliament begin to use recycled paper for its own purposes?

The PRESIDENT: I am happy to take the questions on board. I will make inquiries as to exactly how much waste disposal comes from this side of Parliament (I cannot speak for the other side, of course), and I will find out exactly what happens with paper now. If it is deemed advisable to take up the options put to us, I will do so, but I cannot give any guarantee until the necessary inquiries have been made. I will report back as soon as possible.

PREFERENCE DISTRIBUTION

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government, a question about preference distribution.

Leave granted.

The Hon. T. CROTHERS: On Tuesday 14 September 1989, at the Annual Meeting of the South Australian Chamber of Mines and Energy, the Leader of the Opposition (Mr John Olsen) stated that if he were elected Premier at the next State Election his Liberal State Government would support a uranium processing operation in South Australia. He also said that a Liberal State Government would consider nuclear power generation for South Australia.

A few days later, on 16 September 1989, in the *Advertiser*, the Leader of the Australian Democrats in South Australia (the Hon. Ian Gilfillan) indicated that the Australian Democrats would oppose the establishment of any uranium enrichment plant in South Australia. On the issue of nuclear energy generation, Mr Gilfillan said that the worldwide trend and long-term predictions indicated a winding down in the use of nuclear plants. The Australian Democrats' stand against uranium enrichment and nuclear energy is well documented.

Mr President, in Lower House contests at both Federal and State level the Australian Democrats deliberately produce a two-sided how-to-vote card which directs its preferences to the ALP on one side and the Liberal Party on the other. My question to the Attorney-General is: in light of the Australian Democrats' past practice of directing half of its preferences to the Liberal Party and half to the ALP, will a vote for the Australian Democrats in the Lower House at the forthcoming State Election, or indeed any other election, be a vote for the establishment of a uranium enrichment industry in South Australia and the establishment of a nuclear power industry in this State?

The Hon. C.J. SUMNER: I suppose it would require some crystal ball gazing to answer the question directly but, no doubt, if more Democrats gave their preferences to the Liberal Party, that would assist in the expansion of the nuclear fuel cycle in this State. I would have thought that the Democrats would not want to see that situation arise because, for many years, they have been strongly opposed not just to uranium mining but also to the extension of the nuclear fuel cycle in this State and in Australia.

I would imagine that the Hon. Mr Gilfillan and his Party colleagues would be thinking very carefully about this issue. If a majority of the Australian Democrats were to give their preferences to the Australian Labor Party, there would be no assistance from the Democrats to establish expanded nuclear activities in South Australia. It is true that a number of European countries are winding down their commitment to nuclear power—Sweden in particular, and Italy has also conducted a referendum dealing with nuclear power and decided that it should not expand its capacity in that fuel source. Some years ago Sweden passed a referendum to phase out nuclear power some time early in the next century.

That is the situation. Only the Democrats can answer whether or not, if their preferences are directed towards the Liberals, it would have the potential to assist in the expansion of the nuclear fuel cycle in South Australia. I am sure that the Hon. Mr Gilfillan and his colleagues will take this matter into account when considering this important issue, and that the Hon. Mr Gilfillan, being an attentive and diligent member of the Chamber, will have listened with attention to what the Hon. Mr Crothers said.

SOCIAL WORK QUALIFICATIONS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health and Community Welfare a question about social work qualifications.

Leave granted.

The Hon. DIANA LAIDLAW: Over the past year the Department of Personnel and Industrial Relations has conducted a review of social work classifications within the Public Service. This matter has been of interest to me over some time, because it has become clear that, in the Department for Community Welfare in particular, the current classification system, with its lack of distinction between qualified and unqualified social workers, has contributed to

an uneven, and often an unsatisfactory, quality of service delivery to clients. That point was highlighted in the Cooper report.

Unlike the practice maintained by the South Australian Health Commission and all Federal Government agencies employing social workers, the Department for Community Welfare persists with a policy of employing social workers with less than the minimum qualifications recognised by the Australian Association of Social Workers. In fact, I note that the Chief Executive Officer of the department (Ms Vardon) in the Estimates Committee relating to community welfare on 12 September stated:

Membership of the AASW is not a requirement for any position in our organisation.

While I will not reflect at this stage on that statement—which hardly brings pride to the department—I will refer to the fact that, while the Department for Community Welfare, alone in the Public Service has maintained few standards in this area, it now appears, against the background of the review of DPIR, that the Health Commission also is now prepared to lower its former high standards for the employment of social workers by abandoning the requirement that any qualification in social work adhere to the AASW qualifications.

Is it correct that the Health Commission has issued a directive that all future advertisements for social worker appointments state that 'a degree, diploma or other equivalent qualification be preferred'? If so, why has the Health Commission departed from insisting on minimum qualifications for social workers, that is, the standards recognised by the Australian Association of Social Workers? Will the Minister also advise when the proposed DPIR review of social work practices is scheduled to be completed, and when will it be released for public comment?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

CONSULTANCIES

The Hon. J.C. IRWIN: Has the Minister of Local Government an answer to my question of 26 September about consultancies?

The Hon. ANNE LEVY: The Department of Local Government is committed to being responsive to its clients and its staff. At times human resource and other issues arise that can be best dealt with by outside consultants. Such occasions include where skilled internal resources are already committed to other priority projects; where situations require individuals with supplementary skills to those available from internal sources; situations which require additional short-term skill inputs; and situations where deadlocks need to be broken and there is a need for the injection of immediate support.

Consultants may be engaged from within the Public Service, that is, from other Government agencies and, in particular, from the Government Management Board and the Department of Personnel and Industrial Relations, or from the private sector. The decision to engage a particular individual from within or outside the Public Service depends on a range of factors including consultant availability; the range of skills required of the consultant; an assessment of the consultant's skills and approach with regard to the needs and wants of the work group; and the credibility of the available consultants in relationship to the particular topic.

The Department of Local Government has benefited from injecting well credentialled consultants into its wide ranging and often specialist responsibilities on a short-term basis, and by doing so is able to avoid the longer-term costs associated with permanent staff. The procedures in awarding consultancies to the private sector are:

1. Managers clarify the task to be undertaken.
2. Advice is sought from the Corporate Services Branch as to suitability and availability of local resources and Public Service consultants to fulfil requirements.
3. If available, proceed to establish availability of consultants and costs, where relevant.
4. If not available, consider private sector suitability, taking advice from its Corporate Services Branch, the Office of the Government Management Board, and considering other managers' previous experiences.
5. Make assessment of need to go to tender, based on:
   (a) urgency of need;
   (b) size and value of consultancy;
   (c) known availability of consultants; and
   (d) number of suitable consultants available.
6. Managers with financial delegations proceed to either call tenders or appoint consultants within the limits of their delegations. All proposals which go beyond these limits are referred to a more senior delegate for approval.

Consultancies are therefore not always let to tender. Such consultancies usually cost less than $10 000 and are used in circumstances where it is not considered cost or time effective to enter into tendering arrangements. Further, consultants who are used more than once in the department are ones that have a working knowledge of the department, require considerably less preparation time, enjoy high levels of acceptance and credibility amongst staff, and have demonstrated their ability from past performance and outcomes. The Department of Local Government's practices with regard to engaging consultants on a short-term project specific basis are consistent with standard Public Service practice.

The department does not have a standing contract for FEM Enterprises, but does engage them when appropriate situations arise on a project basis. Since the beginning of 1987, that is, more than 2½ years ago, I understand that FEM Enterprises has been engaged by the Department of Local Government on 12 occasions, as detailed:

March 1987: Senior Management Training and Development, value, $1 500: April-May 1987, Extension of foregoing value, $1 250.

April 1987: facilitation of an executive planning session, value, $500.

February 1988: action plan for EEO, value, $400.

March 1988: EEO management seminar, value, $150.

May 1988: NESB workshop, value, $850.

May-June 1989: role clarification workshops, value, $6 200.

June 1989: review of administrative procedures, value, $1 500.

June 1989: facilitation of equal opportunity workshop, value, $450.

July 1989: strategy for structural development, value, $1 700.

July-August 1989: leadership training for managers, value, $3 250.

August 1989: workshop with Staff Training and Development Committee, value, $750.

September 1989: facilitation of residential staff conference, value, $4 500.

FEM Enterprises is a reputable Adelaide based consulting firm, which has established its credentials with the Office of the Government Management Board, and is used by many Government agencies.

The Hon. Mr Irwin asked a question in relation to the suitability of the principals of FEM Enterprises for this type of work. Ms Repin has a distinguished consulting record.

For two years she was Director of Studies for the senior executive management program conducted by the Commonwealth Public Service. She designed and conducted the first executive management program for the South Australian Government Management Board. With the Salisbury Education Centre she developed a certificate in organisational leadership. She has conducted a wide range of trainer training programs—the new entry lecturers methodology and induction course in TAFE, the associate diplomas in adult and further education, and in training and development in the South Australian College of Advanced Education. Ms Repin has been a consultant to a large number of organisations, including Senior Staffing Unit, Public Service Commission, Canberra; Community Cultural Development Unit, Australia Council, Education Department (South Australia); Department of Personnel and Industrial Relations (South Australia); Department for the Arts, (Western Australia); Children's Services Office (South Australia); Department for Community Welfare (South Australia); and TAFE (South Australia).

Ms McCulloch is a management and equal opportunity consultant with considerable national experience. She works as a freelance trainer, concentrating on the needs of women, and is particularly noted for her women in management courses which she has conducted in South Australia, Victoria and Western Australia. Previous relevant experience includes an appointment as Women's Adviser to the South Australian Premier, lecturing in policy development in the executive development program with the Western Australian Public Service, Deputy Chair of the South Australian Tertiary Education Authority and the editorial board of Tantrum Press. Ms McCulloch has been a consultant to a large number of organisations including Western Australian Women's Advisory Council; Equal Opportunity Commission (Western Australia); Department for Community Services (Western Australia); Office of Industrial Relations (Western Australia); Department of Local Government (South Australia); Office of Executive Development (Western Australia); Australian Institute of Management; and Women's Health Care House (Western Australia).

WHEAT LEGISLATION

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Agriculture, a question about wheat legislation.

Leave granted.

The Hon. PETER DUNN: Earlier this year the Federal Parliament passed legislation deregulating the wheat industry and allowing private traders to purchase wheat direct from the growers in this State. It is necessary for this State to pass legislation to allow the Wheat Board to trade in this State. If this does not happen, the traders will have a free reign and the Wheat Board will not be able to compete against them. It is reasonable to assume that, because of past association, the Wheat Board will use the Cooperative Bulk Handling Company to handle its wheat. If that is the case, Cooperative Bulk Handling, in which most of the wheatgrowers in South Australia are shareholders, will be put at a disadvantage in its trading this year. Furthermore, the Wheat Board will not be able to offer better prices for different grades of wheat such as high protein or biscuit making wheats, again putting it at a severe disadvantage.

