LEGISLATIVE COUNCIL

Thursday 26 October 1989

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

CROYDON PARK COLLEGE OF TAFE

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

Croydon Park College of TAFE Technology Centre for Printing and Visual Communication.

PAPERS TABLED

The following papers were laid on the table:

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

Department of Marine and Harbors—Report, 1988-89.
The Treasury of South Australia—Report, 1988-89.

By the Minister of Local Government (Hon. Anne Levy):

Coast Protection Board—Report, 1987-88.
Department of Environment and Planning—Report, 1988-89.
State Transport Authority—Report, 1988-89.

QUESTIONS

BREAST CANCER

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 breast cancer.

Leave granted.

The Hon. M.B. CAMERON: I understand that women who have been diagnosed as having breast cancer must wait on average five weeks before obtaining treatment at the Royal Adelaide Hospital. I am advised that this situation has existed for virtually the whole of this year. Of grave concern to doctors working at the hospital is the fact that women who show up abnormalities during mammography screenings now have to wait two months or longer for follow up investigations to be carried out at the Royal Adelaide.

I am told that doctors treating patients at private hospitals (women who are privately insured) would not want to delay for more than a week following up abnormalities discovered in mammograms. Similarly, they would not want treatment on existing cases of breast cancer to be delayed longer than a fortnight. They consider that to be the ultimate time that women should have to wait. Clearly, public patients appear to be at a severe disadvantage when seeking breast cancer assessment and treatment in our public hospitals, solely because of a lack of resources.

Breast cancer is the largest cancer killer of women today and, of the 500 South Australian women who are annually diagnosed as having breast cancer, 200 will die. Prompt identification and treatment of breast cancer is paramount to a successful outcome. Naturally, once suspected or diagnosed as having breast cancer, any delay in treatment can cause extreme anxiety and distress to women. I have been contacted by one person in that situation and have been told that she will have to wait for at least the five-week period. Will the Minister explain what steps the Government is taking to reduce the lengthy delays women are experiencing in obtaining treatment, or follow-up investigations, for breast cancer or suspected cases of breast cancer at the Royal Adelaide Hospital and other public hospitals?

The Hon. BARBARA WIESE: I will refer those questions 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 Minister of Local Government a question about Marineland.

Leave granted.

The Hon. K.T. GRIFFIN: On 27 September the Minister said that the lease to Zhen Yun Australia Hotels Pty Limited from the West Beach Trust had not been registered because the earlier lease to Tribond Developments Pty Ltd was still registered on the title.

At the time, the Minister said that steps were being taken to have the lease to Tribond removed. I am told that solicitors for West Beach Trust wrote to the receiver of Tribond Developments Pty Ltd on 20 October claiming a right to re-enter the land and threatening that if a surrender of the Tribond lease is not executed within seven days further action will be taken. Presumably, that refers to eviction of Tribond and consequently the Abels family who, as everyone knows, is presently looking after the facility, including the dolphins.

The prospect of entry by West Beach Trust and the eviction of Tribond Developments Pty Ltd does raise further important questions about the dolphins at the Marineland complex because, once the West Beach Trust has evicted Tribond and the Abels, the question is what is to be done with the dolphins. Then it becomes an issue directly for West Beach Trust and the Government and no longer an issue for the receiver, Mr Heard. Who will then take responsibility for the dolphins? While the lease to Tribond remains registered, the receiver has the right to run the Marineland facility. When registration ceases, presumably the lease to Zhen Yun will be registered and maybe it will then have the responsibility for dealing with the dolphins. My questions are as follows:

1. What does the West Beach Trust or the Government intend to do with the dolphins once the lease to Tribond is cancelled?

2. What action does the West Beach Trust propose to take in respect of the cancellation of the Tribond lease and when is that action likely to be taken?

The Hon. ANNE LEVY: I cannot answer the second question—that is a matter for West Beach Trust. I have no doubt that it is acting in full consultation with its lawyers in this matter. As I understand it, it wishes to have the Tribond lease, which is currently registered, removed so that the Zhen Yun lease can be registered. I also understand that there has been no cooperation from Tribond or Tribond's representatives to achieve this aim. As a consequence, the trust, through its lawyers, has taken the step indicated by the honourable member. I presume the trust is acting on legal advice and will follow the appropriate legal steps.

With regard to the dophins, that is a matter for West Beach Trust, as I understand it. The dolphins are certainly not owned by the Government. The Government, while having a responsibility for animal welfare, does not have any broader responsibility in this respect. I will be very happy to refer the honourable member's questions to the West Beach Trust and bring back a reply.

DOCTORS' STRIKE

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about a doctors' strike.

Leave granted.

The Hon. R.J. RITSON: I am reliably informed that last night at a meeting of salaried medical officers a resolution was passed to the effect that full-time salaried medical specialists in the State's public hospitals will go on strike next Thursday. I understand also that it will be a partial strike and that they will work half the number of hours they usually work.

In view of the damage already suffered by our public hospital system as a result of, amongst other things, Medicare and, more recently, strictures of State Government funding, the waiting list system is already in crisis. Members do not have to exercise too much imagination to realise the effect of such a reduction of work on the part of the specialists on the waiting times for less than urgent patients. Does the Minister agree that a dispute exists? Will the Minister explain the nature of the dispute to Parliament and to the public? Will the Minister take a leadership role in bringing the dispute to a rapid resolution by negotiation and will he do this avoiding the inflammatory techniques employed by his colleague, Mr Hawke, in the pilots' dispute?

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

HOMESTART LOANS PROGRAM

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Housing and Construction, a question about HomeStart.

Leave granted.

The Hon. CAROLYN PICKLES: Today's *Advertiser* carried a quotation from the Leader of the Australian Democrats (Hon. Mr Gilfillan) that the Government did not have the money to subsidise its HomeStart loans scheme. This claim has worried some of my constituents who have already contacted me about this matter. Will the Minister advise how the HomeStart loans scheme is being funded?

The Hon. BARBARA WIESE: Since the Hon. Mr Gilfillan asked his question in this place yesterday, and particularly because this article appeared in this morning's paper, I have made some inquiries of my colleague, the Minister of Housing and Construction. I know that the article has led to a number of people expressing their concern and anxiety about the future of the HomeStart scheme. I am happy to provide information about how that scheme will be funded.

I think that the Hon. Mr Gilfillan has been rather mischievous in raising some of those questions, because it has been made perfectly clear from the very beginning, and was certainly stated at the launch of HomeStart, that the scheme would be financed and funds would be made available through the South Australian Financing Authority. In fact, SAFA, as it is known, started to raise money on the indexed bond market even before the announcement of the scheme and, so far, has raised close to $100 million to fund HomeStart in its first year of operation.

The success of this scheme so far in terms of applications for funding, etc., has now led the Minister of Housing and Construction to consider raising further funds through SAFA so that it might be possible to increase the number of loans in the first year of HomeStart. In short, the question of funding for this scheme is in no doubt whatsoever, and the allegations made by the Hon. Mr Gilfillan on this occasion and on some previous occasions are quite ill-founded.

The Minister of Housing and Construction recently offered to provide a full briefing to the Hon. Mr Gilfillan on the issue of HomeStart, and I understand that he has accepted that invitation and will receive a briefing on these matters some time tomorrow. I certainly hope that, once he has received his briefing, the honourable member will deem it appropriate to retract publicly the suggestions he has made in this place that no funds are available to finance this scheme.

INTEREST RATES

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, as leader of the Government in the Council, a question about interest rates.

Leave granted.

The Hon. I. GILFILLAN: It was very exciting to read in this morning's *Advertiser* that Bannon slams higher rates. The report stated:

> Interest rates in Australia were intolerably high and would choke business investment and competition, the Premier Mr Bannon said yesterday.

It was also interesting to hear on the ABC, or perhaps other news bulletins, that the United Trades and Labor Council is this evening convening a meeting on reregulation of the banking system in Australia, at which some leading Labor-connected identities will speak on the absolute disaster that deregulation has been in relation to the economy, the financing of loans and interest rates in Australia.

I point out that the Democrats have argued consistently and for some time for the reregulation of the banking system. There has been plenty of time to prove that the deregulated system has been nothing but an unmitigated disaster as far as the macro-economics of Australia are concerned. There may have been some operational improvements and some lessons learnt for banking generally from the inclusion of other competitors in the field. Having acknowledged that, I think it is essential that we look as a Parliament (hence my question to the Government), at what has been the effect of this dramatic lifting of the lid off the Australian financial system.

Virtually all the purposes for which the banks were originally deregulated have not been achieved. We now have virtually record interest rates, record trade deficit and record high inflation, due in large part to high interest rates. Indeed the news today of the rising CPI indicates even further the deleterious impact of the current macro system on ordinary Australians. We are at the mercy of international money merchants. We are the target of hot money flowing in and out of Australia which must be caught, as the Federal Government has said, by high interest rates, otherwise we will be devastated.

The State Government cannot divorce itself from the overall global economic policy of the Labor Party in Australia. The President, whom I have just quoted—

Members interjecting:

The PRESIDENT: Order! The conversation is too audible.

The Hon. I. GILFILLAN: Apparently not too many members are interested in interest rates. I would remind the Council that the Premier, who is so indignant about interest rates, is the Federal President of the ALP. The high interest rates, which the Premier has so articulately con-

demned, are not working; they are crushing small business, crushing Australian entrepreneurial activity and crushing people who are trying to pay for their own homes. As well as that, they are increasing the costs of goods and services to all Australians, including the honourable members in this Chamber. The rise in the CPI, which is recognised as being caused significantly by high interest rates, has had an immediate impact on the value of the Australian dollar and on the Stock Exchange.

So, in the light of that, I address my question to the Attorney-General, who enjoys the exalted rank of No. 3 in the hierarchy of the Government, and with some confidence I therefore address the question to him—

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: In face of the interjections which are challenging that previous statement of mine, I would like to indicate that the Democrats have no difficulty at all in attributing No. 3 status to the Attorney-General, who is the Leader of the Government in this place. We regard him as a very significant and influential member of the Government, and that is why I address this question to him with some confidence, expecting a substantial answer.

Does the Bannon Government, of which the Attorney-General is a key member, being No.3 in that hierarchy, believe that deregulation of the banking system has been a factor in the intolerably high interest rates? Does the Bannon Government agree with and/or support the move by the United Trades and Labor Council to reregulate the banks? What is the Bannon Government doing in regard to these, and I quote the Premier, the Leader of the Government, 'intolerably high interest rates'?

The Hon. C.J. SUMNER: I thank the honourable member for his complimentary remarks about my status and influence in the Bannon Government. It is gratifying to know that he considers me a key player in the success of the Bannon Government over the past seven years. The honourable member has raised the question of interest rates, which I understand was dealt with yesterday in the House of Assembly by the Premier, and I am sure the honourable member would be able to peruse yesterday's *Hansard* to ascertain from the Premier's comments the Government's position in relation to interest rates.

I believe it is fair to say that, when the Federal Labor Government acted to deregulate the Australian economy and, the financial system, to float the Australian dollar and to take steps to restructure Australian industry by moving towards lower tariffs, that action was applauded by most sections of the Australian community. In fact, it is the one thing about which economic and financial commentators in this country are agreed upon, namely, that the action of Hawke and Keating in the deregulation of the financial sector in Australia was desirable to restructure manufacturing industry by lowering tariffs and to open up the Australian economy and financial system to the competition of the world economic forces. I would have thought that in general principle that was hard to argue with. The fact of the matter is that, whatever the Democrats say from their privileged position of not having to worry about whether policies are implemented—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If members will stop interjecting, they will get their answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: As I said, I thought that the notion that Australia had to become more competitive in the world economy was a proposition that all members of the Chamber would agree with, except, as I said, apparently the Democrats. The reality is that a more productive entrepreneurial ethic and economy in this country should be developed; that is accepted. I believe that is why economic commentators accepted almost without exception, that the decisions taken by Hawke, Keating and the Federal Labor Government in relation to the deregulation of a financial system were desirable.

Indeed, most commentators compared the decisive action of the Hawke Government in this area—and, I might add, a large number of areas—with the failure to do anything about the restructuring of the Australian economy that occurred during the Fraser/Howard years.

The comparison is continually made between their period of virtual non-action when Mr Howard was Treasurer (and apparently unable to get his views through to the then Prime Minister, Mr Fraser) and the actions of the Hawke Government after coming to power in 1982.

Members interjecting:

The Hon. C.J. SUMNER: Certainly, a lot of people now have jobs who did not have jobs in 1982. One of the great achievements—

Members interjecting:

The PRESIDENT: Order! The Attorney-General has the floor.

The Hon. C.J. SUMNER: One of the great achievements of the Hawke Government, which is undeniably a significant achievement—is the job creation that has gone on in this country since the election of that Government. I would suggest that even the Hon. Mr Gilfillan in his more gracious moments would compliment the Hawke Government on those achievements.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: The honourable member has raised the question of deregulation of the banking system, and so on; I have merely placed the situation in context.

With respect to the question of the continued deregulation of the banking system, the honourable member has referred to a meeting to discuss this issue. Obviously, it is legitimate for groups in the community to consider whether the financial system should be regulated in some way. If the United Trades and Labor Council is having a meeting on this topic, I would certainly be very pleased to consider the results. Yesterday in the House of Assembly the Premier dealt with the question of interest rates from the point of view of the South Australian Government, and I would refer the honourable member to that question and the reply.

EFFLUENT

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Water Resources, a question about the escape of raw effluent into reservoirs.

Leave granted.

The Hon. J.C. BURDETT: Recently, I asked two questions concerning the escape of raw sewage into Hope Valley reservoir and the Torrens River. The escape of raw sewage into Hope Valley reservoir was acknowledged, but the escape into the Torrens River was denied, although I do not accept the denial. More recently, the Opposition has been contacted by several Hills residents who are most concerned at repeated instances of raw sewage overflowing into the Sturt and Aldgate creeks, which feed into the Patawalonga River and Mount Bold reservoir respectively.

I understand that the Heathfield sewage pumping station has recently broken down on three occasions in four weeks, discharging raw sewage into the Aldgate Creek, and then Mount Bold reservoir. The worst incident occurred in the early hours of 24 September 1989 when a car hit the pumping station, severing its power supply. The accident occurred at about 2.30 a.m. and the pumping station did not resume operations until 5.30 p.m., meaning that for about 15 hours raw sewage was overflowing into the watercourses which feed Mount Bold reservoir. Government figures show that in 1988, 1.13 megalitres of effluent flowed daily through the Heathfield plant, so that gives some indication of the volume of raw sewage which was released following this accident.

Two other incidents within a four-week period resulted in pumps failing and raw sewage flowing across the front lawn of a nearby property, and then into watercourses leading to Mount Bold reservoir. More recently, the Hawthorndene sewage pumping station failed on 16 October cascading raw sewage into Minnow and Sturt creeks, and then the Patawalonga.

