LEGISLATIVE COUNCIL

Thursday 27 August 1992

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

QUESTIONS

BUSINESS EDUCATION

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education a question about business education.

Leave granted.

The Hon. R.I. LUCAS: I have received a copy of a letter sent to the Director-General of Education, Dr Eric Willmot, from the Business Education Teachers Association which is concerned about the limited opportunities that are available for teachers wanting to acquire skills in order to teach secondary-level accounting subjects. Until two years ago the Education Department worked with what is now known as the Magill campus of the University of South Australia in developing a Graduate Diploma in Teaching (Accounting). As a result of the cessation of funding of the course by the Education Department there were no student intakes in 1991 and 1992. However, since 1990, student numbers in accounting subjects have shown a steady rise.

The association expects this growth to continue from 1993 onwards. At the same time the association has learnt of a serious shortage of accounting teachers in the Mid North region of the State. The Education Department has tried to counter this by introducing an 18-day course aimed at providing teachers with a basic knowledge required to teach accounting. The association believes that this is totally inappropriate. It argues that students would be disadvantaged because of the teachers' overall lack of developed skills, and that the short course does not provide the teachers with the qualifications to effectively teach the subject. My questions to the Minister are:

1. Does the Minister acknowledge that there is a shortage of adequately qualified accounting teachers in secondary education and, if so, will he reconsider the Education Department's decision to cease funding the Magill accountancy course?

2. If the answer to the last question is 'No', will the Minister consider the provision of full or part-time release scholarships for business teachers (or other teachers) wishing to undertake the course at Magill?

3. What were the annual savings obtained by the department's cessation of funding the Magill course, and what has been the estimated cost to date of providing the short course in accountancy?

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

FUEL PUMPS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Consumer Affairs about temperature correction devices on petrol pumps.

Leave granted.

The Hon. K.T. GRIFFIN: I have been informed that at a recent meeting of Consumer Affairs Ministers a decision was made to introduce legislation to phase in petrol pumps with temperature correction devices in service stations across Australia.

The Australian Institute of Petroleum has indicated that the Trade Measurements Consultative Committee has been considering this matter with industry but that its deliberations have not been completed. However, the standing committee's decision, in their view, pre-empts that consultation.

I understand that there are two recently completed reports—the report of Access Economics on the costs and benefits of temperature correction and the industry's analysis of the National Standards Commission's alternative lower cost proposal for introducing temperature correction. Neither of those two reports has been considered by the Standing Committee of Consumer Affairs Ministers. Also, a major review of inventory management is being undertaken by CSIRO on behalf of the industry. The Australian Institute of Petroleum says that the outcome of this work is expected to provide a national basis for consideration of the merits or otherwise of the temperature correction of fuel sales in the Trade Measurements Consultative Committee in the first instance.

I think one must recognise that the issue is controversial and that at least some service station proprietors strongly support temperature correction and some controlling valve to reduce evaporation. However, there is a cost, and it is not yet clear whether the cost incurred will outweigh the savings or *vice versa*. The capital cost alone, I understand, is about $250 million which ultimately will have to be borne by consumers and this, too, may not outweigh the savings. My questions to the Minister are as follows:

1. Why has the Standing Committee of Consumer Affairs Ministers made the decision to legislate before completing studies and consultation?

2. Can the Minister indicate when it is proposed that such legislation will be introduced, particularly in South Australia?

3. Can the Minister also indicate whether the South Australian Government has agreed to the legislation or at least the principles of the legislation?

4. Can she indicate what structure might be proposed to deal with the regulatory aspects of such legislation?

The Hon. BARBARA WIESE: I shall have to provide a considered response to the honourable member's questions and fill in some of the detail that I am not able to provide today on some of the aspects that he has addressed. The Australian Institute of Petroleum communicated with Consumer Affairs Ministers prior to our last SCOCAM meeting expressing concern about the possibility of such legislation being introduced in Australia, and raised the concern mentioned by the

honourable member about the studies by the CSIRO and other organisations that are currently under way.