Finally, I understand that the State research levy will have to be administered through this complementary State Act and, if it is not implemented before the harvest, it will be difficult to extract that levy in this State, thereby reducing research funds. When does the State Government intend to introduce complementary wheat legislation and, if it is not intending to introduce this legislation, how does it intend to overcome the problems I have highlighted?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

CORPORAL PUNISHMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about corporal punishment in schools.

Leave granted.

The Hon. M.J. ELLIOTT: Corporal punishment in schools has been banned in many parts of the world, including Scandinavia, the Communist bloc, Japan, Israel, Ireland, Puerto Rico, Europe, China, and the United Kingdom. It is still permitted in some parts of the United States of America, South Africa and Australia. The South Australian Government has developed a policy of phasing out corporal punishment, and it is intended that, within a couple of years, it will not occur. Currently, each school decides whether or not corporal punishment will be used. I have been contacted by a teacher formerly employed at a school where he was gravely concerned about the level of corporal punishment and about the cases in which it was used. He cited a couple of examples to me. In one case, three year 10 girls and a year 10 boy had truanted. In his words, two of the girls were brilliant students who had no record of misbehaviour; in his opinion, one epitomised everything they were supposed to be aiming for in education. Two of the students who truanted had done so because the third was intending to run away from home and they were doing everything in their power to make sure the student did not do it. Nevertheless, despite the lack of any record, the principal caned the lot of them.

The teacher cited another student who had extreme problems at home and all sorts of social problems, and who was persistently being caned by the principal. This was making matters worse, rather than better—once again, only in the teacher's opinion. He asked me why, with the great majority of schools not using corporal punishment, we allow some schools to use it to a large extent, often in cases where it is very questionable, and I could not answer those questions for him. I did say that I would come in to Parliament and ask the Government, first, why it is not willing to make a clear-cut commitment to cease corporal punishment immediately, rather than implementing this phase-out idea and leaving it to the individual discretion of schools.

In addition, a related matter is that the teacher was so concerned about the use of the cane in this school and the way it was being used that he contacted the Education Department, which told him to lodge a complaint and what form to use. He did so and, after three or four months when nothing happened, the department said, 'Sorry, you have complained on the wrong form,' and he had then to lodge a complaint on another form. He felt that he was getting the bureaucratic runaround and that the Education Department was failing to address the issue. Matters deteriorated to such an extent that he was eventually forced to leave the school and transfer to another area. Why does the bureaucratic runaround occur? I am sure that the Minister of Education knows the case to which I am referring, without my having to go into any more detail.

The Hon. ANNE LEVY: Without wishing to pre-empt the role of my colleague, the Minister of Education, I know

that it is Government policy to remove all corporal punishment from Government schools within a very short space of time. I understand it that it has not been done in one hit (as it were) to enable discussions and work to be done with the schools which feel that there could be disciplinary problems and to work with parents and teachers devising discipline strategies.

I also understand that, currently, over 75 per cent of South Australian Education Department schools, covering more than 75 per cent of the students in Government schools, have abolished corporal punishment. Furthermore, studies have shown that disciplinary problems in those 75 per cent of schools are, if anything, less than in the schools where corporal punishment can theoretically still be practised. I also understand that the Catholic education system is moving to remove corporal punishment from all its schools in South Australia, the Catholic education system in Victoria having long since abolished corporal punishment in all its schools, as has the Victorian Education Department, in Government schools.

As far as I am aware, no South Australian independent schools have indicated what policies they are following in this matter. However, having said that, I will be more than happy to refer the question to my colleague in another place so that he can provide a detailed reply on the specific cases which the honourable member has raised.

The Hon. M.J. ELLIOTT: As a supplementary question, if, as the Minister concedes, those schools which have stopped using corporal punishment no longer have problems, why have they not abolished corporal punishment now?

The Hon. ANNE LEVY: I thought I had covered that in terms of the discussions, assistance and training which is progressively extended to all schools in the State. However, I will refer that question also to my colleague in another place and bring back a reply.

ELECTORAL SYSTEM

The Hon. R.I. LUCAS: Has the Attorney-General had any discussions with the Electoral Commissioner about a Government funded advertising campaign to encourage people to enrol to vote, prior to the State election and, if so, when will it commence and what will be the cost? Secondly, on what date will the street order electoral rolls be made available to political Parties in South Australia prior to the election?

The Hon. C.J. SUMNER: The Electoral Commissioner has some proposals to deal with encouragement to enrol. He has already distributed some material encouraging young people to enrol, and that has, I think, been made available to honourable members. I will get the information requested by the honourable member and bring back a reply.

MULTIPLE BIRTHS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing the Minister of Community Welfare a question about support for families following multiple births.

Leave granted.

The Hon. DIANA LAIDLAW: Most members would be aware of an interesting case in Western Australia recently where, following an IVF birth, the parents have decided that they cannot cope with all their children and they have sought advice on how some of them may be legally adopted into other families. The Minister in that State has recognised that that family and others need a considerable amount of help following multiple births. Since that alarming case in Western Australia received media attention, I have received a number of phone calls and made several inquiries about the substance of support from both Federal and State Governments to families in South Australia. I was rather aghast to learn that the South Australian Multiple Births Association receives through the Department for Community Welfare a meagre grant of $7 157 to pay wages plus $250 for travel and other operational expenses.

In trying to provide practical help for such families with prams, clothing, bassinettes and so on, the association has to purchase those items through the second-hand columns in newspapers or rely on donations from other families who no longer want the goods. The association does not qualify for sales tax exemption, although it has applied for it on several occasions. It desperately needs home help, particularly at meal times, but that is not available. Mutiple birth families receive Commonwealth Government assistance in the form of family income support of $25 extra per child per fortnight, but it cuts out at the age of six years. Whilst I do not have children myself, many other members of this place do. It is my understanding that because of their rugged behaviour it is difficult to find second-hand clothing for children aged six years and over and generally parents must purchase the clothing new, unlike at earlier ages.

Will the Minister of Community Welfare address those problems, as I understand that this added pressure is leading to the separation of parents within many multiple birth families in South Australia? Will the Minister look at the provision of family day care, subsidised help at meal times, house cleaning and respite care, all of which are high on the agenda of the South Australian Multiple Births Association and the families it represents?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place and bring back a reply.

WORKCOVER

The Hon. PETER DUNN: Has the Attorney-General a reply to my question of 15 August on WorkCover?

The Hon. C.J. SUMNER: The Minister of Labour has provided me with the following answer:

Parts 1 to 3: WorkCover represents a major departure from the old workers' compensation scheme. The new scheme is built on the philosophy of early and effective return to work. In this way the human misery associated with work related injuries is diminished and the scheme functions economically. WorkCover's success, therefore, depends on realising that philosophy, in other words, achieving a high return-to-work rate. In commercial terms this will reduce the draw on the fund and keep levies under control.

Market research commissioned by WorkCover earlier this year indicated that few people saw the new scheme as being any different from the previous one. The general perception was that WorkCover was just another 'comp' scheme with its emphasis on claims and payouts. The majority of South Australians were not aware that WorkCover was all about return to work and that workers, employers and medical experts all had a role to play in that process. This presented a major threat to the future success of the scheme. In order to address this, and to change the culture of workers' compensation, WorkCover formulated a public information campaign of which advertising (the most cost-effective way of reaching the general community) was an integral component. This information campaign was approved and agreed to by the board, which comprises representations from both employers and unions.

WorkCover has spent $176 340.30 so far on television advertising and $23 310.10 on press advertising. This includes production costs. The advertising budget approved by the WorkCover board was $300 000. The WorkCover information campaign is

currently being evaluated for effectiveness. Any further spending on advertising will be dependent on the results of that evaluation. Part 4. The WorkCover decisions regarding advertising were taken by the board of the corporation independently of other Government agencies.

PUBLIC SERVICE RATIONALISATION

The Hon. R.I. LUCAS: Has the Minister of Local Government a reply to my question of 10 August on Public Service rationalisation?

The Hon. ANNE LEVY: I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

My colleague, the Minister of Employment and Further Education, has advised that there is to be an amalgamation of the Department of Technical and Further Education, the Office of Employment and Training and the Youth Bureau. Also, there is a high level of cooperation between the Education Department and the Department of TAFE. Among other things, this has resulted in some 8 000 young people in schools currently studying subjects which will be given credit in TAFE courses. The close cooperation between the two departments will be strengthened by the new organisational arrangements for TAFE, the Office of Employment and Training and the Youth Bureau.

TREATED TIMBERS

The Hon. M.J. ELLIOTT: Has the Attorney-General a reply to my question asked of 15 August on treated timbers?

The Hon. C.J. SUMNER: The Minister of Emergency Services has provided me with the following answer:

Arsenic trioxide is present as a particulate solid in the smoke and residual ash resulting from the combustion of timber which has been treated with copper chrome arsenic (CCA) preservative. The South Australian Metropolitan Fire Service assessed the hazard of a large fire of CCA treated timber in the open air as being very similar to such a fire in untreated timber. Arsenic Trioxide would form a very small part of the transported products of combustion. The major hazard would be the toxic gas carbon monoxide, which is produced in major quantities in any fire. The smoke from the combustion of timber also contains acetic acid, acrolein and a range of polycyclic aromatic hydrocarbons, some of which are carcinogenic. The problem presented by arsenic trioxide in the ash residue of such a fire should be dealt with by transportation of the wetted residue to an approved tip or landfill immdiately after extinction of the fire.

The SAMFS considers that the involvement of CCA treated timber in a major fire in the open air should present no significant additional health hazard over that to be expected from the combustion of timber. As with any fire, inhalation of smoke should be avoided and firefighters exposed to the smoke would be required to wear breathing apparatus for personal protection. Should the need arise for public evacuation, operational procedures that apply for any fire or hazard will be actioned. On the question of appropriate safety precautions for timber yards, if good housekeeping is practised, that is, separation of stocks, clear access, removal of combustible debris, the problem presented by fire can be kept to a minimum. Timber yard companies are well aware of the threat of fire. Precautions which include the provision of firefighting equipment and water supplies are adequately detailed under building regulations. All CFS personnel are encouraged to train to prescribed standards, the CFS board has trained and equipped brigades strategically located throughout the State to combat dangerous substances incidents, and specialists are available within CFS, the Health Department and industry to provide highly technical advice during complex incidents.

SUPERANNUATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 26 September. Page 854.)

The Hon. L.H. DAVIS: The Opposition accepts the substance of the Superannuation Act Amendment Bill which has been made necessary as a result of changes in the Commonwealth Government's tax laws affecting superannuation funds. Earlier this year the Government took legislative action to protect the State from paying taxes on the Parliamentary Superannuation Fund. This Bill has a similar purpose. Before I address the substance of the Bill, I would like to make a few general comments about superannuation.