During a power cut in the area, the pump stopped and sent a slug of raw sewage into the Patawalonga. Sturt Creek is a beautiful spot, with usually clear ponds which are, besides being a popular play spot for local children, the haunt of native black ducks, white-faced heron, frogs, tadpoles and many native bird species which come to drink. Residents in the area have quite rightly asked why the Government has not been able to provide a diesel pump as a backup and why additional pumps upstream cannot be installed to share the load.

A letter from the Minister of Water Resources to the member for Davenport states, incredibly, in part:

> It is regrettable that sewage has overflowed in these Hills areas. Operational problems are being experienced which, in the main, are thought to be due to the intrusion of stormwater into the sewage system via various means. To investigate and resolve these problems requires considerable time and resources. You and your constituents have my assurance that this aspect is and will continue to be investigated.

Local residents say they can understand that heavy rains sometimes put undue pressure on the sewage pumping stations, but in the cases referred to the overflows, when they occur, are diluted. What they cannot understand, however, is why there appears to have been little action in overcoming the overflow of sewage due to the failure of equipment and/or power failures. My questions to the Minister are:

1. What steps has the Government taken to ensure that no further spillages of raw sewage are allowed to flow down Sturt Creek into the Patawalonga, or Aldgate Creek into Mount Bold Reservoir, and has it examined any proposals to provide diesel pumps as backup to the Heathfield and Hawthorndene sewage pumping stations?

2. What other steps is the Government taking to avoid a repeat of recent overflows of raw sewage from both stations into the Patawalonga and Mount Bold Reservoir?

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

CROWN LAW ADVICE

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

Leave granted.

The Hon. J.C. IRWIN: Will the Minister of Local Government explain how the Crown law advice sought by the Local Government Advisory Commission (and presumably that advice was received by the commission) regarding councils withdrawing from the commission is now public knowledge? The *Advertiser* today reports the Minister of Local Government saying yesterday that the three councils involved could withdraw their boundary change proposals and the matter would be abandoned. That advice was not available to the Council yesterday following a question.

When and how did the Minister formally receive advice from the Local Government Advisory Commission? Is it common practice for the Minister of Local Government to release advice given to the independent Local Government Advisory Commission? Does the Minister agree that the Crown Law advice now makes a farce of the commission, especially if final advice from the Local Government Advisory Commission to the Minister can be leaked and councils then withdraw from the commission? This has happened, I remind the Minister and the Council: the advice to the Minister on the Mitcham and Henley and Grange councils was common knowledge.

The Hon. ANNE LEVY: I regret that the honourable member is chasing a hare that does not exist. I have not received any advice from the Crown Law Department. Whether or not the Local Government Advisory Commission has received advice from the Crown Law Department, I do not know. I have not been informed of such. If it has, I certainly do not know what it contains. My statement to the Council yesterday, as reported in the press, was a commonsense one. Whether or not councils can legally withdraw a proposal before the commission is the question on which advice has been sought. It is unconscionable that, if councils wish to withdraw their proposals from the Local Government Advisory Commission, the commission would want to continue or would recommend other than leaving the *status quo*.

The Hon. J.C. Irwin: You are refuting today's article in the *Advertiser*?

The Hon. ANNE LEVY: I am not refuting today's article in the *Advertiser*. Today's article in the *Advertiser* does not say that I have received Crown Law advice or that the Local Government Advisory Commission has received Crown Law advice. It may be that the Local Government Advisory Commission has received Crown Law advice—I do not know. I certainly have not received any Crown Law advice, and the comments that I made yesterday are commonsense ones which would obviously be the situation. If councils wished to withdraw a proposal, whatever the legalities, either they would be able to withdraw or, if not, the commission would not do other than recommend that the *status quo* remain.

To me it would make nonsense of the whole procedure if anything other than that were to be the case. I am sorry that the Hon. Mr Irwin has misread today's paper, but I assure him that it does not say that I have received Crown Law advice or that my comments are in any way stimulated by Crown Law advice. I will be happy to show him a copy of my press release if he wishes to confirm the matter.

FAX MACHINES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about fax machines.

Leave granted.

The Hon. L.H. DAVIS: In June of this year a privacy committee, established in New South Wales under the Privacy Committee Act, made public a discussion paper on direct marketing in response to the rapid growth of the

direct marketing industry and the increased potential for invasion of privacy. Many issues were raised in the paper, one being the use of electronic marketing, including electronic mail and facsimile machines. One of the interesting developments in recent years has been the use of the facsimile machine for communication. I am reliably informed that Australia has more fax machines per head than most western countries.

Fax machines have provided a new outlet for junk mail. The faxing of junk mail uses electricity, ties up the phone line and gobbles up the paper. Fax machines at times have run out of paper because of unsolicited junk mail, resulting in a business missing out on vital information. Has the Minister received any complaints about junk mail through fax machines and has the Government examined the potential invasion of privacy and the practical difficulties created by direct marketing through fax machines?

The Hon. C.J. SUMNER: I do not recall any complaints about junk mail communicated in this way. It may be that some complaints have been received in my office, but I would doubt it. If they had, I assume they would have been referred to the privacy committee established by this Government. In any event, it would not be an area over which I would have responsibility. It is a matter, presumably, that would have to be dealt with nationally and I presume through Telecom and the telecommunications legislation. I cannot answer the question about complaints, but I am aware of the problem. I will refer the honourable member's question to the privacy committee for comment.

It would appear that the honourable member and I can agree about this matter of fax machines with which Australians seem to have a love affair (sometimes over-enthusiastically, in my view). I suppose the answer to unsolicited mail being transmitted by fax to people who do not want to receive it is to make clear to the senders of that material that they will have nothing to do with the products that they are trying to encourage the recipients to purchase. But, whether there is a case for any further action on this problem, I cannot say. However, I will make some inquiries and bring back a reply.

PORT MACDONNELL BREAKWATER

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Marine, a question about the Port MacDonnell breakwater.

Leave granted.

The Hon. M.J. ELLIOTT: Back in the 1970s a breakwater was built in Port MacDonnell in the South-East to protect the fishing fleet. Prior to that boats were regularly wrecked in storms. Since the construction of that breakwater an enormous amount of sand has built up both inside and outside the breakwater. Sand and seaweed are starting to cover a reef where not long ago people searched for shellfish. The greater local concern is what is happening on the inside where tens of thousands of tonnes of sand have accumulated and now constantly have to be removed. It is causing a couple of problems. The beach further away is starting to erode, which is the sort of thing which happens when one interferes with the sand moving process.

Even the fishing fleet, which is protected, is having constant problems because the slipway, which is used by the fleet, is constantly choked up with sand. It has been suggested to me that at one stage the plan was that, once the breakwater was constructed, the part closest to the shore would be removed to allow movement of the sea backwards and forwards to slow down—if not prevent—the accumulation of sand. From time to time there has also been talk of putting in groins further away from the breakwater to catch the sands, which would then be removed periodically.

What plans are being made for Port MacDonnell? The situation is deteriorating. The only positive thing is that there is now a bigger beach, and that is appreciated. As the sand continues to accumulate the water becomes shallower, causing problems for boats. As I understand it, the total money set aside for harbour maintenance State-wide for fishing boats is something like $240 000 a year. It has been suggested to me that the sort of work necessary in Port MacDonnell alone would cost $1 million.

The Hon. C.J. SUMNER: I will refer the question to the appropriate Minister and bring back a reply.

ROYAL DISTRICT NURSING SOCIETY

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the Royal District Nursing Society.

Leave granted.

The Hon. DIANA LAIDLAW: Last night at the annual general meeting of the Royal District Nursing Society the Director of Nursing and others delivered a blistering attack on the Government's priorities for the health dollar. The President noted that over the past year the RDNS had experienced a tremendous demand for services which had not been matched by any increase in nursing resources for the day service. The Director of Nursing indicated that with the same nursing staff levels in 1989 as in 1985 the RDNS last year had absorbed more than 61 000 additional visits, plus a 50 per cent rise in visits exceeding one hour to clients requiring extensive service.

As I indicated, those services have been absorbed with no increase in staff since 1985. Additional problems have arisen for RDNS because of the terms of Home and Community Care funding. HACC funds the society's day services but not the post-acute or palliative care service, which are deemed by the administrators of HACC to be no-growth areas. However, the no-growth areas under the HACC program are growth areas for the RDNS. Last year the RDNS found that 44 per cent of all visits were made to the HACC target group, but the majority of visits, 56 per cent, were made to post-acute and palliative care clients.

One of the difficulties for the RDNS is the policy of public hospitals, and the Government in particular, in respect of early discharge, day surgery and hospice services. Changes in all those services at State Government level have placed enormous pressure on the RDNS in this State. The Government is simply shifting the problem, but quite clearly without providing community care resources for people who are suffering in the community. Has the State Government determined any funding mechanism to meet the increased demand for Royal District Nursing Society services, given the recommendation that the Home and Community Care program will no longer provide additional funding for post-acute and palliative care services, which comprise the majority of visits?

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

STATE GOVERNMENT ASSISTANCE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the

Minister of Ethnic Affairs a question about State Government assistance.

Leave granted.

The Hon. J.F. STEFANI: On 22 February 1989 I asked the former Minister of Ethnic Affairs (Hon. C.J. Sumner) a question on the commercial rental value of the rent-free premises currently provided to the United Ethnic Communities Council. The Attorney-General indicated that he would take the matter on notice and bring back a reply. As I have been waiting eight months for this reply, can the Minister give me some indication as to when I will receive it?

The Hon. C.J. SUMNER: I will examine the matter and advise the honourable member.

COUNTRY SCHOOLS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about country schools and year 12 subjects.

Leave granted.

The Hon. R.I. LUCAS: For many years country students in isolated areas, or in areas where there are not large numbers of year 11 and year 12 students, have been able to undertake some year 12 subjects only through distance education or the open access education mode. That means that in many areas of South Australia the only way students can undertake studies in areas like mathematics, physics, French and German, for example, is by distance education. The two distance education providers for secondary school students are the South Australian Correspondence School and the Adelaide College of TAFE. For many years the Adelaide College of TAFE has provided year 12 publicly examined subjects (PES) for these country students. Next year the South Australian Correspondence School will move into this area in a small way and will offer subject studies in areas like accounting, economics and geography but will not offer options in areas like mathematics and physics.

As a result of this situation the Education Department has, for a number of years, provided salaries to the Adelaide College of TAFE, which allows it to offer these necessary subject options to country students. This year three salary options were provided to the Adelaide College of TAFE. I am advised that the Director-General of Education, in a letter to the Adelaide College of TAFE, advised that the number of salaries will be cut from three to one salary for this year. As a result, the general studies section of the Adelaide College of TAFE advised TAFE senior management that there would therefore have to be cuts in the options being offered by the Adelaide College of TAFE to various schools.

As a result of that, late last week and early this week, all area schools and country high schools were advised in a course handbook provided by the Adelaide College of TAFE of their options for 1990 and, because of the lateness of the cut by the Director-General and the Bannon Government in relation to this area, the course handbook had to be updated (and I have a copy of that provided to me by one of the area schools) with an attachment headed 'Update, update, update' in bold type, indicating that the range of subjects to be offered next year had to be cut quite severely and that they would offer options in only about five subjects and that the the Adelaide College of TAFE would not be able to offer to those country students the options of other subject areas, including Maths 1, Maths 2, Maths 1S, Physics, French, German and Medieval History.

Subsequent to this issue being raised yesterday, the Director-General of Education and the Minister of Education scurried down the nearest burrow they could find and denied all knowledge of any such cut. As I said, the information provided to me indicates that there is a letter from the Director-General of Education (Dr Boston) to TAFE and that there are also internal memos from the General Studies Section of TAFE through to the senior management of TAFE in relation to this matter.

Will the Minister agree that a letter was sent from the Director-General of Education (Dr Ken Boston) to TAFE indicating that the number of salaried assistants would be cut from three to one in relation to this program? Also, will he indicate that the Education Department was advised that the effect of this cut by the Education Department would be that subject offerings such as Maths 1, Maths 2, Physics, etc. would not be able to be offered to a number of country students in area schools and small country high schools during 1990?

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

ST JOHN AMBULANCE

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about St John Ambulance training.

Leave granted.

The Hon. PETER DUNN: I understand that no continuing or new training programs for volunteer ambulance staff have been authorised for 1990. The standard explanation has been that all resources for ambulance officer training are being directed to Technical and Further Education. However, I am told that the Ambulance Services Training School is refusing to allow any training for volunteers next year and, also, is refusing to accredit suitable medical practitioners who are willing to conduct training courses for volunteers.

Volunteers initially undergo at least six hours a week training when they first join St John, and experienced volunteers do a minimum of three hours of training weekly to maintain their skills, which is something that the Government could do.

The abandonment of any future training courses for volunteers will put them in a situation where they will not be able to continue on active call, and will give them little incentive to continue in the service. In fact, many are already resigning. My question to the Minister is: will the Premier explain his comments on ABC radio news today that a seminar is to be held in Adelaide next month to review the State Disaster Plan? The Premier was quoted as saying that volunteers from all the emergency services would be involved, yet it appears that a key component of emergency services (ambulance volunteers) will be under-represented, because volunteers are continually resigning from St John Ambulance as there will no longer be any training.

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

Mr DESMOND MOOSEEK

The Hon. K.T. GRIFFIN: I understand that the Attorney-General has an answer to a question I asked on 24 August regarding Mr Desmond Mooseek.

The Hon. C.J. SUMNER: I referred the honourable member's question to the Minister of Emergency Services and to the National Crime Authority and they have provided the following information in reply.

Desmond Mooseek's alleged drug ring operated out of Victoria and not South Australia. The authorities involved in investigation of allegations against Mooseek are the Victorian National Crime Authority and the Victoria Police.

When Octapodellis (Mr X) was interviewed by the South Australian Anti-Corruption Branch, no additional information was gained relative to Mooseek other than that contained in the '*Advertiser* tapes'. All information in those tapes has been passed to the Victorian Police, and the South Australian Police do not intend to interview Desmond Mooseek in the Philippines. The National Crime Authority has adopted the policy of neither confirming nor denying that it has any particular matter under investigation and will not comment on any investigative initiative.

COMPANY LAW

The Hon. K.T. GRIFFIN: I understand that the Attorney-General has an answer to the question I asked on 17 October about company law.

The Hon. C.J. SUMNER: In accordance with the Hon. Mr Griffin's wish, I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

In my response to a question from the Hon. K.T. Griffin on 17 October 1989 concerning company law I indicated that it may be possible to make public some of the correspondence dealing this this matter. Accordingly, I now table, for the honourable member's information, a copy of a letter dated 22 September 1989 from Premier Bannon to Prime Minister Hawke. The letter clearly conveys this State's position in relation to the continuation of proceedings before the High Court and compensation to the States in the event of any loss of revenue arising from a Commonwealth take over.