The information provided by the AIP was taken into consideration by Consumer Affairs Ministers when we decided that it would be desirable to introduce legislation in Australia, largely taking the advice of officers in the trade standards area nationally who have been working on this matter over a number of years. The advice that we received with respect to the current studies is that to all intents and purposes they duplicate work and studies that have already been done within Australia and are most unlikely to add any new information to the body of knowledge that already exists. On that basis, Ministers considered that the time had come for a decision to be made on this matter and agreed with the recommendation that was put to us by people who have been studying this matter over some years that the introduction of such legislation would be desirable for consumers across Australia and certainly for the petrol retailers and others who have raised the matter in the past.

At this point, I have not considered the timing of the introduction of the legislation in South Australia. Considerable work is still to be undertaken in developing the appropriate proposals for introduction nationally. Similarly, I am not able at this stage to talk about the structure of the regulatory aspects of such legislation. I will be considering those matters as the appropriate information comes to hand. In the meantime, I will undertake to provide a full briefing on the matters decided so far, for the benefit of the Hon. Mr Griffin, so that he can have a clear picture of the position that has been adopted by SCOCAM.

OUTER HARBOR CONTAINER TERMINAL

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Marine, a question about the Outer Harbor container terminal.

Leave granted.

The Hon. DIANA LAIDLAW: It is now seven months since the Solicitor-General on 21 January this year informed the operator of the Outer Harbor container terminal that the Government intended to take possession of the terminal—the land and improvements—on 21 April. However, the operator, Conaust, continues to be in possession of the site in accordance with the terms of its lease, which has another 3½ years to run. Initially, Conaust's parent company P&O challenged the possession order in the Supreme Court, but the case has been adjourned since April with no move being made by the Government to resume the hearings.

On 8 April the Minister in another place was asked whether he could confirm that negotiations to find a new terminal operator were sufficiently advanced to allow for a smooth transition of operators on 21 April. The Minister's answer was 'Yes' an unqualified yes. Now it seems the Minister's grand dream to re-lease the site to another operator (said to be the internationally based intermodal operator Sealand) as part of the Government's transport hub plans had badly backfired. The repossession deadline lapsed four months ago. P&O is believed to be pushing for $10 million compensation from the Government. I understand that the Department of Industry Trade & Technology is becoming anxious about the way in which the Department of Marine & Harbors has handled the issue to date, and that the Director of DITT (Mr Crawford) has stepped in as a mediator. Also, there is speculation that Sealand is losing interest in the project and that Conaust is now being asked to consider continuing its operation of the terminal, but in future not on an exclusive basis, but in a partnership. In view of all the uncertainty about the future operation of the container terminal I ask the Attorney, representing the Minister:

1. Does the Government still intend to take possession of the Outer Harbor container terminal, as announced seven months ago?

2. Does the Minister still propose that another operator, possibly Sealand, be given exclusive user rights at the terminal, or is the Department of Marine and Harbors now discussing with Conaust and other parties a compromise proposal that would see the facility become a common user terminal?

The Hon. C.J. SUMNER: Apart from the fact that I suspect it was not the Solicitor-General who took the action to which the honourable member refers, I will refer—

The Hon. Diana Laidlaw: It was. He served the notice.

The Hon. C.J. SUMNER: It is highly unlikely, but there we are.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I do not think you are right. I will refer the question to my colleague and bring back a reply.

PUBLIC TRANSPORT

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question about public transport.

Leave granted.

The Hon. I. GILFILLAN: Recently I held a public meeting in Adelaide's southern suburbs to discuss changes to public transport routes and timetables. I was informed that they have created havoc in the area, leaving residents angry and frustrated over what many see as an inadequate transport system.