In the past two years, the Federal Government—which has charge of legislation in respect of superannuation—has made sweeping changes which have had a dramatic impact on private sector funds. In July 1987, the Treasurer, Mr Keating, introduced the imputation system of franked dividends which encouraged investors, individuals, superannuation funds and other taxable investors in particular to invest in public listed companies which were paying franked dividends; that is, dividends which were essentially tax free. In the past financial year, that move led to many companies paying extraordinarily high dividends to get rid of stored-up franking credits. In May 1988, following the introduction of franked dividends, the Federal Treasurer introduced a 15 per cent tax on superannuation funds which had a dramatic impact on the earning capacity of superannuation funds.

As part of that change to superannuation tax, the Treasurer proposed that the 15 per cent tax on superannuation fund income could be diminished by streaming imputed credits. In other words, the more a fund invested in equity shares with franked dividends, the more that would reduce the taxation payable on the superannuation fund. The tax liability could be reduced by directing more of its investments into equity shares. The notion behind that proposal was: to encourage superannuation funds to invest in Australian shares; and to build up the stock of capital in the nation by directing national savings into capital formation through the share markets of Australia. That was a commendable notion. I am not sure whether it has worked out in quite that fashion because, as I understand it, it still means that superannuation funds will pay tax at the front end, albeit that they could be diminished by offsetting the tax through streaming imputed credits in equity shares.

The superannuation system was further amended this year. One of the problems that superannuation fund managers had was that the legislation proposed in May 1988 took more than 12 months to come through the system, leaving them in limbo. Another problem is the growing complexity of the superannuation fund area, not only for the fund managers but also for persons planning their retirement. When one sees that there are 155 pages of explanatory notes attached to the 1989-90 budget, one can understand how difficult it is for the layman to follow and comprehend changes, let alone professionals who operate in this big jungle of superannuation.

With that background, it is important to understand that this legislation is designed to ensure that the South Australian Government will not be entrapped by this proposed 15 per cent tax.

Before I deal with that notion, I want to comment on the South Australian Superannuation Fund. I have the South Australian Superannuation Fund Investment Trust annual report 1987-88, which has just come to hand. The Chair-

man's letter to the Premier and Treasurer, Mr Bannon, is signed 30 May 1989—some 11 months after the end of the 1987-88 financial year. I find that quite unacceptable. The Attorney-General would know that I have made this point repeatedly in this Chamber. It is simply not good enough for reports of such importance to be tabled and to become public so late in the day. In this case, I believe that there are probably good reasons for it, given that the South Australian Superannuation Fund had closed its old scheme, as a result of a Government inquiry which was initiated through a motion of this Council some years ago, and that a new fund has been opened up.

It is important to recognise the size of the South Australian Superannuation Fund. The balance sheet suggests that the market value of investments as at 30 June 1988 was some $727 million. That is a large fund indeed. Of course, that fund relates to the old pension scheme, which I described in this Council as arguably the most generous superannuation scheme in the world. The new scheme, which is up and running, is much more realistic in terms of its benefits to public sector employees. It is much more in line with private sector schemes. It certainly is at the top end of generosity when compared with private sector schemes, but it does accept that past schemes have been far too generous. If one looks at the old scheme one can see that quite readily, in that 82½ per cent of the funding of the old scheme is taken up by the Government, and contributors account for only 17½ per cent. That shows just how extraordinarily generous the old scheme was.

The second reading explanation describes why the South Australian Superannuation Fund should be protected from the 15 per cent superannuation tax. However, it could be argued—and I would appreciate the Attorney-General's clarification of this point—that this legislation is not really necessary. It could be argued that the South Australian Superannuation Fund is an arm of the Crown and should not be required to pay taxation, anyway.

I suspect that the Government has taken a conservative view and, rather than run the risk of having a legal challenge on this matter, has decided to put the issue beyond doubt by bringing legislation into the Parliament. Through the amendments that are before us, the South Australian Superannuation Fund will be protected from Commonwealth taxes, we are told, because it is an arm of the Crown. Without that protection there would undoubtedly be a significant increase in the cost of maintaining that scheme. I am not aware what that additional taxation will be to taxpayers of this State, although it has been suggested by people in the private sector who have looked at the matter for me that it could be as much as $15 million per annum. Perhaps, again, the Attorney-General could throw some light on that.

The point at issue is that the South Australian Superannuation Fund should be protected from this punitive superannuation tax. It is somewhat ironic that a State Labor Government is seeking to protect itself from Federal Labor Government taxes but, of course, there is that principle that State Governments are not liable for Commonwealth Government taxation, and the legislation is designed to enforce that point.

The proposal is that the Government employees will in future be asked to pay their contributions not to the Superannuation Fund but instead to the Treasurer. The Treasurer will then channel those funds through to the South Australian Superannuation Trust for investment. The benefits under the scheme will remain unchanged. There is no advantage given to employees as a result of this legislation, but the benefits under the scheme in future will be paid by the Treasurer, and the Crown will exist as a Crown entity responsible for supporting the Treasurer in meeting the benefits to be paid under the Act.

At the nub of this legislation is the desire to ensure that the Superannuation Fund is not taxed. That is made quite clear in the second reading explanation and in the amendments to the existing legislation. It is also noted (and it is a point that I accept) that Government employees will continue to be treated in the same way as private sector employees once they have received their benefit. For instance, the distinctions that exist between pre-1983 and post-1983 benefits for private sector employees, from a tax point of view, on retirement benefits received will also be the case for public sector employees under the fund.

I note that clause 5, which includes new section 17, specifies that the fund continues in existence. The assets of the fund belong, both at law and in equity, to the Crown. The fund is subject to the management and control of the trust. The Treasurer must pay into the fund periodic contributions reflecting the contributions paid to the Treasurer by contributors with respect to the relevant period. In other words, the Treasurer is a conduit pipe in this operation to ensure that the South Australian Superannuation Fund is not subject to taxation.

Quite clearly in the old fund, which was closed in May 1986, that comprises the large bulk of the total asset pool of well over $700 million. It is important that this fund has as great a return on assets as possible. I have been critical in the past of the composition of the investments within that fund, that there has been a magnificent obsession with property investment. Certainly there has been a pursuit of indexed property investments by this Superannuation Fund, unlike any other superannuation fund in Australia. There has been a lack of balance in the fund. Whereas major superannuation funds invariably have a mix of equity and property investments which, over a period, have returned pretty well equal capital appreciation and income streams, this fund has been very unbalanced with as little as 1 per cent, 2 per cent or 3 per cent of its total assets in equity investments.

Certainly, because the 15 per cent superannuation tax will not apply to this Superannuation Fund, there will not be the legislative compulsion to direct more of the fund's investments into equity shares. As I explained earlier, private sector schemes will be forced into equity shares with offering franked dividends to minimise the impact of the 15 per cent superannuation tax introduced in May 1988. There is no legislative compulsion on the South Australian Superannuation Fund because it will not be caught by 15 per cent tax. Nevertheless I make a public plea to the managers of the fund and to the Government that it would be desirable, taking a longer view, that more of the fund should be invested in equity shares. It provides for better balance and it is good investment commonsense.

I am persuaded by the arguments in the second reading that the proposed amendments maintain the *status quo*, that they do not give public sector employees any benefits over their counterparts in the private sector, and that they are purely designed to ensure that the South Australian Superannuation Fund is not taxed. I accept that there should be a difference drawn between the public and private sector schemes because people looking at this at first glance may see some discrimination in favour of public sector superannuation schemes. But quite clearly the State schemes are much more complex than those in the private sector, and this scheme, as we all know, has been the subject of extraordinary review and adjustment in the past few years. I understand also, of course, that the South Australian Superannuation Fund may not be the only scheme to be affected

by this proposed tax. There are other public sector schemes such as the Electricity Trust and the Police Pensions Fund, and maybe the Attorney-General could comment on that point.

The other point that persuades me to support this legislation is the fact that all other States, as I understand, are moving in the same direction. In Western Australia there is a draft Bill which is designed to ensure that the public sector schemes there are not taxed. In New South Wales, the Greiner Liberal Government has already moved part way to introducing a similar Bill. Queensland is moving down the same track. Victoria has a slightly different situation because it has a large number of fully-funded schemes. The Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'The fund.'

The Hon. L.H. DAVIS: Has the State Government had any discussions with the Commonwealth Government about the 15 per cent superannuation tax and the exemption of State Government public schemes from that tax?

The Hon. C.J. SUMNER: As I understand it, discussions have taken place, the result of which was that legislation was required to set straight the situation relating to the fund, namely, that it was a fund owned by the State Crown. According to the Commonwealth, there were no other means by which the situation of non-taxability could be achieved.

The Hon. L.H. DAVIS: I take it from that response that the Attorney-General is indicating that the Federal Government refused to contemplate specifically exempting State funds from the operation of its superannuation legislation?

The Hon. C.J. SUMNER: Yes, that is right.

The Hon. L.H. DAVIS: Does the Treasurer receive a fee of any kind for operating as the conduit pipe between the fund contributors and the South Australian Superannuation Fund?

The Hon. C.J. SUMNER: No.

The Hon. L.H. DAVIS: What other public sector schemes could be caught by the Commonwealth legislation?

The Hon. C.J. SUMNER: The second reading explanation stated that 'further legislative action may be required to deal with some of the other superannuation funds in the public sector'. There are three other pension funds in the Government area—a closed STA scheme, the ETSA Staff Scheme and the Police Pensions Scheme. The Government is looking at these funds and proposes to take action where necessary to ensure that these funds are adequatley protected against the Commonwealth tax.

For those public authority schemes that are fully funded, the Government's response in relation to the tax issue may be different from that adopted for the more complex main State scheme. The general approach will be to ensure that there is no increase in costs of superannuation to the employer, and no increase in net benefits to employees. Where gross benefits cannot be reduced in a fair and equitable way and where total agreement to reduce gross benefits cannot be achieved, the Government will have to consider moving those fully funded schemes under the protection of the State scheme.

Discussions have commenced with most of the larger public sector superannuation schemes but, because of the large number of schemes in the public sector (when the large number of small closed schemes in the health area are included), it will take some time to make appropriate adjustments to all of them.

Discussions on the tax problem are currently taking place with ETSA. A decision on the approach to be taken in respect of the ETSA schemes is expected shortly. The Government would expect that the same approach taken for the main State scheme would be adopted for the ETSA schemes, because of their similarities.

The scheme operated by the South Australian Metropolitan Fire Service is different, however, from the main pension schemes operated by the State. The fire service scheme is a fully funded scheme. In this scheme, the union has agreed to reduce gross benefits to fully offset the cost impact of the taxes. The trust deed is currently being amended to accommodate the necessary adjustment.

Clause passed.

Clause 6 passed.

Clause 7—'Insertion of Divisions IIIA and IIIB in Part II.'