GAS AND ELECTRICITY CONCESSIONS

The Hon. J.C. BURDETT: I understand that the Minister of Tourism has an answer to a question I asked on 16 August about gas and electricity concessions.

The Hon. BARBARA WIESE: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

In response to the honourable member's question about minimal concessions, my colleague the Minister of Mines and Energy has advised that a letter was sent by the General Manager of the South Australian Gas Company to all State members of Parliament in August 1988 outlining their intention to conduct the pensioner concession review and the purpose of such action. Not one adverse reaction from any member of Parliament was received as a result of this letter, although some questions were raised during the six month review.

The prediction made in the earlier correspondence that approximately 10 000 persons may have been receiving a concession to which they were not entitled was proved correct by the review. The number of persons on Sagasco's pensioner concession scheme dropped from 62 500 to 53 500. These figures justify the action taken.

Turning to the issue of pensioners' privacy, it was mentioned via the media on numerous occasions throughout the review period that the only details the Gas Company would be checking with the Departments of Social Security and Veterans Affairs was whether the name and pension number matched and if the pension was current. Sagasco also went to considerable lengths to point out that the concession is not linked to income limits and therefore they did not require access to the pensioners' financial details. In applying for a concession the applicant authorises any inquiries needed to establish eligibility.

In regard to electricity concession application forms, a check is made with the Department of Social Security and the Department of Veterans Affairs to see whether the concession holder's name and pension number matches and if the pension was current. No other information is accessed.

CLUB KENO

The Hon. DIANA LAIDLAW: I understand that the Attorney-General has a reply to a question I asked on 26 September about club keno.

The Hon. C.J. SUMNER: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

I referred the honourable member's question to the Premier, and he has provided me with the following answer:

The Lotteries Commission has announced its intention to introduce a keno competition. The commission's plans are for a pilot scheme in licensed clubs and for the game to then become available through its existing agency network. It is not part of the commission's initial plan to extend the game beyond this network although the Australian Hotels Association on behalf of its members has expressed a wish to participate. The legitimate interests of the charities would be taken into account before any extension of the game to hotels were contemplated. A meeting has been arranged between the Premier and the Australian Institute of Fundraising and the charities it represents, to discuss their concerns.

YATALA LABOUR PRISON

The Hon. J.F. STEFANI: I understand that the Minister of Tourism has an answer to a question I asked on 6 September about Yatala Labour Prison.

The Hon. BARBARA WIESE: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

The Minister of Correctional Services has advised that on 21 May 1989, during a routine search of the kitchen, an assembly, which was a crude zip gun, was found. During the ensuing security checks carried out another component was found in a workshop.

In regard to the protection of prison officers, normal security provides measures required in a high security environment for the protection of officers. Statistics on telephone calls made from workshop phones are not available, as calls from the workshop cannot be distinguished from other prison areas. Prisoners must submit a request to use workshop telephones for emergency calls. Phone calls made by prisoners on workshop phones are placed by prison officers.

BUILDING LEGISLATION

The Hon. K.T. GRIFFIN: I understand that the Minister of Local Government has an answer to a question I asked on 24 October about building legislation.

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

Leave granted.

Further to my answer given to the honourable member yesterday, I advise that the Building Act Amendment Act 1988, which came into operation on 1 July 1989, provided for the making of regulations adopting the Building Code of Australia. Work on the drafting of these regulations will commence shortly and, after a period of extensive public consultation, the regulations will be gazetted in early August next year. The regulations will provide for the optional use of the existing regulations for a further 12 months after gazettal, following which the new regulations will be mandatory.

REPLIES TO QUESTIONS

The Hon. C.J. SUMNER: I seek leave to have the following answers to questions inserted in *Hansard.*

Leave granted.

INDUSTRIAL BLACKMAIL

In reply to the **Hon. J.F. STEFANI** (10 August).

The Hon. C.J. SUMNER: I refer to your question asked on 10 August 1989. The Minister of Labour has provided me with the following answer:

1. If there have been breaches of common or civil law then the appropriate authorities should be informed.

2. The matter will be resolved by the parties and Industrial Commission.

JUVENILE COURT CASE

In reply to the **Hon. I. GILFILLAN** (27 September).

The Hon. C.J. SUMNER: I refer to your question asked on 27 September 1989, regarding juvenile court cases. I now provide the following reply:

The Crown Solicitor has advised me that in his opinion section 92 (2) applies to all courts exercising jurisdiction under Part IV of the Children's Protection and Young Offenders Act 1979, including the Supreme Court. Notwithstanding the recent decision of the Honourable Justice Legoe that a genuine representative of the media did not have the right to be present in the Supreme Court during the hearing of a charge against a child, the Crown Solicitor proposes to continue to submit to Judges of the Supreme Court that such a right exists. The Crown Solicitor is of the view that no amendment is required at this time, but will keep the matter under review. If the submissions by the Crown are not accepted in other cases so that genuine representatives of the media are excluded from adult courts hearing criminal cases against children, then the Act will need to be amended to clarify the intention of the Parliament.

The Hon. ANNE LEVY: I seek leave to have the following answers to questions inserted in *Hansard.*

Leave granted.

EDUCATION DEPARTMENT WASTAGE

In reply to the **Hon. R.I. LUCAS** (24 August).

The Hon. ANNE LEVY: My colleague, the Minister of Education, has advised that the cost of the blue paper was $2 607. The reprint of the green discussion paper cost $1 940.32. Three thousand copies of each booklet were produced.

The document *Our Schools Values—Position Paper* was not approved for circulation because it had been the subject of inadequate consultation with school communities. The paper had been produced by the Moral Education Working Party and was a discussion paper rather than an official Education Department position reached in consultation with its clientele. Both the title and the foreword make the different status of the second document clear.

The *Curriculum Bulletin No. 1*, produced within the Curriculum Directorate, was not approved for distribution on the grounds that it inadequately defined the new role and function of that directorate within the Education Department, in terms acceptable to the Director-General and Associate Director-General (Curriculum). The new role of the directorate is one of policy development, program development and performance evaluation and review, rather than hands-on management of the delivery of services—a task which in the new structure of the Education Department belongs with area and schools.

Action Couriers were used to deliver urgent information to teachers concerning the curriculum guarantee package which otherwise could not have reached them until the following week. It was necessary to provide complete and accurate details to teachers at the earliest opportunity. Action Couriers is part of the Pace Courier group which holds the contract for the courier service to Education Department schools. The costs of the courier service were met from within departmental resources. The cost of the Curriculum Bulletin was $674. The publication of the document was met from within departmental resources.

MARINELAND

In reply to the **Hon. M.B. CAMERON** (9 August).

The Hon. ANNE LEVY: I confirmed with my colleague the Minister of Lands that neither the RSPCA nor the Animal Welfare Advisory Committee received any formal complaints about the mistreatment of the Marineland animals. In view of the time lapse it would be difficult to now conduct a retrospective inquiry. However, I have been assured that the RSPCA is continuing its regular visits to Marineland.

SENIOR SECONDARY SCHOOLS

In reply to the **Hon. M.J. ELLIOTT** (6 September).

The Hon. ANNE LEVY: My colleague the Minister of Education has advised that the expression 'South Australian context' was used to refer to those demographic and educational features of South Australia upon which the present structures of South Australian secondary schools have been based. Such demographic features include the centralisation of the South Australian population in Adelaide and major regional centres, the small but significant proportion of our population living in rural or geographically isolated areas, and the different patterns of population growth and decline in the urban areas. Such educational features include the South Australian Government's commitment to a full general education for all secondary students, to improving the retention rate of students to year 12 and to providing a curriculum guarantee to South Australian students.

The difference between South Australia and other States lies in the success of the South Australian educational system. Out of all the Australian States, South Australia has

the highest apparent retention rate of students to year 12. On the basis of figures from the Department of Employment, Education and Training (July 1989), the South Australian retention rate for 1988 was 66.6 per cent. The national average was 57.6 per cent.

The only Australian State which operates a system of senior secondary schools is Tasmania. In 1988, the apparent retention rate of Tasmanian students to year 12 was 37.6 per cent compared to the South Australian figure of 66.6 per cent. The only other instance of a system of senior secondary schools operating in Australia occurs in the Australian Capital Territory. The apparent retention rate of students in the ACT was 81.4 per cent in 1988. My colleague suggests that this retention rate is related to demographic factors unique to that Territory. The present structure of South Australian secondary schools has been highly successful in meeting the needs of the State's young people.

Consideration has been given and will continue to be given to providing flexible school structures at the senior secondary level. There are numerous examples of this: Thebarton High School is being developed as a special senior secondary school. In both the Elizabeth-Munno Para and Whyalla Secondary Colleges, a senior secondary campus will operate. In other situations where two schools have amalgamated, consideration has been given to using one of the campuses as a senior secondary campus.

SCHOOL CLOSURES

In reply to the **Hon. M.J. ELLIOTT** (7 September).

The Hon. ANNE LEVY: The Minister of Education has advised that it is not known which schools (if any) will be closed in 1990. However the following schools will close at the end of the 1989 school year—

Delamere Rural School (amalgamating with Rapid Bay Rural School)

Playford High School (amalgamating with Elizabeth High School)

Kidman Park High School.

The Hon. BARBARA WIESE: I seek leave to have the following replies to questions inserted in *Hansard.*

Leave granted.

HOSPITAL WAITING LISTS

In reply to the **Hon. M.B. CAMERON** (8 August).

The Hon. BARBARA WIESE: The honourable member has sought confirmation that, for the first time, the number of people awaiting treatment in major metropolitan hospitals exceeds 7 000. The Minister of Health advises that booking list numbers at major metropolitan hospitals have exceeded 7 000 in the past.

The honourable member also asked my colleague to admit that as a result of the reductions in spending at the major metropolitan hospitals, the people in this State who cannot afford to insure themselves are now suffering from a severe form of health rationing. The Minister of Health denies this. In fact more than 10 000 additional elective surgical procedures have been performed at Adelaide's major metropolitan hospitals in the past two years under the State-Commonwealth cost-shared 'Hospital Waiting List Assistance Program'.

The median waiting time for elective surgery is approximately three months and, of those people who had elective surgery in 1988-89, 60 per cent received their surgery within a month of being added to the booking list.

It would appear as though the honourable member has not learned anything from the review which was conducted by Professor Douglas Coster, Lions Professor of Ophthalmology at Flinders Medical Centre, approximately 12 months ago.

Let me remind the honourable member what Professor Coster had to say:

> ... the way in which data is published by the media and analysed by some interested parties has at times been alarmist and unfair. Although there is no conclusive evidence of major medical or social consequences of the present situation, the opposite view is often conveyed to the public and discourages them from using public hospitals.

Professor Coster pointed out the large booking lists can be seen to represent a busy and effective surgical service since the total number of patients on booking lists is a reflection of the turnover of the system.

In reply to the **Hon. M.B. CAMERON** (7 September).

The Hon. BARBARA WIESE: The elective surgical booking list figures are supplied by the hospitals according to the specifications for the elective surgical booking list system agreed by all hospitals.

The 'Inpatient Booking List' figures published in the FMC Information Bulletin, July 1989, is an inpatient booking list, not an elective surgical booking list.

The total from the Information Bulletin List varies from the South Australian Health Commission elective surgical booking list for Flinders Medical Centre (1 672 compared with 1 547) for the following reasons:

- Major differences occur due to the inclusion of 70 non-surgical treatment patients. In addition, 14 check cystoscopies were included. This procedure is not listed in the specifications for the elective surgical booking lists agreed by all hospitals.
- Information on the computer booking list system is being updated all the time (that is, people are added to the list as well as being treated and removed). There was a timing difference between the two lists which is responsible for the minor variations throughout the figures on the lists.

ADELAIDE CHILDREN'S HOSPITAL

In reply to the **Hon. M.B. CAMERON** (5 September).

The Hon. BARBARA WIESE: The 1989-90 funding allocation to the Adelaide Medical Centre for Women and Children (ACH Campus) included a 'standstill' allocation with full funding of award carryovers, a commitment to fund termination and superannuation payments to the actual level of costs incurred and a 6.5 per cent indexation on 1988-89 goods and services expenditure. Subject to Treasury approval, award increases will be funded as they occur throughout the year.

The hospital also received the following allocation under the Metropolitan Hospitals Funding Package:

	$
Additional equipment expenditure	180 000
Reinstatement of Service Funding	49 000
Additional Booking List Funding	300 000
Continuation of 1988-89 Activity Funding	1 600 000

Hospital management is in the process of reviewing its financial position in order to achieve a balanced end of year position.

Although it is far too early in the year to predict activity levels at the Adelaide Children's Hospital, hospital manage-

ment is examining the possibility of establishing a city-wide paediatric bed bureau to ensure the most efficient use of paediatric resources between major metropolitan recognised hospitals.

There is no review being undertaken of the Adelaide Children's Hospital 1989-90 funding allocation by the South Australian Health Commission.

DISABLED PERSONS EQUIPMENT SCHEME

In reply to the **Hon. M.J. ELLIOTT** (10 August).

The Hon. BARBARA WIESE: The State Government has not reduced funding to the Disabled Persons Equipment Scheme. In fact, funding was increased by 32 per cent (in real terms) in the 1988-89 financial year. An increase in funding of $350 000 has been achieved in 1989-90 so that additional aids and appliances can be made available to disabled people.

The Disabled Persons Equipment Scheme (DPES) does not provide funds to hospitals for the supply of equipment. Hospitals are responsible for providing aids and appliances to public patients, both inpatients and outpatients, who are currently undergoing treatment. There has been no decrease in funding to hospitals for the supply of equipment.

There was some under-use of funds provided for the DPES in the 1988-89 financial year. This arose because a number of accounts were submitted to the Health Commission too late for payment in that financial year. However, arrangements have been made for this amount to be carried over into the 1989-90 financial year and the accounts to be paid without effecting the 1989-90 allocation.

DPES is managed by the Statewide Health Services Division of the South Australian Health Commission and an advisory committee has been established which makes recommendations on various aspects of the scheme. The advisory committee consists of disabled people, advocates for disabled people and health care providers.

The inclusion of disabled people in receipt of an income to obtain assistance through DPES is being considered along with other proposals to change the scheme.

SCRIMBER

In reply to the **Hon. L.H. DAVIS** (7 September).

The Hon. BARBARA WIESE: In response to the honourable member's questions concerning scrimber, the following information is provided:

1. The final project costs to establish the scrimber plant is estimated to be $44.2 million. The South Australian Timber Corporation's share of the cost will be $22.1 million with the balance being provided by the State Government Insurance Commission.

2. The justification to taxpayers is not only related to financial returns, although I am informed the project is expected to provide a real after-tax rate of return in excess of 10 per cent over a 10 year period. In addition, scrimber will significantly benefit conservation objectives by reducing our heavy dependence upon indigenous hardwood and imported timbers. Members would be interested to know that scrimber is produced from relatively young plantation trees, approximately 12 years of age. These are processed into large section high strength structural beams which, until now, have been sourced substantially from imported timbers or mature indigenous hardwoods. In the circumstances, I believe, taxpayers will not only judge the investment as a financially sensible one but, more importantly, it will be seen as making a significant contribution towards the conservation of our limited native forest resources. Our reduced reliance upon imports will also provide positive benefits to Australia's balance of payments position.