The Hon. L.H. DAVIS: Both my colleague, the Hon. Mr John Burdett, and I have on more than one occasion raised questions about the communication between the South Australian Superannuation Fund and its contributors to ensure that contributors have a full understanding of what their benefits are at any one time. This clause provides that the board will maintain accounts in the names of contributors and, at the end of each financial year, the contributors' account will be increased to reflect the rate of return on the fund determined by the board and the proportionate benefit to the contributor. Is it right to assume that there have been new and improved methods of communicating the contributors' benefits more regularly?

The Hon. C.J. SUMNER: Yes.

The Hon. L.H. DAVIS: Subclause (4) provides:

> In determining a rate of return for the purposes of subsection (3), the board should have regard to—
>
> *(a)* the net rate of return achieved by investment of the relevant division of the fund over the financial year; and
>
> *(b)* the desirability of reducing undue fluctuations in the rate of return on contributors' accounts.

Subclause (5) provides:

> Where, in pursuance of subsection (4) *(b)*, the board determines a rate of return that is at variance with the net rate of return achieved by investment of the relevant division of the fund, the board must include its reasons for the determination in its report for the relevant financial year.

The Hon. C.J. SUMNER: These clauses were inserted at the request of the honourable member. A suggestion was made when the matter was debated in March 1988 in relation to these clauses.

Clause passed.

Remaining clauses (8 to 10), schedule and title passed.

Bill read a third time and passed.

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 941.)

The Hon. K.T. GRIFFIN: I want to address some technical questions and some questions of principle, although they are not so much related to the major issues which are addressed in this Bill, and which have been ably addressed by my colleague the Hon. Peter Dunn. The areas in which I have concerns relate particularly to delegation of authority, conflicts of interest, the power of a board to impose fines and the reviews of decisions taken by any of the authorities that are referred to in the Bill.

The structure of the Bill allows the Minister to delegate any of the Minister's powers or functions (clause 10). The Bill also allows the Soil Conservation Council to delegate powers and functions, other than the function of advising

the Minister on the policies that should govern the administration of the Act (clause 20). A soil conservation board may delegate, with the approval of the Minister, any of its powers and functions, except the power to make and enforce conservation orders (clause 30).

The Minister has a number of powers under the Bill, one of which is to appoint such persons to be authorised officers for the purposes of the Act as the Minister thinks fit. According to clause 10, that power to appoint authorised officers can be delegated. The Minister also has power, on the recommendation of the Soil Conservation Council, to acquire land for the purposes of the Act in accordance with the Land Acquisition Act; that power also may be delegated by the Minister. The Minister also has power to enter into any agreement with the owner of land for carrying out works for the conservation or rehabilitation of land, or for the giving of financial assistance. That power also may be delegated.

I have a concern about any Minister delegating those three powers. It is quite appropriate to delegate certain powers that are of an essentially administrative nature, but it is, in my view, quite wrong, in principle, to allow the delegation by the Minister of powers that are substantive powers, or powers that can—either directly or indirectly—affect the rights of citizens. For example, if the power to compulsorily acquire were to be delegated it would allow a public official—or even someone outside the Government, for that matter—to begin proceedings for compulsory acquisition of land.

It may be that just the broad general power to acquire is delegated, so that there would not, in those circumstances, even be a decision on whether or not land should be acquired before the delegate exercises the power to proceed under the provisions of the Land Acquisition Act. So, it is my view that the compulsory acquisition power ought not to be delegated. Authorised officers do have power to enter premises and land, as well as other powers. Again, the Minister should be the person who formally makes the appointment of authorised officers. That should not be delegated to any other person, whether within or without the Public Service.

I also refer to the power to carry out certain works, or to give financial assistance. It is improper for anyone other than the Minister to enter into an agreement with the owner of land for the carrying out of works for the conservation or rehabilitation of land or for the giving of financial assistance. I have no difficulty with the Minister making the decision and then delegating to some other person the responsibility for carrying out that decision. However, the power of delegation in clause 10 allows even the power to make the decision to enter into an agreement to be delegated. Therefore, I believe that restrictions should be placed on the power of delegation set out in clause 10.

The Soil Conservation Council has some very wide functions and powers. Again, it can only carry out its functions if it requires work to be done, for example, by persons authorised by the council. It seems to me that it would be quite inappropriate for the Soil Conservation Council to delegate a number of its authorities to persons who may not even be members of the Public Service. Of course, it cannot delegate its function of advising the Minister on policies that should govern the administration of the Act. However, that is only one of a number of functions set out in clause 19.

Clause 19 includes the function to advise the Minister on the administration of the Act and the policies that should govern its administration. However, the council also has the power of advising the Minister on priorities to be accorded to land degradation research programs, land care programs and other projects or programs for the conservation or rehabilitation of land. It also includes the function of monitoring the operation of the Act and the requirement to report to the Minister on any problems with the Act or its administration identified by the council.

If one is setting up a body, such as the council, with very wide responsibilities, it seems to be quite inappropriate that the powers to which I have referred should be delegated. The boards which may be established under Division III again have wide functions to develop a community awareness, to develop or support programs for carrying out measures for land conservation and rehabilitation, to implement and enforce the Act (although that power to make and enforce conservation orders cannot be delegated), and to give advice and assistance on land conservation and rehabilitation to other persons and bodies.

However, I should say that the board can delegate only with the approval of the Minister. I would hope that that in itself would be a safeguard, although there ought to be more specific provisions in the Bill to limit the power of delegation. So, there is a concern with the power to delegate in respect of the three persons or bodies to which I have referred.

The next area concerns conflict of interest. That is specifically applicable in relation to the proceedings of a council (clause 18) and conflicts of interest by a member of a board (clause 28). There is considerable difficulty in establishing the proper regime that should apply to conflicts of interest. It is not easy. In the private sector, where there is a conflict of interest between a director, for example, in his or her personal capacity, and the interests of the company, generally speaking, there is the power to remain involved, provided that the interest is disclosed.

In these two clauses to which I have referred, this Bill contains a much more stringent provision relating to conflicts of interest. Certainly, they ought to be identified and disclosed to the council. I would suggest that perhaps a form of notice by the council or the relevant board, or even by the member himself or herself, should be provided to the Minister, disclosing the interest.

However, the member of the council or of a board has a conflict of interest if the member or person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving, in a direct or indirect pecuniary benefit, or suffer or have a reasonable expectation of suffering, a direct or indirect pecuniary detriment.

The other area where an interest in a matter must be disclosed is where the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, obtain or have a reasonable expectation of obtaining, a non-pecuniary benefit or suffer, or have a reasonable expectation of suffering, a non-pecuniary detriment.

I must say that I have some difficulty seeing why there is a conflict if there is a direct or indirect pecuniary detriment or non-pecuniary detriment. I would have thought that, rather than that being a conflict of interest, it created some disadvantage to the member, and I would not have considered it necessary to have that disclosed. Another difficulty is determining what is a non-pecuniary benefit. The Standing Orders of this Council refer to a pecuniary benefit but, so far as I am aware, it has not been defined, nor is 'non-pecuniary benefit or detriment' defined. I would like to see the Minister giving some attention to a definition of those two areas, upon which the conflict of interest provisions will depend.

Another difficulty with those two clauses is that there may in fact be a pecuniary benefit to a member of the council or a board but it might be a pecuniary benefit that arises in common with many other persons affected by the decision. I would have thought it appropriate to identify that, in circumstances where the benefit or detriment is not personal to that individual or a person closely associated with that individual, but was a benefit received by, or a detriment suffered by, a number of other persons in a class, it would not really be necessary to disclose that interest.

Another area of difficulty is that, under these clauses, a person who is a member of the council or board and who has an interest must not, except on the request of the council, take part in any discussion by the council relating to that matter. For example, it does not say that, in determining whether or not to make the request for the member to participate, that member is precluded from voting on the resolution for the request to participate.

The member must also be absent from the meeting room. One can see that, if the conflict of interest provisions are not limited to an interest which is specifically held by the member (otherwise than in common with the community at large or a significant class of the community at large) one may well find that a number of members on council have a conflict and, as a result, are not able to participate in the vote. Because of the quorum provisions, it may not even be possible to obtain a quorum.

I draw an analogy with the situation in local government. One instance in particular which came to my attention a year or so ago was the situation where a group of ratepayers in a particular area of a local government district was dissatisfied with the attitude of the council in relation to severance, so those ratepayers who were directly affected by the issue of severance put up two candidates for the next council election.

Those two candidates were successful. They then proposed a resolution for severance but a ruling was made (I think by the department) that they were not permitted to participate either in the discussion or the decision on that issue because they were directly affected by the decision. That makes a nonsense of the conflict of interest provisions, and I can see that, in some circumstances, matters could come before the council, for example, which might give rise to a conflict as defined in the relevant clauses of the Bill but which might preclude the members from participating when their experience would be invaluable and when the interest was unlikely to be prejudicial to the decision or to the making of the decision.

It is more likely to be a cause of concern in relation to a board, because the membership of a board comprises a person appointed by the local government council or councils, the area or areas of which fall wholly or partly within the boundaries of the district or, if there is no council area falling within the boundaries of the district, a person appointed by the Minister.

The other six members, who are appointed by the Minister, must be resident in the district and have, in the opinion of the council, suitable knowledge and experience in land management or soil conservation. In those circumstances, where they all come from within the district, it is quite likely that there will be a conflict of interest in relation to matters that come before the board and, because of that conflict, will not be capable of resolution by the board. More careful consideration needs to be given to the conflict of interest provisons of the Bill.

The next issue to which I draw attention relates to soil conservation orders and their enforcement. Under clause 38 soil conservation orders may be made by a board and can be of a very significant nature, both in terms of cost to the landowner and the use to which he or she may put the land. An order may be enforced by the board, either with the consent of the Minister imposing a fine of an amount not exceeding $10 000 or causing work to be carried out on the land referred to in the order, as full compliance with the soil conservation order may require. The difficulty with that is the amount of the fine, or even the very power to impose a fine. It is essentially an administrative board, yet it has power to act in what I would regard as a *quasi* judicial manner. It has power to impose a fine which can then be recovered as a debt from the landowner in default.

It is, I suggest, almost unheard of (I will not say totally unheard of as I have not checked all the statutes) for such a body to impose a fine on a landowner. We are not told in the Bill what steps are to be followed leading up to the imposition of a fine. Is a right of audience to be given to the landowner by the board? Upon what evidence can a fine be imposed? Can it be imposed on hearsay evidence? Are the rules of evidence to be complied with? Generally, it is an obnoxious provision. If any fine is to be imposed, it ought not to be by an administrative body that can act as a kangaroo court without giving any rights to persons upon whom the fine is to be imposed. There is no right of audience or even a right of representation.

If there is to be a power to impose a fine, it ought to be in the hands of a court and not a tribunal. A court gives a citizen the right to appear, to plead, to make representations and, if dissatisfied with the way he or she has been treated, to take on appeal to the highest courts of the land. To seek to give to this board that power to fine is foreign to our system of the administration of justice and ought to be removed. Even the power to cause work to be carried out on land and then to recover the cost is open to criticism.

It is correct that a right of appeal exists to the Soil Conservation Appeal Tribunal in respect of the making of a soil conservation order against a landowner, and a right of appeal exists against the imposition of a fine. I have dealt with the fine. It ought not to be within the power of the board, nor need it be referred to in the matter of an appeal but, in the making of a soil conservation order, at least one has a right of appeal to the tribunal. No procedures are set out in the legislation with respect to the making of such an order. I do not believe that that matter ought to be left to regulations, but that may be the Minister's answer.

If procedures are to be prescribed, they ought to be in the Bill so that they are open, on the record and subject to debate as a matter of substance and not left to subordinate legislation. Those procedures ought to deal with the rights of audience, the rights of representation and the notice which is to be given in relation to a hearing to determine whether or not an order is to be made.

In conjunction with that, I raise the question of an appeal. The Soil Conservation Appeal Tribunal was included in the Bill in the House of Assembly as a result of strong representations made by my colleague, Mr Graham Gunn, the member for Eyre. I suggest that the right of appeal is limited and ought to be broadened because at the moment, putting aside the question of the imposition of a fine and the soil conservation order, the revocation of an approved property plan is the only other area over which the tribunal has jurisdiction if there should be an appeal. I would have thought that even the question of registration of approved property plans, the refusal to register and the requirement to include other matters in the property plan ought to be subject to review by an independent body such as this tribunal. After all, we are dealing with the livelihood of people.

I know that we are dealing with conservation and environmental issues, but we are dealing also with the rights of citizens and they ought to be adequately protected by rights of appeal. There is nothing like a right of appeal to keep administrative bodies honest and to ensure that they deal fairly and justly with the issues before them and with citizens who are required to take action as a result of their deliberations. That is not adequately addressed in this Bill. I also refer to powers of entry under clause 53.

Clause 53 gives an authorised officer—a member of the Soil Conservation Council, the Minister or a member of a board—the power to enter land, carry out an inspection, take samples, take photographs and, with the consent of the owner, to erect markers or photopoints for the purposes of survey or research. I take the view that, whilst it is appropriate for an authorised officer to have power to enter land, subject to the restrictions set out in clause 53, it is quite inappropriate for a member of the council or a member of a board to have that access unless they are authorised to do so by the council or by the board. It may be that they are officers authorised by the Minister, but I do not believe it is appropriate for any member of the council or a board, without the approval of the council or a board, to go off at their own whim, give notice to exercise powers of entry and then to enter premises. I believe that that would open the way to abuse. It would then mean that any member, regardless of whether or not it is related to an issue before the council or a board, would have the power to go on to someone else's property after giving the appropriate notice, but purporting to do so for the purposes of the Act. That is an issue which needs to be addressed.

In relation to clause 54, I am concerned about the creation of even more statutory offences. I acknowledge that the offences set out in subclauses (1) and (4) may be appropriate, but I would have thought that offensive language is already covered by the Summary Offences Act; the matter of assault is already covered by the Summary Offences Act and, in some cases, by the Criminal Law Consolidation Act. I see no reason why those two offences have been created in subclauses (2) and (3). I would like the Minister to address the reasons why he believes that it is necessary to create further offences where there is already adequate protection in the law in respect of those sorts of offences.

In relation to the service of notices, under clause 57 a notice can be served by personal service on the person or an agent of the person by leaving it at the place of residence or business of the person, with someone apparently over the age of 16 years—there is no difficulty with these two—by serving a notice by post on the person or an agent of the person or, if the whereabouts is unknown, by affixing it in a prominent position on the land to which it relates. I see no difficulty with that, except that there are two alternatives. It is either affixing it in a prominent position on the land to which it relates, or publishing it in a newspaper which is generally circulated throughout the State. I suggest to the Minister that they ought not be alternatives, but they ought to be two requirements: if the whereabouts of the person is unknown, a copy of the notice is affixed in a prominent position on the land, and also published in a newspaper which is generally circulated throughout the State. I suppose one could suggest that, if the whereabouts of the person is not known, the mere displaying of the notice on the land is unlikely to come to the notice of that owner; whereas, public notice in a newspaper may draw others out, either to identify the whereabouts of that person, or at least to take an interest in that particular proceeding.

I know that service by post is common. Will the Minister consider clarification of that by using security post, which is a much more effective means of service than ordinary post; particularly where one is dealing with outback areas where the postal service—if there is one—is quite irregular? It does create difficulties where a regular postal delivery service may not occur. They are the matters which I would like to see addressed. Subject to those being satisfactorily dealt with, I support the Bill.

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

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 7 September. Page 796.)

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contributions on this Bill. I am pleased that the Bill is being supported, in principle, by members opposite. I am concerned that members opposite have continued to suggest that there has been a lack of consultation on this Bill. The Bill was forwarded to a number of groups involved with persons with intellectual impairment. The SA Employers Federation, the Chamber of Commerce, the UTLC, the Volunteer Centre and SACOSS were all consulted by the commissioner for Equal Opportunity. In addition, the Bill was originally introduced during the last session to allow interested parties a further opportunity to make representation. This present Bill has been before the public for at least four months.

The Hon. Mr Griffin has commented that the amendment relating to overseas qualifications has been omitted from the Bill. However, I advise that it was not in the Bill introduced in the last session, although there was reference to it in the second reading explanation. The Government had decided to deal with the amendment at the same time as the amendments relating to discrimination on the grounds of age. Members who have seen the draft Bill dealing with age discrimination will note that the Bill contains a provision dealing with overseas qualifications.

With respect to the contents of the Bill before Parliament, the Hon. Mr Griffin, and the Hon. Ms Laidlaw have raised a number of points which I will deal with seriatim. The first concern relates to the definition of 'employee' and the removal from the definition of any reference to holders of judicial office. This amendment was originally made at the suggestion of Parliamentary Counsel. I agree that a holder of judical office could hardly ever be regarded, in any meaningful sense, as an employee of the Crown. The intention of the amendment is to remove the holders of judicial office from the ambit of the legislation not, as suggested by the Hon. Mr Griffin to include them. Nevertheless, I accept that some confusion may arise on this matter. Therefore, I will consider the need for an amendment to clarify this issue.

Another aspect of the definition of 'employee' which has been criticised in the extension of the term to cover 'unpaid workers'. An unpaid worker is defined to mean a person who performs any work for an employer for no remuneration. As the Hon. Mr Griffin has stated, in the earlier draft Bill reference was made to 'voluntary' workers rather than 'unpaid' workers. The Volunteer Centre expressed concern at this reference and argued strongly for the replacement with the words 'unpaid worker'. The Government made the amendment as requested. Since that time SACOSS has raised

some further concerns relating to the possible effect of the new definition on voluntary organisations.

The Hon. Mr Griffin and the Hon. Ms Laidlaw have expressed an intention to move an amendment to remove the reference to unpaid worker and to replace it with a reference to work experience students. The Commissioner for Equal Opportunity does not favour a limited amendment dealing only with work experience students. She considers it very important to amend the Act to protect unpaid workers from discrimination. Under the Equal Opportunity Act, paid employees must be selected because they are the best person for the job. It is proposed that unpaid employees should be selected on the basis of being the best person for the job. The aim of the amendment is to ensure that organisations are the subject of the same provisions in respect of their paid and unpaid workers. There is no justification for different methods of selecting employees whether they be paid or unpaid. The end result should be that the best person for the job has been selected without regard to arbitrary or discriminatory basis.

As to the arguments raised regarding the inability to reject persons unsuitable for a position, it is not discriminatory to reject persons who are unsuitable by virtue of their temperament, ability, attitude or personal characteristics which are unrelated to matters specified under the Act.

With respect to the specific concerns relating to church and charitable organisations, I point out that some exemptions already apply in the legislation with respect to these groups. I refer in particular to sections 45 and 50 of the Act. Section 45 applies to charities while section 50 provides an exemption for religious bodies. A specific exemption relating to sexuality applies to educational and other institutions run in accordance with the precepts of a particular religion. These exemptions will apply to both paid and unpaid workers.

The Hon. Ms Laidlaw has raised potential problems with the definitions of physical and intellectual impairment and the exclusion of mental illness. The Government admits that it has been difficult to prepare a satisfactory definition of 'intellectual impairment'. The one that has now emerged is one that has been arrived at through concensus by discussions with the Department for Community Welfare, the Healh Commission and the Disability Adviser to the Premier (who has had access to consultations with the Intellectually Disabled Services Council and other relevant organisations). It should be noted that in Victoria, where intellectual impairment is also covered, there has been an amalgamation of both intellectual and physical impairment for the purposes of the operation of the law. However, as in this Bill, the definition of intellectual impairment and physical impairment are separate.

So, as far as the Government is concerned, whether one describes a person as having Altzheimers disease or as having a reduced intellectual capacity is immaterial, as in any event (unlike the present law), the person would be able to fall under either definition. The definitions of intellectual impairment or physical impairment are not intended conceptually or practically to be mutually exclusive.

The Hon. Mr Griffin has queried the inclusion of the description of 'temporary loss of mental faculties' in the definition of 'intellectual impairment' and the inclusion of the word 'temporary' in the definition of 'physical impairment'. Under the existing legislation there is no specific reference to 'temporary impairment'. The amendment is intended to extend coverage to persons who suffer physical or intellectual impairment of other than a permanent nature. A person who suffers any impairment should have the benefit of the legislation without the need to show that impairment is of a permanent nature. I do not see that the extension of the legislation to 'temporary' impairment will cause conflict with the Workers Rehabilitation and Compensation Act and the Occupational Safety, Health and Welfare Act. This legislation should be able to co-exist comfortably with the Equal Opportunity Act 1984.

In respect of the new section contained in clause 5, I advise that it is merely a drafting device which seeks to define the use of the expression 'treats another unfavourably'. Under the current legislation there is excess verbing involved in the itemisation of discriminatory conduct and the use of what is proposed in clause 5 has (in conjunction with the statute law revision aspects in the sehedule to the Bill) reduced the overall use of language. But the definition of 'treating another unfavourably' is identical to that which pertains in various provisions in the existing Act now. It is merely a convenient way of carrying through the concept of discrimination to various parts of the existing legislation.

Clause 9 amends section 12 of the Act. The effect of the amendment is to extend the section to provide for the Commissioner's advice, assistance and related function to extend to people who suffer an impairment whether of a physical or intellectual nature. Currently the Act confers the powers on the Commissioner in respect of 'handicapped persons' only.

The Hon Mr Griffin has sought information on the extent of activity by the Commissioner under this section, that is section 12. However, as yet it has not been proclaimed, The section has significant resource implications. The work of the Commissioner relating to her educative role, a role which I agree is very important, is currently being performed under section 11 of the Act.