It should also be remembered that transfer of the technology to overseas producers, which is already in train, is expected to provide significant income to the South Australian Timber Corporation from licensing and royalties over the next few years, further improving the balance of payments position.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 1429.)

The Hon. J.F. STEFANI: The Opposition supports this Bill, which seeks to bring in line the long service leave provisions to two trades, namely, the electrical industry and the metal industry. This relates to workers who are engaged in the building industry and who are now covered by the Federal award, which refers to 15 years service and provides for benefits after 15 years.

A working party comprising representatives from the Electrical Contractors Association, the Engineering Employers Association, the Long Service Leave Building Industry Board, the Electrical Trade Unions and the Amalgamated Metal Workers Union has reached substantial agreement on key areas of portability, date of operation, employer contributions and the retrospective service provisions. To this end, it has been proposed that a separate electrical contracting and metal trades fund will operate and the legislation enables this measure to come into effect. I understand that relevant legislation will be introduced in Parliament next year.

This Bill prescribes that the Long Service Leave Board will now allocate money and set up the fund. This measure will allow the reimbursement of the money expended to set up the scheme. The Bill also provides that any amounts involved and the loss of income from the fund applied by the Long Service Leave Board will be recouperated.

The Opposition has no difficulty with the measure inasmuch as it has been agreed by the parties involved. It seeks, as I said earlier, to bring in line the benefits that are enjoyed by workers in the building industry. The workers in the electrical trade and metal trades who are engaged now in the building industry and, more particularly, on building sites are somewhat disadvantaged because they are covered by the Federal provision of the Long Service Leave Act. With those few comments, I indicate that the Opposition supports the Bill.

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

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly with the following amendments:

No. 1. Clause 39, page 9, after line 7—Insert new subsection as follows:

(2) The person the subject of an application under this section is a party to the application and the Commissioner

must, on lodging the application with the Tribunal, furnish the person with a copy of the application.

No. 2. Clause 44, page 10, lines 4 to 7—Leave out the clause.

Consideration in Committee.

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

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

The House of Assembly has made two amendments to this Bill, the first of which deals with an issue raised by the Hon. Mr Griffin during the Committee stage in relation to clause 39. Clause 39 deals with the Commissioner for Equal Opportunity, with the approval of the Minister, referring a matter to the Equal Opportunity Tribunal for general inquiry. It is a situation where the Commissioner, if a matter is referred to her by the tribunal, can act to carry out an inquiry even though no formal complaint has been made. The Hon. Mr Griffin suggested that, if such an application is made by the Commissioner to the Equal Opportunity Tribunal, the person against whom the inquiry is to be made should be given notice of that application. The Government has considered that matter during the passage of this Bill in the House of Assembly and has agreed to it. So, I do not imagine that there will be any problem with that.

The second amendment made by the House of Assembly is to remove from the Bill, as it left the Legislative Council, the clause that was inserted by the Hon. Mr Griffin to the effect that this Act does not derogate from the operation of any other Act. That clause was not in the original Bill when it was introduced by the Government. It has not been in the Equal Opportunity Act since it was passed in 1984, and the Government opposed the introduction of that clause as not being necessary. The House of Assembly has now removed the non-derogation clause inserted by the Hon. Mr Griffin and the Democrats, and I suggest that the Council agree to the House of Assembly's amendment, namely, to remove that non-derogation clause.

The Hon. K.T. GRIFFIN: The first amendment certainly is an improvement on what is in the Bill at present. As the Attorney-General indicated, I raised questions about the way in which this power of the Commissioner was to be exercised, and particularly the relationship of the person who may be the subject of the investigation to the application. This amendment does overcome that problem because it makes the person who is to be the subject of an application a party to it, which means that that person then has rights of appearance before the tribunal on that application.

However, the amendments do not address other issues relating to the way in which the power of the Commissioner is to be exercised. I believe there will be some difficulties, both legally and practically, in determining the status of the Commissioner when conducting the investigation: that is, is the Commissioner the delegate or agent of the tribunal, or is the Commissioner acting in his or her own right, and, in the course of the investigation, what powers are to be exercised? They are the areas of difficulty which have not been addressed. I am prepared to agree with the amendment.

However, I oppose the second amendment most vigorously, because it does not address the issues raised as a result of amendments in this Bill. As the Attorney-General has said, it is correct that, since 1984, the Equal Opportunity Act has not had a provision that says that the Act does not override provisions of other State legislation dealing with specific issues. It has not needed to, because there has been no area of potential conflict. I am told, however, that there are still problems with the unfair dismissal provisions of the Industrial Conciliation and Arbitration Act and the Equal Opportunity Act, in respect of so-called unfair dismissal, even though there are special provisions in the Equal Opportunity Act as to the relationship between the two pieces of legislation.

In at least three areas this Bill introduces the potential for conflict. The first is in the definition of impairment. Until this Bill, there was no reference to a temporary intellectual or physical impairment, so the question whether or not workers' compensation and rehabilitation legislation was likely to create a problem (this Act being in conflict with the Workers Compensation and Rehabilitation Act) has not been an issue. However, now that the concept of temporary impairment is brought into equal opportunity legislation, it raises the very real potential for conflict between the two pieces of legislation. What does an employer do where there is a conflict? If the Workers Compensation and Rehabilitation Act says the employer can do certain things in the context of an injury at work and the Equal Opportunity Act is applied to prevent that action being taken, where does the employer go? The employer may be in breach of one, whilst complying with the other, or *vice versa*, and it is that potential for conflict which concerns me and which ought not to be allowed.

The second area of concern is in relation to the Industrial Conciliation and Arbitration Act and State awards in particular (but also Federal awards) in the context of work for a pregnant woman. Under the Act at the moment there are provisions in relation to pregnant women where, if the position in which the woman is serving as an employee creates a situation of danger for the woman or the unborn child, or if her work is likely to put other employees at risk, the employer is entitled to dismiss her without sanctions being imposed under the Equal Opportunity Act. This turns all that around because it changes the concept of 'position': if no other position is available in the circumstances that I have outlined, dismissal can occur, but the Bill provides that, if there is no other work available, dismissal may occur. In the context of industrial legislation and awards, and the structure of the work place, it may be that certain work is available which can be undertaken by a pregnant woman but which may at that time be undertaken by another worker. It may be that, with some restructuring in the work place, the worker presently occupying that position can be shifted to other responsibilities, to make that work available for the pregnant woman. It may be that other duties that the worker is able to do are presently available, so does this Bill require the employer to restructure?

This has a number of implications. The first is that the worker who is presently doing particular work that might be suitable for a pregnant woman will have to be shifted or have the job specification or work conditions changed. That would possibly involve a contractual relationship between the employer and that employee. It may not be so easy to make the change in the conditions of work or the job specification. In addition, it may create tension in the work place because that employee may not want to do other work but may be required by the employer to do it because of the employer's obligations in relation to the pregnant woman. So, there are problems of conflict in that respect.

Also, I suggest there would be potential conflict with occupational health, safety and welfare legislation, in relation either to the pregnant woman or to a temporary impairment, because occupational health, safety and welfare codes of conduct and work requirements may say that a particular job cannot be done by a pregnant woman, the Equal Opportunity Act might be invoked by the pregnant woman if she is refused the opportunity to do that work, and then there is a conflict. On the one hand, the Equal Opportunity Act conflict goes to the Equal Opportunity Tribunal and, on the other hand, the occupational health, safety and welfare argu-

ment goes to the Industrial Commission. So, there are a couple of jurisdictions to fight out exactly what is to happen with the hapless employer, and which obligation is to be honoured.

With respect to temporary impairment, it is quite likely that, under occupational health, safety and welfare legislation and certain codes of conduct, work is not permitted to be done by someone who is temporarily impaired, and immediately that would bring the employer into conflict with the Equal Opportunity Act. Therefore, I see real possibilities of conflict. I see a potentially untenable position being created for an employer. It is unreasonable not to specify in a statute which statute is to be paramount, and it is undesirable in principle for the laws of this State not to identify clearly what obligations there are, not only on employers but on other people who may be affected by more than one piece of legislation.

I therefore oppose amendment No. 2. I believe that it is appropriate to leave the non-derogation provisions in the Equal Opportunity Act Amendment Bill and I urge members to maintain the majority position of the Legislative Council on this clause. It is better to maintain that at this stage of the session than to give way on it; after all, if there are problems of conflict, I would suggest that it is less likely that the Government would bring in legislation to correct them, in the light of its present attitude on it, than if we left in a non-derogation clause and it created difficulties. I believe it would clarify the law and not create difficulties. After all, that is what we are here for: to pass clear laws and not give problems to citizens of conflicting legislation or to create more work for lawyers.

The Hon. M.J. ELLIOTT: I am pleased that the Government in the other place accepted the first amendment made by the Legislative Council. It is a real improvement. I have had an opportunity to further consider proposed new clause 44. I made it clear at the time that, although I supported it, there seemed to be sufficient doubt and it should be explored further. Allowing it to go to the other place and return gave me the opportunity to do that. There is only one area in which I have any residual doubt and I will put one question to the Attorney-General so that he might address it.

What will be the position in relation to an employer who has an employee with a temporary disability caused outside the workplace? Where it has been caused inside the workplace, it is clearly covered. Unless there is something in the principal Act that I have not picked up, there does not seem to be anything similar to that in the amending Bill where an exemption is granted in relation to pregnancy for employers who do not have the ability to alter the workplace without endangering the person or other persons. What is the position and what sort of problems will be created? Will there be any problems in relation to a person with a temporary disability as a consequence of something that happened outside the workplace but who demands the right for equal employment opportunity within the workplace?

The Hon. C.J. SUMNER: There will not be any conflict with any other legislation in that case.

The Hon. M.J. Elliott: Where does the employer stand?

The Hon. C.J. SUMNER: That question does not relate to the issue before us. This clause proposed by the Hon. Mr Griffin says that the provisions of the Equal Opportunity Act do not derogate from the operation of any other Act. Any other Act automatically takes priority over the Equal Opportunity Act. A disability that has occurred outside the workplace will not conflict with any other legislation so, in that context, I do not believe there is a problem. It seems that the honourable member is raising another issue that was not canvassed in Committee previously, namely, whether a person with a temporary disability has to be accommodated. Presumably one is talking about an unemployed person with a temporary disability who asks to be treated on equal footing with an able-bodied person in an application for employment. Presumably, if they are not able to do the job, there is not a problem. If they are able to do the job the provisions of the Act would apply and an employer would have to take whatever steps—and they are reasonable—are required under the legislation.

A person with a temporary disability would have to be on an equal footing with any other applicant applying for the job. If we got down to a situation where the person with a temporary disability could not do the job—in other words, their disability is such that they cannot do the job, no matter what reasonable steps are taken to accommodate them—that is the end of the matter: it is not discrimination. A person who is blind could not operate a signal system, for example. We are saying that where a person has a disability, temporary or permanent, they must be treated equally with any other applicant for a job and the employer has to take whatever steps are reasonable.That is what it comes down to and what is reasonable in the circumstances: to accommodate that temporarily or permanently disabled person. That has been in the legislation since physical disabilities provisions were introduced by the Hon. Mr Griffin. A temporary situation is adding to it, but that creates no different issue in principle to that which has applied since 1982.

The Hon. M.J. ELLIOTT: The Attorney-General is correct when he says that the issue I have raised does not relate to the second amendment that we are considering at this stage but I raised it as I was exploring the whole area. I would like to explore it a little further. I am not referring to a person who is about to be employed but a person already in employment who suffers some temporary impairment. In this amending Bill we have seen fit to spell out the conditions under which a pregnant woman could be dismissed. I would have thought that the sort of things that relate to whether or not a pregnant woman can carry out a task also apply to a person with a temporary disability. Yet, we have not treated that situation in a special way. Why is that necessary? What else is in the Act to handle the dismissal of a person with a temporary disability? How long is reasonable for an employer to tolerate a person with a temporary impairment?

The Hon. C.J. SUMNER: The principles that apply to permanent impairment would be applicable. I am not sure that I understand the problem that the honourable member has outlined. The Act applies if there is permanent impairment, and that has been the case since 1982. If there is temporary impairment, the same principles apply. The question is whether the employer is able to take reasonable steps to accommodate that temporary impairment. That is the situation that occurs now in ordinary commonsense well-run organisations where there are good relations between employer and employee. If someone has a temporary impairment but can return to work, usually the employer accommodates that. They only have to accommodate them for the purposes of the law under this legislation in so far as is reasonable. If it is not reasonable, there is no obligation on the employer.

The issue is not before us at the moment. I do not think that a difficulty exists, for the reasons I have outlined. The scope of the legislation is extended, and that in itself may create a difficulty as some people may not want it extended. However, if we think through the principles of 1982 relating

to permanent disability, the same principles apply to temporary disability.

Amendment No. 1 agreed to.

The Committee divided on amendment No. 2:

Ayes—(10)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy, Carolyn Pickles, R.R. Roberts, C.J. Sumner (teller), G. Weatherill and Barbara Wiese.

Noes—(9)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, R.J. Ritson and J.F. Stefani.

Pair—Aye—The Hon. T.G. Roberts. No—The Hon. M.B. Cameron.

Majority of 1 for the Ayes.

Amendment No. 2 thus agreed to.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act 1979. Read a first time.

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

That this Bill be now read a second time.

It seeks to implement recommendations of the Children's Protection and Young Offenders Act Working Party as well as other miscellaneous amendments. The working party delivered an interim report on options in relation to penalties and compensation for damage to school property in October 1988 and its final report in September 1989.

The working party's terms of reference were to review:

- options in relation to penalties and compensation for damage to school property;
- screening panel and children's aid panels—their use, effectiveness and alternatives;
- bail and the review thereof;
- the need for a more open system;
- the trial of juveniles as adults;
- the review of orders by the Children's Court;
- penalties, including the use of community service orders;
- the adequacy of statistics in allowing proper monitoring and evaluation of the juvenile criminal justice system; and
- any further matters referred to the Attorney-General by the working party which he agrees should be considered.

In relation to penalties and compensation the working party recommended that the maximum fine that a children's court can impose should be increased from $500 to $1 000 and that the amount of compensation be increased from $2 000 to $5 000. The working party further recommended that community service orders should be a discrete sentencing option available to the court. At present a requirement for a child to perform community service can only be imposed or as a condition of the suspension of a custodial sentence. That is, it can only be imposed as a penalty for a relatively serious offence.

The working party was of the opinion that there is value in impressing on a child and his or her peers the need to make good damage caused by a child to, for example, a school. The working party accordingly favoured the wider implementation of community service orders but was concerned that without some safeguards the problem of escalation of sentences will arise, that is, that it would be used as a sentencing option when the offence is minor and other less interventionist options are available (for example a fine or unsupervised bond).