I refer now to the Hon. Mr Griffin's comments relating to clause 13 in relation to pregnant women in employment. As presently drafted, the Act does not presently apply to discrimination on the ground of pregnancy where, among other things, the discrimination arises out of dismissal from employment and there is no other position in the same employment that could be offered to the woman, being a position that is vacant and is appropriate to her skills and experience and could be undertaken by her without her being a danger to herself or others.

The State Equal Opportunity Act is narrower than the Commonwealth Sex Discrimination Act. As a result, most complaints about private sector employers are taken up under Commonwealth legislation. These stringent conditions which are imposed on a complainant to show that there is another vacant position which she could occupy has rendered the present section 34 (3) of the Equal Opportunity Act of limited value in respect of any employer other than the public sector. Because of these exemptions, only complaints against the public sector are taken under the State Equal Opportunity Act.

At present, the Equal Opportunity Act places no onus on an employer to seek to accommodate the needs of a pregnant staff member—not even to consider whether there are other tasks she might perform, or whether the work of several staff could be reallocated so as to make use of them all. The effect of clause 13 therefore is to ameliorate the severity of section 34 (3) while still protecting the reasonable needs of employers.

The amendment, by referring to 'work' as opposed to 'position', will have the effect of requiring an employer to satisfy himself or herself not only that no formal vacant position exists but also that no other suitable duties are available regardless of whether they are attached to any single identifiable position.

The amendment will enhance the protective ambit of the Act for pregnant women. I do not see that the revised provision should result in conflict with industrial legislation. This matter was considered by the Department of Labour which advised that there was no conflict with the Industrial Conciliation and Arbitration Act. The Act will continue to provide an exemption where there is undue risk or there is an incapacity to respond to situations of emergency. With respect to dismissal, the employer is only required to provide work which he or she could reasonably offer the woman.

The election which a complainant undertakes pursuant to section 100 of the Equal Opportunity Act 1984 will continue to apply. The Hon. Mr Griffin has expressed concern at the effect of clause 14 to extend discrimination in clubs and associations from sex to marital status and pregnancy. This is, in fact, already the situation under the Commonwealth Sex Discrimination Act 1984 (section 25 (1)).

The lower concessional membership fees for married couples, while clearly discriminatory, if applied only to married couples, can be continued if associations choose to offer joint membership regardless of the relationship of the parties, that is, in a non-discriminatory way.

I refer next to clause 15 and the honourable member's comments concerning trade unions and employer bodies discriminating on the grounds of sexuality. The 1984 Bill specifically omitted reference to trade unions and employer bodies because it was considered they were covered by the clubs and associations provisions of the Act. However, the Bill reintroduces a separate provision relating to the organisations covering discrimination on the ground of sexuality.

These bodies have a responsibility to inform their members that they cannot discriminate or be discriminated against on the ground of their sexuality in employment. It is incongruous that these bodies are themselves allowed to discriminate on the ground of sexuality. The Commissioner for Equal Opportunity considers that exclusion from such bodies on that ground is not uncommon and compounds the difficulties a person may have in social adjustment, especially via the enhancement of his or her chances for gaining employment. The Commissioner has been unable in the past to accept complaints from persons alleging discrimination on the gounds of sexuality by a union-type association.

With respect to the Hon. Mr Griffin's comments regarding the inclusion of organisations incorporated under Commonwealth legislation in the definition of 'association', I am advised that this provision does not necessarily fall outside the scope of the legislation. There is a general proposition that a legal entity established under Commonwealth law, operating within the State jurisdiction, will be covered by the State law unless that law is inconsistent with Commonwealth law.

The United Trades and Labor Council believes that many unregistered associations have sprung up in recent times, which should be covered (for example, Independent Teachers, University Staff Association, Disabled Workers and Prison Officers Association). New subsection (3) *(c)* has been included to cover these groups.

Clause 20 deals with the criteria for establishing discrimination on the ground of impairment. 'Presumed' impairment has always been in the Act. It is not considered that the addition of 'past impairment' will pose any major difficulty for employers. If an employee cannot do a job because of a past injury or any other reason, then that does not constitute unlawful discrimination. Any doubt as to the capacity of an employee can be resolved by a medical examination and certificate.

Clause 20 extends the criteria for establishing discrimination on the ground of impairment. Paragraph *(d)* provides that there would be discrimination on the basis of physical or intellectual impairment if the discriminator fails to provide special assistance or equipment required by the other person and the failure is unreasonable in all the circumstances. As there is, in section 66, already special accommodation for blind or deaf people who rely on their guide dogs, it is considered that this proposed amendment will have the effect of drawing to the attention of employers the need to ensure that persons who suffer from impairments should be given special assistance or equipment where, to fail to do so, is unreasonable.

The Government admits that the section does represent an increased obligation on employers but only in respect of vigilance for the rights and respect for the special needs of impaired persons. Thus, if the difference between the person having and losing his or her employment is the provision of special assistance or equipment, then the employer must ask himself or herself whether it is unreasonable in the circumstances to withhold such assistance or equipment.

Similar considerations apply to those who seek to be employed to those who seek accommodation, or to those who seek to be admitted to partnership, or whatever other ground is relied upon in the Act. The special assistance is not intended to be onerous, nor is it intended to replace the rehabilitative provisions in the WorkCover legislation.

The Hon. Mr Griffin has raised concerns regarding the interaction of the Equal Opportunity Act and legislation such as the Occupational Health, Safety and Welfare Act and WorkCover legislation. The Equal Opportunity Act recognises that there are cases where physical and intellectual impairment can be taken into account—for example, where the person cannot perform work adequately without endangering himself or other persons.

Where an employer knows that an employee suffers a disability and requires the employee to carry out duties which are likely to result in further inquiry, then the employer may be held liable in negligence to compensate the employee for any loss suffered if further injury does occur. Further, where an employer knows of an employee's weakness, has medical advice to the effect that an employee should not perform certain duties and yet orders the employee to perform those duties, the employer may be in breach of his or her obligations under section 19 of the Occupational Health, Safety and Welfare Act.

As a result of the various obligations, employers can take into account the physical and intellectual disabilities of an employee where these disabilities are relevant to the performance of the duties of the position. A person with a known disability should not be excluded from consideration for a position simply because they suffer a disability. Where a person selected for a position does suffer a disability, consideration should be given to whether the disability is such that the person can safely and adequately fulfil the requirements of the position.

If the answer is 'No', but reasonable steps can be taken to protect the person and enable them to carry out the tasks required of them, then it would be unreasonable to withhold the position from the person. If such steps cannot be reasonably undertaken, then the person would not need to be given the position. The exclusion of the person from a position because it would be unsafe for them to perform the duties of the position is consistent with the obligations imposed by section 19 of the safety Act and would not amount to discrimination for the purposes of section 67 of the Equal Opportunity Act.

The issue of safety and capacity of an employee may well require medical or para-medical assessment of the physical and emotional capabilities of the person concerned. If an employer has knowledge that an employee suffers a disability prior to appointment, he or she could seek medical advice as to the suitability of the employee to carry out the duties of the position. If the employee is certified fit to perform the duties, then it would be unlikely that the employer could be considered negligent or to have acted contrary to section 19 of the Occupational Health, Safety and Welfare Act by making the appointment, should further aggravation occur.

Medical advice could also indicate that a refusal to appoint was reasonable and, therefore, not discriminatory for the purposes of the Equal Opportunity Act. The medical advice may be in terms that the duties could be performed safely and adequately if certain measures were taken. The employer could then evaluate these and determine whether they could reasonably (in terms of financial and practical consequences) be implemented. If the decision was that they could not be, the medical opinion could then form part of the employer's justification of its actions in terms of the various obligations imposed on it.

Clause 32 amends section 81 of the principal Act so that exemption from the provisions of the Act relating to sport are now extended to persons suffering from impairments generally. Parliamentary Counsel has considered the matter and is of the view that the term 'mental' attributes is appropriate given the context of the provision. However, the use of the word 'intellectual' would also be acceptable.

The Hon. Mr Griffin has expressed concern at the inclusion of representative complaints in clause 38. This clause amends section 93 of the Act and indicates the types of persons who are able to bring a complaint under the Act for any contravention of its provisions. It does not represent a revival of the full class of representative complaints that was provided for in the original anti-discrimination Bill introduced into this Parliament back in 1984. Instead it echoes the provisions of section 50 (1) *(a)* of the Commonwealth Sex Discrimination Act.

As drafted, clause 38 will not allow representative or class actions, as those expressions are commonly considered. However, I agree that any person who is aggrieved and is to be represented should consent to the action and be bound by the decision. I will consider the need for an amendment to achieve this end.

Clause 39 inserts a new provision which will allow the Commissioner to conduct inquiries. However it should be noted that there are checks and balances on the exercise of that power:

(1) it can only be exercised pursuant to a reference by the Equal Opportunity Tribunal; and

(2) such a reference can only arise after the Minister has approved the Commissioner making such an application to the tribunal in the first place. In some respects it is similar to section 52 (1) of the Commonwealth Sex Discrimination Act. Under the present law the Commissioner can only act when a complaint is lodged. However, there are, in her experience, many cases where persons are not prepared, for a variety of reasons, to lodge complaints that could usefully be the subject of a wider inquiry or, in fact, of an inquiry at all.

Clause 41 refers to a six month time limit for a complainant to seek to have his or her complaint, which has been declined by the Commissioner for Equal Opportunity, referred to the tribunal. This period was considered to be a reasonable period for the purposes of the section. However, I would not have any major concern if the six months time limit was reduced to three months.

In respect of the Hon. Mr Griffin's final point, I do not see any justification for sheltered workshops to be given a general exemption from the provisions of the Act. Waiting lists or priority of service needs which are not based on factors set out in the Act would not be discriminatory. If the criteria to be used by the sheltered workshop are discriminatory it could apply for a specific exemption from the tribunal.

In recent times I have received further representations in respect of equal opportunity legislation. In particular, I have received a submission from the Minister of Health on behalf of the Mental Health Unit of the Health Commission. The proposal from the Mental Health Unit is that the equal opportunity legislation should also cover equal opportunity for persons suffering from mental illness. The submission that I received indicates that the Victorian legislation gives a definition of 'malfunction of the body', which includes:

> . . . a mental or psychological disease or disorder as well as a condition or malfunction as a result of which a person learns more slowly than persons who do not have that condition or malfunction.

It is therefore argued that the Victorian legislation is wider than the South Australian proposal in the Bill, which confines the extension of anti-discrimination provisions to intellectual impairment but does not include in that definition the mentally ill.

The suggestion from the Health Commission is that amendments similar to those in the Victorian legislation should now be considered and, specifically, that the current exclusion relating to mental illness, which is in the Bill before the Council, should be deleted.

Ms Liz Dalston, the Executive Director of the South Australian Association for Mental Health Incorporated, has written to me to express the association's concern about the continued exclusion from the State's Equal Opportunity legislation of persons who have cause to use the mental health services. The letter states:

> It is likely that people with intellectual disability will shortly be included in the Act and a private member's Bill seeks to also include the aged.

Indeed, that has already been announced by the Government. The letter further states:

> This will leave people with psychiatric disability the most discriminated against group in the community. This further compounds their extreme vulnerability in competing for jobs, accommodation and other services and gives them no legal grievance procedure.

The letter then goes on to seek my support for an amendment to the Equal Opportunity Act to include psychiatric disability. I draw those submissions to the attention of members to indicate that there is another issue that the Parliament will have to consider, if not in conjunction with this Bill, at least at some time in the future.

I will certainly consider the representations from the Health Commission and from the South Australian Association for Mental Health. However, I am not sure that that consideration will be concluded in time for those representations to be accommodated in this Bill. This Bill, which relates to intellectual impairment, has had a long gestation period. It has been under consideration for some time. The Government has accepted this as a policy for some time and the legislation dealing with this issue has been the subject of a report, which was made public, and of legislation, which has also been made public.

During the process of the preparation of this Bill, discrimination on the grounds of mental illness was not included. To do so at this stage may well mean further delays in the inclusion of provisions relating to intellectual disability. The

problems I see, given that intellectual disability has been considered now for some considerable time and is virtually on the verge of being passed, is that to add mental illness as a ground at this stage may well delay the passage of this Bill. I point out that, because the intellectual disability provision has been considered now over some time, the Government has made clear that resources will be made available to implement this legislation as soon as it is passed. It is provided for in this financial year's budget.

However, the resource implications of including mental illness in the Bill have not yet been adequately considered. Therefore, if mental illness was included, we would be embarking on extending anti-discrimination legislation without proper consideration of the resources that might be needed to implement it.

The second problem is that because mental health was not included in the debates leading up to the introduction of this Bill, there has been inadequate consultation on the question of including mental illness. I imagine that submissions would be made on that issue if the matter was raised in the public arena. So, while I would be interested in hearing the views of members opposite on the proposals and representations that I have received to include mental illness in the equal opportunity legislation, I am reluctant to see this Bill delayed to enable that to occur and to enable attention to be given to the appropriate drafting and the necessary resources.

However, if members opposite indicate their immediate support and consider that an amendment could be passed at this stage, I would be prepared to examine the matter. My view is that this Bill dealing with intellectual impairment should be dealt with and passed, because it has been the subject of so much discussion to date. Then, I will certainly be willing to prepare a discussion paper on the topics raised by the Health Commission and the South Australian Association for Mental Health to embark on a consultation process with a view to extending the legislation to cover mental illness.

I certainly have no objection in principle to that course of action but I believe that, before doing so, we should look at a considered draft and consult about it with the organisations concerned, including employer organisations, and examine the resource implications of such a move. I have answered the queries raised by members on the substantive Bill before us, and I felt that I should raise with the Council the question of extending equal opportunity legislation to cover mental illness. I would certainly be interested to hear during the Committee stage any comments that members might make on that topic.

Bill read a second time.

BUDGET PAPERS

Adjourned debate on the question:

That the Council take note of the papers relating to the Estimates of Payments and Receipts 1989-90.

(Continued from 7 September. Page 799.)

The Hon. DIANA LAIDLAW: There are several issues that I want to address in relation to these papers, and generally they relate to non-government organisations. I want to address in turn financial concerns, family care accommodation, the interviewing of children in relation to child protection practices and procedures and substitute care.

It is my firm view—a view reinforced after listening to and reading the Estimates Committees on the Community Welfare budget—that non-government welfare organisations face a most uncomfortable and uncertain future in relation to their funding arrangements. That is not only because of Federal Government cut-backs to State Governments, in turn passed on to non-government organisations (although that is in large measure a matter of grave concern) but also because of other features, including applications for industrial awards, which are currently before the Federal and State Industrial Commissions, and which have been sponsored by the Australian Social Welfare Union.

One of the awards relates to crisis and supported housing. That is before the Federal Industrial Commission. The second award, relating to social and community services, is before the State Industrial Commission. At this stage certainly all parties have not been heard, and it is uncertain when those awards will be determined finally. Initially it was considered that it would be some time this financial year. In the Estimates Committee the Minister suggested that it might not be until next year.

I am concerned not only about the impact of these awards on non-government organisations but also that too little planning appears to have been done within Government circles to assess the ramifications of these awards not only on the financial future of the organisations but also on their future in terms of meeting the demand for services from an ever-increasing number of individuals and families who need extra support for a whole variety of reasons.

A third matter in relation to financial concerns is the increasing intrusion by the Lotteries Commission in traditional areas of fundraising for charities in this State. I want to address that issue for a while, because it is becoming increasingly difficult for charities to survive. The population in this State is generally concerned about declining levels of disposable income, yet the demand on non-government services is increasing and the non-government sector is finding it more and more difficult to meet that demand.

In such an environment it seems quite outrageous that at present and in the future the Lotteries Commission should seek to intrude in this delicate and sensitive area for non-government charitable organisations. The manner in which the Lotteries Commission is seeking to intrude in this field is another issue of contention that I also wish to address. Members may have had a chance to read the Lotteries Commission report for the last financial year. If so, they would have seen, as in the past three annual reports, that the commission notes the declining interest in lotteries in this State. Because of that resistance by South Australians to participate in lotteries, the Lotteries Commission has taken upon itself to look at other avenues of raising money. In so doing it is intruding by stealth into areas traditionally the domain of charities.

Certainly it was by stealth that the non-government organisations learnt of the latest proposed initiative by the Lotteries Commission to introduce Keno into clubs. As I indicated in question time this week, it was only when one member organisation of the Australian Institute of Fundraising read the annual report of the Lotteries Commission that it realised what was the proposed course of the commission. It has since raised a public furore on the subject and called on the Premier to intervene and at least require the Lotteries Commission to do an assessment of the impact of Club Keno on the fundraising capacity of charities before proceeding with the pilot program.

I understand that the Premier is not keen to pursue that course and that a spokesman for the Premier has indicated that the Government's option is to have an assessment three months after the pilot project has been introduced in some 30 to 40 clubs in South Australia as from February. It is

my view, and I believe the united view of member organisations of the Australian Institute of Fundraising in this State, that such a course is totally unacceptable. It gives the stamp of approval to Keno in lotteries and takes no account of the fact that in all such instances—

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: I am talking about the assessment of Keno in clubs. When initiatives such as this have been taken elsewhere, the impact has not been felt so much in the first instance or within three months, but over time with an accelerated impact. Even if the Government was to proceed on a course of having an assessment after three months, the true impact on charitable organisations so soon after the introduction of such an initiative would not reveal the true and lasting impact on the charitable organisations.

The other matter offensive to charitable organisations is that the Lotteries Commission determined last year, by the same means of non-consultation with the sector with which it sought to compete, that it would introduce instant bingo in hotels.

On that occasion the Premier decided to intervene and set up a working party. At this stage we have not seen either the report or anything more about it. For reasons of consistency, if for no other reason, the Premier should organise another working party to stall this initiative. That would be of some consolation to charitable organisations in this State. I plead with Government members to look at this course of action because each year charitable organisations stand to lose at least $500 000 as a result of this exercise. Members opposite always talk about social justice, and the like, and it is impossible to see, even if the Government had the will to do so, how it would make up the shortfall to the organisations providing services to people in need in this State.

Rather than the Government having the appearance of being addicted to gambling if it does not halt this exercise, it could provide some consolation to charitable organisations by saying that it is prepared to assess the impact on their activities before giving this course of action the stamp of approval. The charitable bodies in this State—including Guide Dogs for the Blind, The Anti-Cancer Foundation and the Spastic Centre—are not small organisations, and they have all pleaded with the Premier to put a stop to this exercise and have an assessment made. I endorse that step.

In relation to lotteries and fundraising generally, I wish to make a couple of points. I share with the Liberal Party a distaste for the Government's decision about a year ago to move the small lotteries division from recreation and sport to put it under the umbrella of the Lotteries Commission. Each has an opposite purpose, as I tried to outline when I was highlighting the dilemma charitable organisations face with Club Keno and with trying to stop the Lotteries Commission in that exercise.

Charities in this State have a number of outlets for fund raising activities. However, whenever the Lotteries Commission and its agencies enter this field, the agencies are required by the regulations under the Lotteries Act not to sell any tickets for any other lotteries. The Government has put the small lotteries division under the umbrella of the Lotteries Commission and at the same time given the stamp of approval for the Lotteries Commission virtually to stamp out all fundraising activities in all the sites these organisations have traditionally used to raise funds.

There is a real conflict of interest involved in this move and I indicate (as I have privately) that a Liberal Government will wind back this measure and, in Government, we will place the small lotteries division under Treasury, possibly, but certainly away from the Lotteries Commission. As I said, there is a conflict of interest in that regard. This is not my view alone. I will read an extract from a letter to the Premier in July last year, when this was first mooted, from the Australian Institute of Fundraising. The letter states:

> The institute considers any involvement of the Lotteries Commission in the administration of charitable fundraising a distinct conflict of interest. There is no compatibility between the Lotteries Commission and philanthropy in South Australia. The voluntary sector presently works within the guidelines and legislation under the Lotteries Act, which clearly precludes the Lotteries Commission.
>
> Clearly the Lotteries Commission operates within different ground rules that are totally weighted in favour of the commission, and as such, perpetuates a longstanding inequality that is of real concern to the voluntary sector.
>
> The institute considers that the inspectorial role was well placed, and, within obvious constraints, administered appropriately by the Racing and Gaming Division (Small Lotteries) [Department of Recreation and Sport].
>
> The institute is of the firm opinion that there should be an independent, impartial and authoritative administration of the Collections for Charitable Purposes Act, including the inspectorial role.
>
> Again, in the absence of any consultation, the institute sees the take-over as a direct conflict of interest. Member organisations are vitally concerned that diminishing opportunities to fundraise are also threatened by the prospect of the Lotteries Commission becoming involved in their traditional market place.

Since that letter was written on 15 July we have seen the Lotteries Commission first propose instant bingo in hotels and, more recently, keno in clubs. The basis of the institute's concerns has certainly been well founded. The regulations under which fundraising organisations must operate are outdated and should be overhauled. I note that there are 31 regulations and, upon reading them, it is quite apparent that they have been drawn up by people who clearly do not believe that the major charitable organisations in South Australia have any capacity or expertise to conduct their own affairs.

I understand that the Premier in speaking to these organisations indicated his willingness to revise the regulations but, like so many of the earlier consultations with the Premier, he says one thing but lack of action is the result, and organisations wait for months and months.

The Hon. R.I. Lucas: It's a freeze.

The Hon. DIANA LAIDLAW: It is a freeze; organisations believe what they hear from the Premier, but then they see nothing as a consequence of those decisions and they are left in an absolute void, not knowing whether their earlier concerns will be perpetuated or have been resolved on the Premier's word. The Premier has suggested his willingness to review the regulations, but these organisations, which are providing vital services in this State, have heard no more on the matter.