The working party considered that work schemes should be developed, first in relation to school property and then perhaps in relation to damage to STA property. Before a court can order a child to perform community service it would need to be satisfied that work in a work scheme was available and that the offender was suitable for the work available. The maximum hours of work which a child could be ordered to perform should be 60 hours and no child should be required to work more than eight hours a day.

These recommendations of the working party are contained in clauses of the Bill. Clauses 20 and 21 reflect the recommendation of the working party that section 92 (2) of the Act should be amended so that when a child is being tried as an adult as a result of an application by the Attorney-General under section 47 the court should be open to members of the public and that section 93 should be amended to remove the prohibition on the publication of a report of those proceedings.

The working party considered the problems faced by victims of crime in obtaining information about an alleged young offender's appearance before a children's aid panel in the face of the prohibition in section 40 of the Act of disclosing, without the approval of the Minister, the appearance of a child before a children's aid panel. The working party suggested that some mechanism should be developed to enable victims of crime to obtain this information. The Government, however, believes that victims of crime have a right to know of the outcome of the investigation of the crime and clause 9 amends section 40 to provide that a victim is entitled, upon request, to be informed of an appearance of a child before a children's aid panel.

Section 40 is further amended, as recommended by the working party, to ensure that appearances before children's aid panels do not jeopardise children in their future employment and life prospects. Employees of at least one organisation have received notices of dismissal for failing to disclose to their prospective employers appearances before children's aid panels. The amendment to section 40 provides that a person can without incurring any liability refuse or fail to disclose an appearance before a children's aid panel.

Clause 3 amends the definition of 'alternative offence' in section 4. This is presently defined as meaning any offence that is founded upon the same facts as the offence for which the child has been committed for trial, and that bears a lesser penalty. Thus, an adult court cannot try to sentence a child for an alternative offence when the penalty is the same as the penalty for the offence charged. For example, where the original charge is attempted murder the child cannot be tried for wounding with intent to do grievous bodily harm, since the maximum penalty for both offences is life imprisonment.

The working party recognised that while there are likely to be few instances when it will be desirable that an alleged offender should be tried on an alternative charge for which the penalty is the same as for the offence charged there is no good reason to retain the present restriction. When the penalties for the two offences are identical there can be no question of unfairness to the child.

Section 80 of the Act is amended in accordance with the working party's recommendation that reconsideration of an order by a Children's Court magistrate must be made by a judge of the Children's Court and that there be no reconsideration of an order made by a judge: rather, the matter should be dealt with by way of appeal to the Supreme Court. The present section allows for reconsideration of one magistrate's order by another magistrate or one judge's order

by another judge. The working party considered that not only is it repugnant to ordinary principles to have reconsideration of an order by a peer but also that peer review tends to limit the opportunities for a higher court to lay down authoritative guidelines as what are appropriate sentences.

The Bill also seeks to address a number of potential problems and anomalies in the Act in regard to the sentencing of young offenders. At present, the Act prohibits an adult court from setting a non-parole period for a young offender sentenced to imprisonment, part of which is to be served in a training centre. Section 64 (2) of the Act provides that the Training Centre Review Board may order the release of a child who has been sentenced to detention in a training centre at any time, subject to conditions. This section operates even where a child has been sentenced as an adult to a substantial term of imprisonment, and he or she is to be transferred to an adult prison on attaining the age of 18 years. Therefore, the Training Centre Review Board would have the power to order the child's release from detention before the child attains the age of 18 years. Although the board is unlikely to ignore the fact that a period of imprisonment has been set, it is not bound to take it into account. The board could therefore circumvent a judge's order that a child serve a substantial period of imprisonment after his period of detention in a youth training centre.

I consider this to be an undesirable consequence as it is against the Government's policy of giving responsibility for sentencing decisions to the courts. Therefore, the Act will be amended so that the Training Centre Review Board can no longer order the release of a child from detention in such circumstances.

However, the net effect of that amendment when considered with the existing legislation prohibiting the setting of a non-parole period could result in a child sentenced to imprisonment being treated more harshly than an adult sentenced to imprisonment. A child sentenced to imprisonment would not have a non-parole period set nor could he or she be released by any authority.

Therefore, the Bill removes the prohibition on the setting of a non-parole period except in respect of a sentence of life imprisonment. It will also allow a young offender to earn remissions off that period whilst detained in a training centre. A young offender will be able to be released on parole, if appropriate, before the age of 18 years. Responsibility for the child will move from the Training Centre Review Board to the Parole Board when the child reaches 18 years. These amendments will have the effect of ensuring that young offenders are not treated more harshly than adult offenders and will provide for the court to be able to determine when a child sentenced as an adult can be released.

Section 7 of the Act requires a court, when exercising powers in relation to young offenders, to seek for the child such care, correction, control or guidance as will best lead to the proper development of his personality and his development into a responsible member of the community. The section enumerates the factors which must be considered by the court when making an order in any proceedings under the Act.

Section 56 (1) of the Act provides that, subject to the Act, where a child is committed to an adult court for trial otherwise than on his own request, the court may, if it finds the child guilty of an offence, deal with the child as if he were an adult.

As the provisions of section 56 (1) are prefaced with the words, 'subject to this Act', the courts have held that section 56 relates to the making of orders (such as imprisonment) and does not detract from the effect of section 7 on sentencing. Therefore, section 7 results in courts being unable to take the general deterrence of a penalty into account when sentencing a child as an adult.

The Bill provides for section 7 to continue to apply to all young offenders. However, in the case of young offenders, who are to be sentenced as adults, the court can also take into account the general deterrent aspect of a penalty and the question of deterring the particular offender.

By virtue of section 56 (2), an adult court cannot deal with a child as if he were an adult, where the child has been found guilty by the court of an alternative offence to the offence to which he was commited for trial.

The Bill amends this subsection so that a child who has been found guilty by an adult court of an alternative offence to the offence for which he was committed for trial may be sentenced as an adult. In such a case, the judge will need to be satisfied that, had an application been made pursuant to section 47 for the child to be tried in an adult court for the alternative offence, the judge would have granted the application.

One of the factors that the court must consider in dealing with a child is the need to ensure that the child is aware of his or her responsibility to bear the consequences of any action against the law. The provisions in the Criminal Law (Sentencing) Act 1988 requiring information on the impact of the crime on the victim to be provided to the court do not apply to the Children's Court. To ensure that a child offender is aware of his or her responsibility to bear the consequences of any action against the law it is necessary that the child is fully aware of the consequences of his or her actions. Accordingly, new section 50a requires the prosecutor to furnish the court with particulars of any injury, loss or damage resulting from the offence.

The Bill also provides for an amendment to sections 31 and 32 of the Act relating to the composition of Children's Aid Panels. First, in relation to offences under the Controlled Substances Act, section 32 (1) *(ab)* currently provides as follows:

> where a drug offence is alleged, a member of the Police Force an officer of the department and a person approved by the Minister of Health.

The subsection has the effect that a Children's Aid Panel dealing with an alleged drug offence must consist of three people, whereas a Children's Aid Panel dealing with other offences would be constituted of two people. The third person was included for drug related offences to ensure that appropriate drug counselling would be available. The requirement for an additional person is not so important at this time, as Department for Community Welfare workers are receiving training in drug counselling through the Drug and Alcohol Services Council.

The Drug and Alcohol Services Council, whose officers have been nominees to the panels, is of the view that the drug related panels could usually be managed by a community welfare officer. The Drug and Alcohol Services Council officers would be available in particular cases and to advise, consult with and follow up in a treatment capacity the small number of offenders who will warrant such attention.

The second amendment to the composition of Children's Aid Panels is to allow Aboriginal police aides to be members of the panels in place of members of the Police Force. Presently, two members of the Police Force stationed at Marla are on Children's Aid Panels in the Pitjantjatjara lands. The appointment of police aides as members of Children's Aid Panels in this area will not only bridge language and cultural barriers but assist the two present members of the Police Force by reducing their great work load. Police aides are respected by the Aboriginal commu-

nity and would be effective in dealing with Aboriginal juvenile crime. I commend the Bill to members.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the Act to come into operation by proclamation.

Clause 3 amends the definition of 'alternative offence' to include an offence that bears the same penalty as the principal offence.

Clause 4 adds a further factor to be considered by courts when sentencing a child as an adult. In this case, the court must consider the possible deterrent effect of the sentence.

Clause 5 provides for the inclusion of Aboriginal police aides on screening panel lists.

Clause 6 provides that a screening panel may have either a member of the Police Force or an Aboriginal police aide on it.

Clauses 7 and 8 provide for the inclusion of a drug counsellor on a children's aid panel when a drug offence is alleged against a child.

Clause 9 provides that the victim of an offence committed by a child is entitled to be informed of the fact that the child is being dealt with by a children's aid panel. New subsection (3) provides that a child is not obliged to disclose the fact of his or her appearance before a children's aid panel, except in proceedings under this Act.

Clause 10 makes provision for a victim impact statement to be furnished by the prosecution to assist the court in bringing a child to an awareness of his or her responsibility to bear the consequences of breaking the law (see section 7 of the principal Act).

Clause 11 provides for the imposition of an independent sentence of community service on a child who has been convicted of an offence. An order for supervision must be made to complement such a sentence. The maximum fine that can be imposed on a child is increased from $500 to $1 000.

Clause 12 allows an adult court to deal with a child as an adult where the child is found guilty of an alternative offence that is an indictable offence, if the court is satisfied that the child should be so dealt with, on the same grounds as those set out in section 47.

Clause 13 makes it clear that a non-parole period is not to be fixed in relation to a child imprisoned for life for murder, as the release and ultimate discharge of such a child is provided for in section 58a of the principal Act.

Clause 14 removes the prohibition on fixing non-parole periods for children sentenced to imprisonment and provides that such a child, while serving part of the sentence in a training centre, is not subject to the Correctional Services Act 1982, except for those provisions dealing with remission and release on parole. Remission will be awarded by the Director-General of Welfare, and release on parole at the end of a non-parole period (less remission) will be handled by the Training Centre Review Board until the child turns 18.

Clause 15 inserts a new division in Part IV for the purposes of community service orders. New section 58b provides that a child cannot be sentenced to community service unless there is a placement in the department's community service program available to the child. New section 58c provides that certain ancillary orders must be made for the implementation of community service orders. The child will be required to perform the community service in accordance with the directions of his or her community service officer. New section 58d sets out the same limitations on the way in which the child will be required to perform the community service as currently apply to adults performing community service.

The only exception is that the maximum number of hours that can be imposed on a child is 60, whereas the maximum for adults is 320. New section 58e requires the Minister to insure children against death or injury arising out of, or occurring in the course of, community service. New section 55f provides (as does the Correctional Services Act 1982, in relation to adults) that the tasks that will be assigned to young offenders must be for the benefit of disadvantaged people, non-profit making organisations or Government or local government agencies, and these tasks must not replace paid work for which funds are available.

Clause 16 first makes it clear that this section dealing with conditional release does not apply to children serving life sentences, as section 58a of the Act deals specifically with such children. This section also does not apply to children serving part of a sentence of imprisonment in a training centre, as the adult remission and parole system will apply to such children.

Clause 17 increases the limit on the amount of compensation that can be awarded against a child from $2 000 to $5 000. The time limit for payment is removed and will now be left to the discretion of the court.

Clause 18 provides for the enforcement of community service orders made by the Children's Court. A day of detention will be imposed by the court for each eight hours of community service unperformed. Such detention can be made accumulative on other detention or imprisonment if the court thinks fit.

Clause 19 removes the right to have a sentence imposed by a judge of the Children's Court reconsidered by that court, and further provides that reconsideration of sentences imposed by a magistrate, special justice or justices of the peace of the Children's Court will be dealt with by a judge of that court.

Clause 20 provides that the restrictions contained in this section as to the persons who may be present in court when a child is being dealt with under this Act do not apply to children who are being tried in an adult court for homicide, or who are being dealt with as an adult by an adult court pursuant to an application by the Attorney-General under section 47.

Clause 21 effects an amendment consequential upon the insertion of new section 93a.

Clause 22 inserts a new provision that provides that a report of proceedings against a child in an adult court may be published where the child is charged with homicide, or is to be dealt with as an adult pursuant to an order made under section 47. However, the anonymity of the child must be preserved unless the court orders otherwise. The penalty for publishing a report that contravenes this section is a division 5 fine ($8 000).

Clause 23 is a consequential amendment that allows work projects and programs to include work done for the benefit of Government and local government bodies.

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

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT WORKING PARTY REPORT

The Hon. C.J. SUMNER (Attorney-General): I seek leave to table a copy of the report of the Children's Protection

and Young Offenders Act Working Party dated September 1989.

Leave granted.

WRONGS ACT AMENDMENT BILL

The Hon. C.J. SUMNER: (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wrongs Act 1936. Read a first time.

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

That this Bill be now read a second time.

It seeks to implement a recommendation of the Children's Protection and Young Offenders Act Working Party. The working party recommended that consideration should be given to imposing some measure of responsibility on the parents and guardians of young offenders. Parents who can be shown to have taken little or no responsibility for their children should not be able to escape complete responsibility for the actions of their children.

Traditionally, a parent has not been held repsonsible for the acts of his or her child, although parents may be held personally, rather than vicariously, liable for torts committed by their children. Liability may arise because the parents authorised the actions of their child, or because they have not reasonably controlled their child. The usual case in which parents are held personally responsible for torts committed by their children is where a child injures somebody while playing with a dangerous article such as a shanghai, gun, dart or such like.

The law in South Australia, and the rest of Australia, is in contrast to that under some civil codes of Continental Europe. For example, Article 1384 of the French Code Civil provides:

> The father, and the mother after the father's death, are responsible for the damage caused by their minor children residing with them. The aforesaid responsibility is imposed unless the father and mother can prove that they could not prevent the act which gives rise to that responsibility.

The working party did not recommend the adoption of the Continental approach. Rather, the committee recommended that, where a court is satisfied that the acts or omissions of the parents or guardians of a child under 15 have materially contributed to the criminal conduct of the child, the court should be empowered to order the parents or guardians to pay so much of the damage incurred by the child as is fairly attributable to the acts or omissions. It was recommended that the institution of such an action against the parents or guardians should be in the civil courts. The age of 15 was chosen to coincide with the age at which children are under no compulsion by law to attend school.

The amendment contained in the Bill is a refinement of that proposed by the working party which on further examination proved difficult to implement. New section 27d makes a parent jointly and severally liable with the child for injury, loss or damage resulting from a tort where the child is also guilty of an offence arising out of the same circumstances, if the parent was not, at the time of the commission of the tort, exercising an appropriate level of supervision and control over the child's activities.

It is a defence to a claim against a parent to prove that the parent generally exercised an appropriate level of supervision and control over the child's activities. Thus, those parents who are responsible parents will not be liable for the injury, loss or damage caused by their children. I commend the Bill to members. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement of the Act by proclamation.

Clause 3 inserts a new section that makes a parent of a child who, while under 15 years of age, commits a tort, jointly and severally liable with the child for injury, loss or damage resulting from the tort, but only if two factors exist, namely, that the child is also guilty of an offence arising out of the same incident and the parent was not, at the time of the commission of the tort, exercising an appropriate level of supervision and control over the child's activities. Subclause (2) provides that the child must have been convicted or found guilty of the offence, or the court before which proceedings under this section are taken must be satisfied beyond reasonable doubt of the child's guilt.

Subclause (3) gives a defence to a parent who can establish that he or she generally did provide, as far as reasonably practicable, an appropriate level of supervision and control over the child's activities. Subclause (4) limits the liability to the natural or adoptive parents of the child. Subclause (5) provides that this liability will only arise in relation to torts committed after the commencement of this amending Act.

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

CURRICULUM GUARANTEE

Adjourned debate on motion of Hon. R.I. Lucas:

That this Council:

1. Expresses its opposition to the education implications of the Bannon Government's supposed 'curriculum guarantee' package.
2. Calls on the Bannon Government to take urgent action to make significant changes to its policy so that an educationally better curriculum guarantee package can be introduced.

(Continued from 25 October. Page 1414.)

The Hon. R.I. LUCAS: In closing the debate on this particular matter I will respond to some of the claims made in the speech of the Hon. Mr Weatherill on behalf of the Government; and I will highlight one or two other matters in relation to the development of this debate since I raised this issue some weeks ago. Last week the Area Schools Principals' Association of South Australia compiled its own survey of the effects of the curriculum guarantee on area schools throughout South Australia. All members would be aware that there has been some concern about the effects of the curriculum guarantee on country schools and on area schools in particular. Certainly, members of the Opposition have made a whole series of claims about the effects of the curriculum guarantee on area schools. These were always denied by the Government, in particular the Minister of Education and the Director-General of Education. The basic response was that it was too early to tell and we should sit back and wait and see.

The survey conducted by the Area Schools Principals' Association of all area schools in South Australia shows that, if the curriculum guarantee were to be implemented in the form agreed with the Institute of Teachers, there would be a cut of between 80 and 90 teachers in area schools throughout South Australia, and this is with a slight increase of somewhere between 10 and 50 student enrolments throughout those area schools. So, the Government could

not even fall back on to its age-old argument of enrolment decline to justify the cut in area schools in relation to the curriculum guarantee's effect.

When the area schools and other groups and organisations representing country schools publicised these findings, the Minister of Education, on 5AN and other radio stations, was busily denying (as is his wont), that this was the case, I guess the implication is that the Minister of Education believes that all the area school principals in South Australia do not know what they are talking about. In fact, the Minister of Education is saying that the professionals in the field not only do not know what they are talking about but perhaps they made up these claims and have been mischievous or, in his words in the Estimates Committee, 'irresponsible' in raising these particular concerns about the staffing of area schools. Frankly, I have much more respect for area school principals than does the Minister of Education.

I have a copy of the information collected and collated by the area school principals. I would seek to have it incorporated in *Hansard*, except I doubt very much whether, given the size of the writing and the hieroglyphics on all the little boxes, anybody could make much sense out of it. I would be happy to provide a photocopy to any members who want to see it, but I do not think it would be productive to have this table incorporated in *Hansard*. However, as I said, if any member of the Government is concerned for country students or country schools, they might be interested in looking at the survey by the Area Schools Principals' Association and make up their own minds as to the veracity of the claims or the denials of the Minister of Education and the Director-General of Education (Dr Ken Boston).

The Minister of Education, in the 5AN interview, not only scurried to his burrow in denying that this was the case, he also said, in a very dismissive way, that the staffing had not yet been done, and that nothing had been finalised in relation to staffing for 1990. Yet, at the same time the Director-General of Education was busily writing a letter to the editor of the *Advertiser*, Mr Piers Ackerman. I will not read the whole of the letter which is dated 23 October and which I believe was published on 24 October. I will quote the final two paragraphs:

> In addition, a three member committee chaired by Mr David Mellen, Principal of the Murray Bridge High School, has been established to consider the concerns of any area school where the principal feels that the curriculum guarantee cannot be met.
>
> In 1989, student enrolments for the State's area schools were 13 860 and 1 094 teachers were appointed to teach in area schools. For 1990, the student numbers in these schools will rise to 13 920.

In fact, that is an enrolment increase of some 60 students. The letter continues:

> One thousand one hundred and five teachers will be appointed to area schools in 1990, an increase of 11 staff members for an increase of 60 students. Through such staffing allocations, the Education Department intends to ensure that the proposals of the curriculum guarantee are carried out for the benefit of students throughout the State.

The Area Schools Association of South Australia has conducted a survey of all schools, and it is saying that there will be a cut of some 80 or 90 teachers. The Minister of Education is saying that he cannot say that yet because nothing has been finalised. On the same day, the Director-General says that everything has been resolved and there will be an increase of 11 staff members for 1990 for these area schools. This statement by the Director-General of Education has been greeted with amazement by area schools principals and staff members of area schools. Frankly, they do not know from where he has obtained his figures.

The Minister of Education and the Director-General, during the Estimates Committee debate in another place, when challenged on these cutbacks to area schools said that they would be forming this three-person committee to which Dr Boston refers. It would be its decision whether extra staff would be allocated to make up for this cutback in staff levels to which I have referred before and to which the area principals are now referring. So, the Minister's and Director-General's response up until this week has been, 'We have formed a committee. That committee will look at all the area schools and, if the schools can convince the committee that they cannot deliver the 1989 curriculum in 1990, that committee will recommend extra staffing assistance.'

The extra staffing assistance was not to be automatic because the committee, on behalf of the Government, could, I guess, direct the particular area school to reorganise itself to deliver the 1989 curriculum in 1990 in a different way using the same staff resources. Up until this week that had been the Bannon Government's response to these cutbacks in area school staffing. Yet, on 23 October, Dr Boston says an increase of 11 teachers will occur.

I have taken the trouble to speak (not to members of the committee because I would not want to place them in a position of conflict, being identified as having spoken to me) with the representatives of the area schools who are aware of the operations of this committee chaired by David Mellen. As of yesterday morning that committee had not met as a committee to consider the problems being raised by area schools. Some members of the committee have only just started to visit some schools to try to find out first-hand the effects of the curriculum guarantee on those schools. Therefore, at this stage I am told that in no way is it possible for the Director-General of Education or the Minister of Education to be able to say that there will be extra staffing allocated to these area schools that are losing staff as a result of the curriculum guarantee.

So, it is really up to the Bannon Government, the Minister of Education or the Director-General of Education to indicate where this figure of an increase of 11 teachers has come from. They are the ones trying to allay the concerns of area schools in relation to the staffing of those schools for 1990. It is up to them to indicate where the figures have come from and where, suddenly, a cut of 80 to 90 teachers can be transformed into an increase of the size of 11 teachers in area schools.

Before I came here today, at about 1.50 p.m., an irate teacher called me from a high school in the southern suburbs. I did not know the gentleman to whom I spoke, but he said to me that the Director-General of Education and the Minister of Education were liars. I said, 'That's obviously your very strongly held view. That is something that I cannot indicate as my opinion in the Chamber in relation to those two particular persons', even though I believe the fellow might be heading down the right path. However, he indicated that the Director-General and the Minister of Education are liars. He said that they are lying in relation to the effects of the curriculum guarantee on our schools.

I had a 10 or 15 minute conversation with this teacher. From his background as he outlined it, I would not imagine that he was of Liberal persuasion. However, he certainly was so furious and cross with the Bannon Government, and in particular the Minister of Education and the Director-General of Education, that he was prepared to refer to those two gentlemen in those terms, terms which, if I used them in the Chamber you, Mr President, would rule as unparliamentary and out of order. I indicated that to this gentleman in the conversation because he was saying to me, 'You have to be tougher on these blokes. You will have to

label them for what they are. You have to state it as it is and indicate to the schools and parents of South Australia what these people are getting up to in relation to their claims on the curriculum guarantee.'

I guess it is a moot point. I have no problems about crossing swords with a politician of a different persuasion (the Minister of Education) and I see that as an appropriate role. However, I do not see it as an appropriate role for the Director-General of Education to be entering into the political domain in this way. Of course, in Government I will make those views well known to whoever holds the position of Director-General of Education under the Olsen Liberal Government in 1990. I state that clearly because of the story that was published in the press this morning in relation to the curriculum guarantee. I have raised some of the background of that issue in Question Time today and I will not repeat it. However, that issue again related to the effects on country schools and country students in gaining access to the equality of opportunity in trying to do year 12 (publicly examined subjects) in areas such as maths 1, maths 2 and physics.

It was quite clear that the decision had been taken by Dr Boston, the Director-General of Education. A letter had been written by that gentleman to the Department of TAFE, indicating that salaries would be cut. TAFE then took the appropriate action, as it saw it from its particular departmental view, and therefore advised area schools accordingly. On Tuesday evening my phone at home ran hot until about 11.15, with staff representatives of area schools expressing concern and alarm at this cut-back by the Department of TAFE and the Minister of Education under the curriculum guarantee.

The Hon. M.B. Cameron: This Government doesn't care about country students.

The Hon. R.I. LUCAS: I can only agree with that statement. The next thing to happen was that Dr Boston and the Minister of Education again went scurrying for their burrows on this issue and denied to journalists from the *Advertiser* and to the media generally that there was anything at all in this story and asserted that the Opposition was being mischievous, negative and scurrilous in its activities in relation to country schools. They said that the Opposition was trying to scare country schools and country students that they might miss out on some subject options for 1990. What hypocrisy from the Minister of Education and the Director-General of Education, because we have copies of documentation provided by TAFE to all area schools late last week and on Monday of this week. It was there for blind Freddy—

The Hon. M.B. Cameron: Or the Minister of Education.

The Hon. R.I. LUCAS: —or the Minister of Education or the Director-General of Education to see that TAFE was cutting back on options for some year 12 country students. It was as plain as the nose on your face that that was what they were up to. They were hoping to get away with it, and when they were caught with their finger in the pie, they busily scurried down their burrows.

The Hon. T. Crothers: Like the rats of Tobruk.

The Hon. R.I. LUCAS: If the honourable member wants to refer to the Minister and Director-General of Education as the rats of Tobruk—

Members interjecting:

The PRESIDENT: Order! The honourable member will address the Chair.

The Hon. R.I. LUCAS: That is a judgment for the Hon. Mr Crothers to make, even if he is out of order in making that interjection. I would use stronger words than that about the attitude of the Minister and the Director-General of Education in relation to country schools. My caller at 1.55 p.m. would have used unparliamentary language, which I will not use, but they are sentiments with which I would agree and there would certainly be many others in the South Australian community who would agree with sentiments expressed to me by the senior teacher from a high school in the southern suburbs.

In relation to another matter raised in this debate, which again concerns alleged scare tactics in relation to country school closures and hidden agendas, I want to place on record the response provided by the officers of the Minister of Education on this aspect of the curriculum guarantee, namely, the country school closure question. I raised it in context and in relation to the open access teachers salary question. The response is as follows:

> The following is a list of country schools that have been reviewed or are soon to be reviewed.
>
> Reconfiguration (involving consolidation of secondary years of schooling at Lameroo as from 1990): Pinnaroo, Lameroo and Geranium.

They have been done already and we have discussed that issue before. The second general area is:

> Clustering (involving years 11 and 12 as from 1990).

The schools referred here are Brown's Well Area and Loxton High School. Now we come to the nub of the question:

> Review (to be conducted during 1990): East Murray and Tintinara Area Schools; Minlaton Primary School; Minlaton High School and [the following are rural schools]: Appila, Caltowie, Comaum, Gulnare, Mount Hill, Murray Town, Wanilla, Wharminda and Yacka Rural Schools.

The Hon. Peter Dunn: A lot of Eyre Peninsula schools.

The Hon. R.I. LUCAS: Yes.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: They are the schools, should we be in the unfortunate position of having a Bannon Government re-elected, that would be reviewed by the Education Department during 1990. I am advised that already one of those rural schools—and I will not nominate it in case I have the name wrong—has already been identified to be closed during 1990. As I have previously indicated, the writing is on the wall for a number of country schools, should the Bannon Government be re-elected. It is clear. If one looks at that response from the Minister of Education, one sees that he has indicated that he has reviewed Pinnaroo, Lameroo and Geranium schools. Then he gives his 1990 top of the pops hit list of schools in country areas to be reviewed. There is already much concern in many of those schools about the intentions of the Bannon Government in relation to those areas.

I want to refer to two other matters, in response to the contribution of the Hon. Mr Weatherill who spoke on behalf of the Government during this debate. I do not want to be personally critical of the Hon. Mr Weatherill; he was doing his job. The speech had been written for him by the Minister's staff and approved by the Minister. The Hon. Mr Weatherill had to do his bit as a member of the Government and stand up in the Chamber and deliver what I am sure even he would privately concede was a load of drivel. I am not personally criticising you, George. The Bannon Government's response—I will refer to it in those words—centred greatly on personal abuse and vitriol, as is its wont, and sought, in a number of areas, seriously to distort the record of the Liberal Party and of previous Liberal Governments in South Australia in relation to this area of curriculum guarantee, in particular, to questions of enrolment decline and teacher numbers. I quote from the contribution of the Government in this area as follows:

> The actions of the Liberal Government in trying to cope with the enrolment decline in the dark ages between 1979 and 1982

were disastrous for education in South Australia. Let us not just take my word for it. Let us look at what the people in the best position to know said about the Liberals' record and what the teachers said. I will quote from an article from the Journal of the South Australian Institute of Teachers, dated 22 November 1985.

The article was titled 'Labor's education record'. The article starts with some comments about the Liberal's record. It states:

> The Liberal Government's philosophy was to cut spending in line with enrolment decline. Under two Liberal budgets, 556 teachers, 124 ancillary staff and 90 adviser positions disappeared.

This really is the pits, although that does not summarise my position as best it could. It is the pits in relation to a response from the Bannon Government on the record of the Liberal Government in 1979 to 1982. The Government knows that those figures are wrong; it would not use the figures supplied by the Department of Education, as provided to the Minister of Education. The Department of Education knows that the figures quoted by the Institute of Teachers are wrong.

The Minister of Education has been told that they are wrong yet, on behalf of the Bannon Government and using the Hon. George Weatherill as its tool, puppet or mouthpiece (and I feel sorry for the Hon. Mr Weatherill), the Government seriously sought to distort the facts on education in South Australia.