Lastly, concerning fundraising organisations, I highlight a most amazing situation relating to two organisations of which I am aware, the Flinders Medical Research Foundation and Orana Inc. At the end of last financial year both organisations applied to the Small Lotteries Division for a licence to hold a lottery: they were both denied such a licence. The lotteries proposed in the applications were the same as lotteries that these groups had run for many years. On this occasion they were raising the ticket value and, in doing so, learnt from the Small Lotteries Division that there was a quota on the value of tickets that could be sold in a certain number of lotteries each year. The Small Lotteries Division had already issued licences up to quota. These major organisations found this situation amazing, because they had never previously heard of the quota. They read the regulations, and there is certainly no regulation that there should be a certain number of lottery licences issued up to a value of $100 000 a year.

On investigation, it appears that this is an arbitrary administration decision by the Small Lotteries Division and that that arbitrary ceiling has been imposed by the Small Lotteries Division since it has come under the umbrella of the Lotteries Commission. It is a possibility that this is another step by the Lotteries Commission to curtail any competition in respect to fundraising in this State. If that is the case, in my view it is absolutely detestable, and the Government should move forthwith to get rid of that ceiling.

It seems to me that, if those organisations meet the licence provisions under the Lotteries Act, they have every right to proceed with the conduct of their lottery, no matter the value of the tickets they seek to sell. I ask the Government to look at this issue as well as the other issues I have raised with respect to the Lotteries Commission and fundraising by charities in this State.

I refer now to audio and video recording of interviews with children, which was the subject of an interdepartmental working party formed at the request of the Department for Community Welfare in September 1988. The working party, chaired by Mr Alan Moss, Assistant Crown Solicitor, reported on 5 April, and its report was strongly in favour of a number of initiatives in relation to audio and video taping of children's evidence. The first recommendation is as follows:

The department branch head circular No. 1904 be rescinded.

I remind members that that branch head circular refers to a Community Welfare memo by former Deputy Chief Executive Officer, Ms Leah Mann, who has since resigned and moved to Victoria, I understand. That branch head circular stated:

While field staff in the department had been advised by Crown Law to use tape recorders when collecting evidence from children in initial interviews, the department believed there were some advantages and disadvantages in relation to the use of tape recorders and, therefore, indicated that, until guidelines were developed for their use, such recordings would not be authorised within the department.

As I said, the working party looking at this matter recommended that that branch head circular be rescinded. The recommendations continue:

2. That the department forthwith commence preparation and study for the purpose of introducing a practice of audio recording interviews with children, and in particular:

(a) identify and commence purchase of suitable audio recorders.

(b) establish guidelines for the use of audio recorders in significant interviews.

(c) commence a program for the training of workers in the use of audio recorders in interview situations.

(d) establish practices to ensure the safe-keeping and integrity of recordings.

(e) commence as soon as practicable trial programs in two or more identified district offices.

(f) introduce as soon as practicable, and in any event no later than 12 months from the date of this report, a general practice of audio recording interviews with children.

3. That the department forthwith commence studying and evaluating the use of video recording interviews with children with a view to establishing a pilot study in either:

(a) one identified district office, or

(b) the psychological unit of the department.

Such pilot study should commence within 12 months of the date of this report and be evaluated within 12 months of the commencement of the pilot study.

4. That the department seek the advice of Parliamentary Counsel on the need, if any, to amend the Listening Devices Act and the Children's Protection and Young Offenders Act.

5. That the department concentrate greater effort in training those officers involved in interviewing children in appropriate forensic interview techniques.

In relation to those recommendations presented to the Minister of Community Welfare on 5 April, it was quite apparent during the Estimates Committees that no progress has been made on any of them and I found that a most disturbing revelation. Although many words were uttered by various people during the Estimates Committee suggesting that various things were being looked at, in terms of the analysis of all the rhetoric by public servants and Ministers to a series of questions from the Liberal Party about this matter, it was apparent that no money has been provided by the Government for the implementation of these recommendations or the purchase of audio or video equipment.

In respect of the best interests of children who are the alleged victims of child abuse, in my view it is absolutely imperative that, if we are to have a system of integrity in this State that addresses child abuse allegations, we must endorse the recommendations in that working party report. Further, we must invest in the necessary equipment to ensure that officers are trained and the equipment is purchased so that the children are dealt with fairly and with the least pressure and ordeal in cases of allegations of child abuse.

When one sees the resources that successive Ministers of Community Welfare have provided in this area over some time and the sharp increase in notifications of abuse, it is most disheartening that, when it comes to such a positive and firm recommendation from a wide range of people involved in child abuse matters, no action has been taken by the Government on perhaps the most important aspect in terms of the welfare of children in this whole stressful business of child abuse and protection.

The next issue I want to address briefly relates to substitute care. It is of major concern that the Government has procrastinated for so long on this subject of permanency placing for children who, for a variety of reasons, must leave their parents' home for short or extended periods. In opening the session of Parliament in August 1988 the Governor indicated that the Government intended to introduce amendments to the Community Welfare Act in relation to the concept of permanency placement. There would then be a further option of guardianship to overcome many of the horrors in the current system of foster arrangements in this State where children are moved in many cases from one family to the next. They do not receive the rewards of living in a stable family environment.

In such instances, a child's ability to gain confidence and to trust other people, enjoy the benefits of stable caring family relationships, and possibly establish satisfactory relationships in later life is certainly diminished. While such a measure was proposed by the Government in August 1988, no such Bill has been introduced during the previous 12 months. The Governor did not refer to such a Bill when he opened this session of Parliament.

During the Estimates Committee the Minister admitted that there would be no such Bill before Christmas, and possibly before an election. One of the reasons for this appears to be some concern or reservation on the part of the Minister as to how this measure will be received in the electorate—and certainly then how it will be received by the Opposition. For my part, I can say very firmly that I am in favour of the principle of permanency planning. However, I have grave reservations about the application of such a principle when the department does not have other aspects of its practice in order. For instance, I refer to its practice of removing children from their home without a clear plan of action of how that will benefit the child.

Also, as to Government funding, it has not been a priority of the department to put resources into activities to help parents who have been identified as having parenting problems or as having been violent in their actions, to help them overcome what the department deems to be inappropriate

behaviour and an inappropriate environment for a child to live in. Support is simply not available to parents in such a situation.

I think it is difficult to argue that we should be moving to implement the principle of permanency planning until we can say with confidence that these other programs are in place. It is impossible for parents to ever be able to satisfy the Department for Community Welfare officers and the court that they have been able to address the circumstances which the department in its application to the court has identified as being unsatisfactory, if the resources are not there to help those parents overcome those circumstances. If those parents are not prepared to seek to redress their behaviour, that is another matter. I would wholly endorse the dept taking permanent steps in this field, but I do not believe that we can argue that that should happen until the other resources are made available, where parents do express a willingness and show a determination to improve on standards of behaviour, so that there is an acceptable, comfortable and safe environment for a younger person to return to.

I have a difficulty in respect to the permanency planning issue on one further basis. I refer to the relatively poor support that is currently provided to the voluntary agencies providing substitute care facilities and services at present. These agencies, including Lutheran Community Care, Anglican Child Care, the emergency foster care program (Seventh Day Adventists), and the like, have been relatively starved of resources for their foster care/substitute care programs. For instance, the provision of emergency care is recognised as a preventive program which provides short-term respite for parents and children. If a child is removed from an environment for a short time and then returned, this can benefit both the child and the parent. This practice is recognised worldwide as a preventive service. It is regretable that we do not have the money for these types of services. If we do not provide the voluntary care associations that run these very cost effective services with the funds to find and support families and to operate emergency, teenage and respite care programs, all of which have a preventive base, we will find—and it has been found—that the family problems are magnified to such an extent that there is a crisis situation. In that situation, the department is now arguing the child should be removed permanently from the family.

That is the third source of my disquiet about the implementation of permanency planning practices before the department—with Government assistance—has those other matters in order. While I support permanency planning in principle, it is wrong to proceed with such a relatively drastic measure in the life of a child and other family members before we have adequately funded and supported other preventive measures to ensure that such drastic action does not have to be taken. We must also ensure that the department has its act together in relation to the manner in which it assesses a child's needs, the needs of the family and the action it proposes to take. It should be confident that that plan of action is in the interests of the child before moving to a system of permanency planning.

Finally, an excellent report was prepared recently in relation to substitute care. It examined the educational requirements of children in substitute care and highlighted that far too little attention has been given to providing and meeting the educational needs of these children. If special attention is given to children in substitute care they have enormous capacity to learn; they are prepared to learn and to realise that a variety of options is available to them that they have never dreamt was possible. Much research is outlined in a discussion paper on this subject, prepared by the department in 1987 and 1988. Plenty of proof is provided by Anglican Child Care and Lutheran Community Care on this subject. Again, we face the problem that resources are not available at this early stage to help these children. I highlight my disappointment and the disappointment of the workers in this area because we know that these children will be seen in a few years in Hindley Street, in residential care, before the courts or in secure care.

It is in the best interests not only of the child and the family but also of the community that we put in resources at this early stage. It is also more cost effective in terms of allocating limited resources in this field.

I conclude on the note that, although I see in the Department for Community Welfare's Estimate of Payments and Program Estimates this year an appearance that the department is seeking to focus much more on the family and the family environment and preventive care, upon questioning it was quite apparent that the rhetoric does not stand up to the practice. That is my disappointment in relation to the Community Welfare budget for this coming year.

I would certainly fight within a Liberal Government to ensure that we put resources into a different approach to these problems so that we looked at the problems and helped the families and children before we got to a far more damaging situation within families and that we had a far more cost effective manner of addressing the problems when they reached crisis stage. That is what is happening at the present time, and it is a matter that we, as legislators, policy makers and concerned individuals, should be addressing. I assure members that what is happening now is not in the right perspective.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

APPROPRIATION 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.

It is the annual Appropriation Bill to give effect to the budget which was introduced in the House of Assembly some weeks ago. The budget papers, including the Treasurer's statement on the budget, have been tabled in this Chamber. I commend the Bill to honourable members. The form of the Appropriation Bill is similar this year to last year.

Clause 1 is formal. Clause 2 provides for the Bill to operate restrospectively to 1 July 1989. Until the Bill is passed, expenditure is financed from appropriation authority provided by Supply Acts. Clause 3 provides a definition of Supply Act.

Clause 4 provides for the issue and application of the sums shown in the first schedule to the Bill. Subsection (2) makes it clear that appropriation authority provided by Supply Acts is superseded by this Bill. Clause 5 provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

Clause 6 makes clear that appropriation authority provided by this Bill is in addition to authority provided in other Acts of Parliament (except, of course, in Supply Acts). Clause 7 sets a limit of $20 million on the amount which the Government may borrow by way of overdraft in 1989-90.

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

ADJOURNMENT

At 5.40 p.m. the Council adjourned until Wednesday 11 October at 2.15 p.m.