The Minister was given information by the Department of Education. The information is available, through the Australian Bureau of Statistics, from the Department of Education. Sources within the department have informed me that that information was provided to the Minister of Education. Those sources have thrown up their shoulders, saying that they do not know where the Minister is getting the figures and that they are not true. The Government wants to make a political point because its record is so horrendous and deplorable with the cut-back of 700 teachers over four budgets, so it is trying to concoct a false Liberal record for 1979-82 using poor George Weatherill as its mouthpiece. Other members will not stand up in this place and say it—instead, they use the Hon. Mr Weatherill, and he is not even a member of the Hon. Mr Crafter's faction.

The Government set up and used the Hon. Mr Weatherill to trot out its drivel. I am not critical of the Hon. Mr Weatherill. In this and previous responses on education matters in this Chamber in respect of curriculum guarantee we always get the figures trotted out by the Government, the department, the Bureau of Statistics, and so on. All of a sudden an Institute of Teachers' Journal article from 1985 is quoted as a source of reputable comment on the record of the Tonkin Liberal Government. It is simply not correct. The fact is that 556 teaching positions were not cut back during the Tonkin Liberal Government.

I refer to figures from the budget papers. In the last year of the Labor Government in 1978-79, the percentage of the budget spent on schools was 26.8 per cent whereas in the last year of the Tonkin Government in 1981-82 it was 26.4 per cent—a difference of .4 per cent. In 1980-81, from all the records I could compile over the past 2½ decades, the Liberal Government spent more of the State budget on schools than any other Liberal or Labor Government in 2½ decades. The Tonkin Government, of which the Hon. Mr Burdett and the Hon. Mr Griffin were ministerial representatives, spent 27.5 per cent of the budget on schools in 1980-81. If Government members had the temerity or courage to interject out of order and ask 'What is the figure now?', I advise that it is down around 20 per cent of the budget. The Tonkin Government spent 27.5 per cent of its budget, but the Bannon Government has whittled away the figure to just over 20 per cent.

Some of that reduction is due to enrolment decline but over half of it has been removed as a conscious decision of the Minister of Education, the Premier and the Hon. Mr Roberts and the Hon. Mr Crothers at Caucus meetings of which they have been members. They supported motions to cut teacher numbers by 700 in the past four budgets.

The Hon. T.G. Roberts: Your leaks have been wrong there.

The Hon. R.I. LUCAS: The Hon. Mr Roberts leads with his chin, as I understand he did at the Somerset Hotel last Christmas. The Hon. Mr Roberts indicates that that is where our leaks were wrong. They are not leaks: it is information provided in the budget papers by the Minister of Education, the Premier and the Director-General of Education. If the Hon. Mr Roberts wants to call them leaks when they come *via* the budget papers, that is his terminology. He led with his chin and that is the appropriate response to his interjection. On behalf of the Government the Hon. Mr Weatherill raised a number of other matters that were factually incorrect in relation to the record of the previous Liberal Government.

They were certainly factually incorrect in relation to the attitude and policies of an Olsen Liberal Government. The last general area that I want to address is that trotted out in every speech in this Chamber and on every public occasion that the matter of curriculum guarantee is mentioned. Members say, 'Have a look at New South Wales and see what they did there. They have cut 2 000 teachers in New South Wales and that is what an Olsen Liberal Government will do.' That is the response—the morally bankrupt response—of the Bannon Government and the Minister of Education on education matters. We are a sovereign State.

We are quite capable of making our own decisions in relation to what goes on in our schools. I could not give a fig what occurs in another State in Australia. I do not give a fig what occurred 10, 20 or 30 years ago or even last century in South Australia. I am concerned, as is everyone involved in schools in South Australia, about the policies of the Bannon Government and the alternative Olsen Government. That is what people want to know. They want to be able to compare the record of the Bannon Government with its deplorable performance on education with what an Olsen Liberal Government will do in education. People do not care what happens in New South Wales or what happened 20 years ago. If we want to get into this debate, we can talk about the Cain Labor Government's performance on education and its significant cut-backs. The Hon. Ms Wiese wants me to wind up, but no way in the world—I am just winding myself up.

We could talk about the record of the Cain Labor Government in Victoria with its cut-back of over 300 to 400 teachers in its last budget and its significant attack on the public sector in Victoria, but I do not give a fig what the Cain Labor Government does, what the Greiner Liberal Government does or what Billy the goose does. All we are worried about in South Australia and all we ought to be worried about in this Chamber is what is going to happen in our schools in South Australia next year and for years afterwards. That is what we want to know.

What the alternative Liberal Government has indicated already is that there will be an increase of 200 teachers in the first Olsen budget. That is it. That is the guarantee from the alternative Government. We have also indicated that over the four years of an Olsen Government we will seek to increase teacher numbers by 500. With those extra resources we will be able to renegotiate a better curriculum guarantee for Government schools in South Australia and address the range of other problems we have highlighted in

this motion and elsewhere. So, country schools will get a better deal under an Olsen Liberal Government.

It does not worry me if the only response we can get from the Minister of Education and his sidewinders (or side-whingers, as some might describe them) is: look at what occurs in New South Wales. If one looks at it on a *pro rata* basis, one will see that the Ministry of the Hon. Mr Crafter (Crafter the shafter or cuts Crafter, as some people refer to him) has resulted in a cut of 700 teachers in South Australia. That is as big or bigger than the cut of 2 000 teachers in New South Wales.

So, if we want to talk about other States and the performance and education records of respective Governments, I will discuss the matter any time, anywhere, any place with the Minister of Education, with the Hon. Mr Roberts or the Hon. Mr Crothers or the whole bang lot of them if they want it that way. I will discuss their record and what we, as an alternative Government, will do for Government schools and, in particular, country schools in South Australia. With those few quiet and reasonable words I urge members to support the motion.

Motion carried.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATE OPERA OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

The Hon. M.S. FELEPPA brought up the interim report of the select committee on terms of reference *(c)* to *(f)*, together with minutes of proceedings and evidence.

Ordered that interim report be printed.

The Hon. M.S. FELEPPA: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 December 1989.

Motion carried.

The Hon. PETER DUNN: I move:

That Standing Orders be so far suspended as to enable me to move that the third interim report of the select committee be noted forthwith.

The Council divided on the motion:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn (teller), M.J. Elliott, I. Gilfillan, J.C. Irwin, Diana Laidlaw, R.I. Lucas, R.J. Ritson and J.F. Stefani.

Noes (8)—The Hons M.S. Feleppa (teller), Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Pair—Aye—The Hon. K.T. Griffin. No—The Hon. T. Crothers.

Majority of 3 for the Ayes.

The PRESIDENT: For Standing Orders to be suspended, there must be an absolute majority of 12. The motion is therefore negatived.

Motion thus negatived.

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

That Standing Orders be so far suspended as to enable the vote just taken on the suspension of Standing Orders to be declared null and void.

The Council divided on the motion:

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

Noes (8)—The Hons M.S. Feleppa (teller), Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Majority of 4 for the Ayes.

Motion thus carried.

The Hon. PETER DUNN: I move:

That Standing Orders be so far suspended as to enable me to move that the third interim report of the select committee be noted forthwith.

Motion carried.

The PRESIDENT: The Hon. Mr Dunn.

The Hon. M.S. FELEPPA: On a point of order, Sir, I would like to be guided by you. I did not indicate whether or not I would speak to this matter but, as the motion has now been carried, I wish to proceed with my contribution.

The PRESIDENT: The Hon. Mr Dunn has the call. There is no point of order.

The Hon. PETER DUNN: I move:

That the third interim report of the select committee be noted.

Winston Churchill said during the battle of Britain, 'It will be hard, it will be long and there will be no withdrawals.' Well, this Committee today has had more withdrawals, and there are only two or us left on this committee after more than 60 meetings; perhaps Mr Feleppa and I are the only two who are there. There have been some withdrawals. Even the President withdrew because of the very tardy and very slow method by which the Government proceeded with this report.

The Hon. CAROLYN PICKLES: On a point of order, Mr Dunn is referring to the President as having been a member of this committee. I was not aware that the President of the Legislative Council has ever been a member of the committee.

The PRESIDENT: I uphold the point of order, I must inform the Hon. Mr Dunn that I was not a member of the committee.

The Hon. PETER DUNN: I used the wrong term there. I should have said, 'The Chairman of the select committee' withdrew in an attempt to demonstrate that there was tardiness by the Government in getting this committee to a finality. We have finally reached that point. We have brought down today a report which I think is a good one, and I must congratulate Mr Feleppa on chairing it during the latter part. He has provided us with a venue, and we have been able to bring down this report. I think that will demonstrate that a lot of problems are occurring in the generation of electricity within South Australia. However, we have made some suggestions that may in the future correct that.

The present operation has two major power generating systems, that is, the Torrens Island Power Station, which is fundamentally fired by gas but which can be fired by fuel oil, and, of course, Playford Power Station and Northern Power Stations 1 and 2, which are now fired by Lochiel coal. Northern Power Stations 3 and 4 which are proposed will, it is anticipated, also be fired by Lochiel coal.

The arguments that have occurred have fundamentally been brought about by a very rapid increase in the requirement for energy, particularly electrical energy, within this State. It is anticipated that there will be about a 1.5 per cent increase per year in energy requirements for the State from

all sources. However, the electrical energy that is required appears to be increasing at a rate of about 2.5 per cent. That is the figure that the Government has given us.

However, in the past few meetings that we had there was an indication that that increase in the past two years has been as high as 5.3 per cent. I refer to Mr Tsiros's answers to questions on page 984 of the evidence. He confirmed that there has been an increase of 5 per cent in the consumption of electricity. That is causing a problem in South Australia and perhaps, because of that increase, we have had unusually high demands and several power failures recently.

I noted on this morning's news that it was said that a report would some time next month explain how those power failures occurred. It seems unusual to me that ETSA cannot work out what caused those power failures. Perhaps we do need a review of the power requirements for this State.

In fact, the figures appear to be very rubbery, and I think the Government is hiding something. They have put great emphasis on the interconnection, the new line that is coming from Victoria. That interconnection will indeed assist in giving us stable power because it will be coming from another station. Whether it be in Victoria, New South Wales or whatever, I would not know.

It is an interesting method by which they are going to take power from Victoria, because power from Victoria is cheaper to purchase than the cost at which we can generate it here in South Australia. A sophisticated computer will work this out and I presume that we will be purchasing electricity at different times of the day and the week. That leads me to believe that we have expensive power in South Australia and, if we take that to its logical conclusion (perhaps building our third base-load station some time in the future), I wonder whether there will be a need to take power from Victoria. Also, it exports jobs to Victoria. Victoria will employ more people to generate power. This concern needs to be noted.

As I have said, there will be a future need, perhaps more quickly than we think, for a base-load coal station. The sites suggested as sources for lignite coal are Lochiel, Sedan, Bowmans and Wintinna. Although emphasis has been put on the Lochiel and Sedan projects by FEAC, there are some flaws in them. If that were not so, we would have had a more substantial result from ETSA, a more substantial direction than we have received.

Several years ago the Wintinna proposal appeared to be rejected out of hand. I understand that there has been a request by ETSA for a further submission from Meekatharra Minerals, the company which owns the mining rights in the Arckaringa Basin. Because of that there must be some doubt about what is happening with the coal and the problems that we have in burning that coal from Lochiel and Sedan. I do not wish to proceed much further than that: my comments highlight some of the history and the problems that have occurred and I guess that when the committee was projected by the Hon. Mr Gilfillan, he did not envisage what exactly would happen.

A divided report has been brought down. Members could not agree on all the recommendations in the report, but we have at least tabled and commented on them. We have tried to make it a level field. For that reason, I believe that the substantial report—I refer members to the mountain of evidence—should be noted by the public, by ETSA and other people involved in the generation of electricity within South Australia. I recommend the report to the Council.

The Hon. M.S. FELEPPA: I will try to be brief in speaking to the report as Chairman of the committee. The tabling of the third report of the select committee provides few definitive answers on the terms of reference in respect of coal that the committee has addressed. While the consideration of the terms of reference has been an interesting and informative process for the committee members, our findings and recommendations reflect caution rather than clear directions.

Labor members of the committee believe that it is an appropriate response because some of the evidence taken leads us to believe that a firm decision at this stage on such matters as new coal fields and new base-load electricity generating plants are not only unnecessary but are also considerably premature. As long ago as 1983-84 the Advisory Committee on Future Electricity Generation Options advised the Government to keep its options open and to pursue the widest possible range of alternatives up to the point at which a decision must be made. That was good advice then and, in my view, it remains good advice today. Since the advisory committee reported, there has been a substantial improvement in the State's gas supply and the pricing arrangements with the Cooper Basin producers and the progress that has been made to further extend the gas reserves.

Interconnection with the Victorian and New South Wales electricity grids is virtually a reality: commissioning will start on 1 December and the commercial operation is due next March. In response to a moderation of demand, the need to construct a third 250 megawatt unit at the Northern Power Station has been deferred. On the basis of present demand forecasts, the State will not require the first input from a new base-load power station until beyond the turn of the century.

While the latter point may not be what some of the commercial proponents of future generation options want to hear, it is good news for the State. The longer that the need for such major capital expenditure can be delayed without in any way jeopardising our ability to meet the energy demands of the State, the better off our energy consumers will be in financial terms. While it is obvious from my reading of the interim report that agreement was not reached on all the issues considered, I doubt whether any member would disagree with the observation that the issues were extremely complex—perhaps excessively so—for a group of lay people to pass judgment on.

However, what should be noted is that an enormous amount of the committee's time was taken up by an extraordinary post mortem into the 1985 report of the Future Energy Action Committee, following its evaluation of four coalfields as possible sources of fuel for a future base-load power station.

I believe it is fair to say at this stage that one of the unsuccessful contenders in the FEAC evaluation has sought to use the select committee as a vehicle for rewriting this FEAC report which found, on the evidence then available, that Lochiel and Sedan offered the lowest cost options as a fuel source.

That in itself is not surprising. After all, there were significant commercial implications for the four proponents, all of whom had invested significant sums of money in pursuing such a development opportunity. What was much more disturbing was the willingness of the unsuccessful proponent, Meekatharra Minerals, to attack the integrity and objectivity of FEAC members and the consultants used by FEAC in the evaluation.

In dealing with a situation that involves someone's unwillingness to accept the umpire's decision, Parliamentarians, I believe, should be exceptionally wary of accepting, at face value, assertions about the integrity of the umpire,

especially when the assertions are made by persons who have a vested commercial interest in the outcome.

Labor members of the select committee could not accept, given the complete lack of evidence before it, the allegation of bias and lack of independence and integrity attributed to FEAC members by Meekatharra Minerals. We could not find, in the evidence given to us, any credible explanation of the motivation that would have influenced the members of a Government appointed committee, comprising mostly public servants of unquestioned standing and repute, to single out a proponent for such treatment.

I regret to say that our Liberal colleagues on the committee have shown some willingness to uncritically accept the Meekatharra scenario and, given the complete absence of evidence to support these allegations, I can only assume that they see political benefit in attempting to leave a cloud hanging over the FEAC evaluation and the personnel involved.

There is another element to this aspect of the select committee's work. If, at the end of the FEAC evaluation, that had been the end of the road for the Meekatharra project, then one might have accepted that the company would have sought to use an appearance before the committee as some sort of last court of appeal for its project. But, the reality is that the Government has always made it clear to the unsuccessful proponents in the FEAC process that they were free to resubmit proposals at any time if they believed they were able to demonstrate a relative improvement in the economics of their projects.

Only this week Meekatharra Minerals publicly announced that it had submitted a range of revised proposals for the development of the Arckaringa coalfields to the Minister of Mines and Energy for consideration. I understand that the Minister has welcomed the company's decision to resubmit and has said that the submission will be taken into consideration in the continuing examination of the State's need for baseload electricity generating capacity.

In addition, as recently as 25 September, the committee was told by the Deputy Director of the Office of Energy Planning (Mr Noble) that Meekatharra's project had not been disgarded as an option. He said (and I quote from the evidence):

> We are continuing to liaise with Mr Arthur of Meekatharra Minerals, which is making a presentation updating its information on its coal deposit to a group involving ourselves and ETSA on 11 October. We have not discarded any options. The purpose of the Lochiel and Sedan evaluations was to spend a fair amount of effort in updating the costs and the other factors in those two then preferred developments, but it does not mean that we will rule out any of the other potential alternatives.

I have mentioned these matters because I believe they clearly indicate that Meekatharra is not being disadvantaged. For that reason I believe it is inappropriate for Liberal members to have left hanging any suggestion that the treatment given to the company has been anything other than fair and reasonable.

I would not want to give the impression, at the same time, that the committee found no common ground within its membership. There is, in this interim report, a set of recommendations which have the broad support of all members. These recommendations reflect the caution to which I referred earlier—a caution based on the need to ensure that all the many future options continue to be thoroughly assessed, including the environmental assessment.

They acknowledge that there are technical aspects of the planning issues that require further work, and recognise that there is a need for flexibility in any decisions about the size of future power station developments. However, the committee has also welcomed recent assurances given by the Minister of Mines and Energy that: no final decisions have been made on any new coalfield developments or related power station development; no such developments will be approved without undergoing the full EIS process; the timing of such developments will take account of the need to ensure that additional generating capacity can be provided when required, but not in advance of need to the extent that unnecessary impacts occur on electricity tariffs; and demand projects are being regularly updated to ensure optimum timing for the provision of additional generating capacity.

What is apparent is that substantial changes and progress have occurred since the committee began examining its terms of reference in April 1987. There have been changes in the State's energy planning and coordination process, including: the establishment of the Office of Energy Planning; progress on interconnection, to which I have already referred; developments in relation to the Oaklands project; completion of the technical review of the Lochiel and Sedan coalfields; new gas sales contracts and other gas developments: changes in forecasting and demand management; further developments in technologies for the use of coal; the current preparation of a State energy plan; and a quite dramatic escalation of public interest in the greenhouse issue.

There is good reason to believe that constructive progress will continue. Given that the State has no need to make urgent decisions on the matters discussed in this interim report, we believe that the available time should be used to ensure that when decisions are required the best choices for the State are made.

I want to place on record my appreciation for the great assistance given to the committee by the two research officers, Mr King and Dr Jill Kirby. I also thank the secretary to the committee, Mr Trevor Blowes, and all the witnesses who appeared before the committee, which has made it possible to provide this final report. I also feel obliged to thank the previous Chairman, the Hon. I. Gilfillan, and all members who served on the committee, who helped us to achieve the final result.

The Hon. J.C. IRWIN: I support the motion and I support the remarks made by the Hon. Mr Dunn and some of the remarks made by the Chairman of the committee, the Hon. Mr Feleppa. I am amazed at the turmoil that seems to have surrounded the deliberations of the committee over the past year or so and the motion now before the Council. Perhaps this is due to pre-election or end of session jitters, but there is something pervading the air in relation to this report. One can only assume that the Government feels threatened by the committee's deliberations and the report. I sincerely hope that that is not the case and that it has the courage to address the issues in the report, which are well laid out. In fact, the issues which were raised and which we as members of the select committee tried to address are well known to the Government and the various Government departments involved.

I do not believe that time alone will heal all the problems, but courageous decisions have to be made. Again, time alone will tell whether we have to make some quick decisions regarding our future energy needs in South Australia. I have in mind what has recently happened in Western Australia, where energy demand was under-estimated and there is now a rush to get new plant into production in Western Australia.

An honourable member: You're wrong.

The Hon. J.C. IRWIN: I am told when I bring up that point that Western Australia has achieved much more development than we have in this State. However, I remind

honourable members of the number of times recently that we have heard from a number of people—the Premier, the State Bank, and others—that there is an enormous amount of development in South Australia. I hope that what they are telling us is true—I have no reason to doubt it. Also, I have no reason to doubt that, because people are buying more appliances, they are using more electricity. I am doing it and my married children are doing it, and most people we know are now using more electrical appliances both in winter and summer and that leads to the peak demands that we have had recently. I would have preferred not to rush the preparation of my comments in support of the motion—

The Hon. Anne Levy: You needn't have supported the motion.

The Hon. J.C. IRWIN: No, but I will qualify what I just said. I know that at times I am somewhat ponderous when making contributions in this place, but I try to make comments sincerely and back them up by showing some basis for making them. This could be recognised as a significant report, although I have the feeling that the work of the select committee, especially over the past 12 months, has had an impact on the thinking of the Government and some of its departments. I say that in the context that a great deal, if not most, of our evidence was given in a public forum and was available to the public. There is no doubt in my mind that the Government, in some significant areas, is moving in the right direction. My great hope is that that movement continues and that no final decision is made on South Australia's next major power station until all factors have been well and truly considered to the advantage of South Australia and South Australians.

The select committee has been meeting in respect of this report for over two years. In fact, according to the report the committee has met on 38 occasions, apart from the meetings that went into the drafting of the other two interim reports. Along with other committee members, I acknowledge the work and expert help provided to the committee over the years that I have been a member. I took over from the Hon. Diana Laidlaw when she resigned from the committee after the gas interim report. First, my appreciation goes to Mr Bruce King, who assisted the committee until 9 June 1987, and then to Dr Jill Kirby, who provided assistance from about August 1987 until the present time. I acknowledge the assistance of Mr Trevor Blowes, Secretary of the select committee, and the two chairmen since discussions and the taking of evidence commenced. The Hon. Ian Gilfillan, who instigated the select committee, was Chairman for about three years. The Hon. Mario Feleppa, the current Chairman, has certainly done his utmost to bring the committee members together as often as possible over another two years or more of deliberations.

I have already declared an interest in the matter because a member of my family has some interest in CSR, a proponent in the coal industry in South Australia. I believe that that interest is already noted in the committee minutes, so I guess I do not have to repeat it. The report is broken up into a number of areas, and they are very well laid out by those who put this report together. It includes an introduction, a background, some exploration of the coal in South Australia, coalfield selections by FEAC from 1984 to 1985, future power needs for South Australia, processes being followed to resolve the issue of South Australian power needs, and possible technologies for the development of South Australian coal resources.

Although the select committee commented on that last point—possible technologies for the development of South Australian coal resources—much of that is fairly technical advice and is there for the benefit of those people who, like me, need some education on what this is all about.

The first six pages of the report contain the findings of the select committee and are generally broken up into summary and conclusion. On the first page a brief summary states:

> The licensee of the Wintinna deposit, Meekatharra Minerals Ltd (MML), strenuously contested this decision and questioned the methodology with which it was based.

That is the FEAC decision. It continues:

> The select committee received evidence on each of the issues raised by Meekatharra and other coalfield proponents and reached the following conclusions.

I want to highlight some of the areas referred to on the first and second pages where the committee was almost unanimous in its decision. The first dot point relates to tests on Lochiel coal as follows:

> As tests on Lochiel coal are continuing and as no detailed results have been made available to the committee, it is unable to give an opinion as to whether Lochiel coal has been demonstrated as a reliable, economic, base-load fuel for pulverised combustion.

This is five years after the FEAC report was brought down. The report continues:

> More testing is required for Lochiel coal, given the unresolved uncertainties identified by FEAC.

Again that was in 1984-85 and some of those still exist. I will go over three major dot points on environmental issues as follows:

> All environmental issues should be seriously considered in all power station and similar development proposals and at the earliest possible stage. The issue of air pollution must be given particular attention in the environmental impact statement (EIS) process. The environmental concerns expressed about Wintinna are noted and should be addressed.

Some concerns were mentioned on that and are addressed in the report. The three dot points on the environment are part of the recommendations further in. We then have from the Minister of Mines and Energy assumptions and assurances, which the Hon. Mr Feleppa has addressed. I will not go over them, but we welcome the clear assurances given by the Minister that no final decisions have been made on coalfields. This section contains four dot points followed by a page and a half of areas in which the select committee was quite seriously and definitely divided. It decided that the best way to signal the divisions to people reading the report was as follows:

> In terms of other aspects of the FEAC coalfield evaluation, the select committee was unable to reach agreement.

The Labor members of the select committee believed that and, regarding Meekathara's evidence and that from others, the Liberal Party members thought the opposite. I will highlight some of the thoughts of the three Liberal members opposed to the three Labor members:

> The combined use of local, interstate and overseas experience by FEAC's Coalfield Selection Committee did not provide a high degree of competence and independence.

It may be easy for us with hindsight as we had the luxury of being able to look back on the deliberations of FEAC prior to 1984-85, and we are sitting in 1989. I qualify what we said about independence, particularly that it may be easier in hindsight. We were given much evidence which made us question the independence of FEAC and its association with Lochiel coal. What we have said supports the view that wrong decisions regarding Lochiel coal may have been in 1984 and are still being made now. The next point states:

> Adjustment of the power station's capacity factor alone makes a significant difference to the relative cost of delivered electricity to the South Australian consumer. FEAC's assessments of moisture levels for Wintinna coal and power station efficiencies for

Lochiel were not credible, based on sound technical information at the time.

A number of these areas where matters were addressed properly by FEAC made us believe that Meekatharra coal was disadvantaged by the FEAC process. The next point was as follows:

Lochiel coal does not lie within current pulverised coal combustion practices in 1984 and does not conform today.

It is a questionable and very important point because one of the areas in the tender document sent out to the proponents when they were making their submission to FEAC was that the coal that they were promoting—whether it was Lochiel, Sedan, Meekatharra or Western Mining down at Kingston—had to lie within current pulverised coal combustion practices. It continues:

Some of the coalfield proponents were substantially disadvantaged by the tendering process.

Conventional combustion of Lochiel and Sedan coal would require scrubbers or some other environmentally acceptable control system.

I put it to honourable members that this has still not been resolved and is another vital point in the final costing of the sent-out cost of electricity. That is what the people of South Australia are most interested in: when they turn their switch on, what will it cost them?

There is reason to doubt the independence of FEAC and the integrity of the report. Many of the members of FEAC and the committees that give advice to it were from the same family, although there was some international experience, some of which was based on Rheinbraun. The select committee wrote to Rheinbraun twice for a *curriculum vitae* about their experience in coal mining in Australia, but it has so far received no answer. I believe that they have now left the country and have more or less closed up shop.

In conclusion, having left unsaid a lot of things, I believe there are three areas that must be considered very carefully: demand forecasting; energy demand and the environmental decisions that must be made in relation to the cost of energy; and, sulphur emission, which has been addressed in the report but which must be addressed more clearly by the Government because of the enormous impact that it will have on the surrounding countryside if a power station is situated at Lochiel or Sedan. I hope that the views expressed in this report are helpful to those making decisions about power needs and coal station developments in South Australia, and I will follow the events from now on with interest. I now have some small knowledge on the subject, although I suppose that one could say that a little knowledge is a dangerous thing. I will look with interest to see how things proceed.

The Hon. I. GILFILLAN: I rise to speak to the motion, reflecting deep interest and concern in this subject. I feel that there has been quite outrageous obstruction of the work of this committee. It was further illustrated in a way that I found quite extraordinary when the Attorney-General—the Leader of the Government—made it so difficult for us to have this discussion in the noting of the report. I have suspected, I believe with very strong justification, that there has been deliberate reluctance and opposition in certain quarters of the Government for this committee to proceed. From the workings of the committee at the time that I was Chair, it was apparent that at least one Government representative on the Committee was making it extremely difficult for the committee to do its work.

I am bitterly disappointed that under my chairmanship the work of the committee was so protracted. I am at a loss to understand why I was confronted by an intractable opposition to getting the program and work done at any speed. There was an almost paranoic concern that the Government should not come out with egg on its energy face or in any way wearing criticism from the committee. I found that a travesty of the attitude to a select committee where the potential was so temptingly close for the committee to grasp the nettle of one of the most important aspects for the future prosperity of this State—energy.

It is with some sadness I feel that this committee, having got this report out, whimpers to an end with some very important terms of reference still not dealt with. Those terms of reference are:

(g) Alternative sources of energy.
(h) Methods of conserving energy.
(i) The advantages and disadvantages of having the portfolios of both Mines and Energy in one Government department and under the control of one Minister.
(j) Any other related matters.

Those very important terms of reference were denied the committee through the sluggardly and obstructionist attitude by Government members in cooperating with the work of the committee. Having got that on the record and emphasised my extreme frustration about it, I recognise that the interim report that the committee has tabled today is a valuable document.

I am pleased to see the substance of the recommendations which come through on coal. In making those comments, I point out that the Democrats believe that there should in general be a winding down of the use of gas for electricity generation in this State in the short, medium and long term and replacing it with coal. As I understand it—and I have not yet had a chance to study the report—that matter has not been addressed.

It appeared to me quite early in the deliberations that Lochiel should not be considered as a contender without scrubbers. Although there was some ambivalence about the environmental impact, I am convinced that coal with the sulphur content of Lochiel should not be burnt in the area in which Lochiel is situated without scrubbers, thereby making it a considerably more expensive option for coal choice.

The Democrats believe that, important though the work of the committee has been in dealing with gas and coal, it is critical that the State emphasises the move to renewable energy generation and the conservation of energy so that the requirement for the State's next power generating equipment, whatever the fuel choice may be (even if it be an interstate coal or interconnection), be a low priority compared with the emphasis on reduced fossil fuel energy requirement *per se*. We are convinced that the scope for effective developments in conservation of energy and replacement with renewable is such that the need for another power station, contrary to comments earlier by the Hon. Mr Irwin referring to Western Australia, will be a case not of being ill-prepared for demand, but of being comparable with the situation in New South Wales where they went in too quickly and have been embarrassed with an over-supply of power.

I indicate my appreciation for the work done by members of the committee, and the officers assisting, in particular Dr Jill Kirby, towards the presentation of this report. I indicate a very enthusiastic interest by the Democrats in further deliberation of the report in this place, if sitting times allow. With that in mind, and bearing in mind the hour, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Tuesday 7 November at 2.15 p.m.