People in the Noarlunga/Hackham area have seen local bus routes abolished to be replaced by a single large loop which runs in only one direction and takes substantially longer than previous services, with further restrictions on services to and from Adelaide. Recently I received a copy of a letter written to the Transport Minister and STA management by the Co-ordinator of the Hackham West Community Centre, Ms Anji Gesserit. She writes:

> . . . there are a number of this community that travel to the city and inner suburbs outside the nine to five timetable to work, study or pursue other activities such as visiting people in hospital, for example Adelaide Children's, maybe even for the rare but necessary pleasure outing, if they can afford it. Many are on low incomes . . . statistics for the southern part of Hackham West indicated the lowest number of households with either one or no cars per family. It is also well known that this area is one of the highest in Adelaide for low income families many of whom are single parent headed. I personally know of a number who work as cleaners in and around the city of Adelaide

between 4 and 8 p.m., others who work shifts, study at one of the universities, Adelaide TAFE or as nurses at one of the hospitals, many often leaving home between 7 and 8 in the morning.

Ms Gesserit includes in her letter an example of the ridiculous time that bus trips now take under the new system by stating that what is normally a 30 minute journey by car and previously a 1¼ hour trip by bus is, under the new system, a 2¼ hour marathon. I quote further from her letter as follows:

> . . . a Hackham West resident finishing up at 6.30 p.m. will have to wait for the 7.02 train. This arrives at Noarlunga at 7.46. The loop bus leaves at 7.55 and travels along Honeypot Road at about 8.27—add to this a walk of between five and fifteen minutes after they get off the bus. Some I know have to collect children from childcare on the way . . .

According to Ms Gesserit, many people in this situation are now considering resigning from work and study because of their transport problems and other disadvantaged people, such as disabled, young parents with small children, young people attending sports training and older residents, have become housebound as a result of a lack of adequate transport. In addition, very few people actually live along the new bus loop, forcing many to walk much further than before, while the Housing Trust had previously established many of its developments along the old bus routes. This now leaves people needing access to those services much worse off than before.

It is a desperate situation, and I believe it must be earnestly addressed. That was part of the dramatic request from the people at the meeting that this matter be taken to this Parliament, and I am doing that. One possible suggestion for a reasonably quick and effective amelioration of the situation is similar to the transit taxi system introduced at Hallett Cove, where the taxi runs as a feeder service picking people up from the train station and depositing them at their door for a flat 50c fare. This system introduced into the Noarlunga/Hackham area would dramatically cut travel time because it would intersect bus routes at any point and do away with the need for people to spend excessively long periods waiting or travelling on the loop service. That would be some help, at least in part. My questions to the Minister are:

1. Will the Minister guarantee that STA management will undertake an urgent review of the Noarlunga bus loop and consider options for shortening travel time by introducing more flexible services?

2. Will the Minister extend the transit taxi system that currently operates successfully in the Hallett Cove area to the Noarlunga area to provide a cheap, effective feeder service to supplement the bus and train service?

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

SMALL BUSINESS

The Hon. L.H. DAVIS: Will the Minister of Small Business advise the Council of the specific ways in which the 55 000 small businesses in South Australia will benefit from the recently introduced Federal Budget?

The Hon. BARBARA WIESE: There are a number of measures contained in the Federal budget that will be of benefit to small business, but I think primarily the benefits to small business from Federal Government initiatives were much more fully set out earlier this year in the One Nation statement. The measures that were contained in that statement relating to various tax proposals in particular I believe are the Federal Government's response to the needs of small business, and the intention was that the proposals for small business should be brought into play as quickly as possible, which is why they were contained in the One Nation statement rather than waiting for the Federal budget and for announcements to be made as part of the Federal budget. So the emphasis in the Federal budget on small business has not been as great as was the emphasis some months ago in the initiatives outlined in the One Nation statement, with which the Hon. Mr Davis would be familiar, of course.

ASBESTOS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the presence of asbestos in Government buildings.

Leave granted.

The Hon. J.F. STEFANI: In November last year I asked the Minister questions about various reports dealing with the presence and removal of asbestos from the Government building situated at 18 King William Street, and formerly occupied by Tourism SA. As yet the Minister has not provided me with any information about the matters that were raised in my questions. In view of the extensive delay, my questions to the Minister are:

1. When can I expect an answer to my questions?

2. Will the Minister provide Parliament with a copy of the following documents: the Department of Public Health docket No. 781/1976 to the Scientific Officer of the Public Buildings Department regarding the monitoring of asbestos carried out on 13 April 1977 at Tourism SA; the Department of Tourism docket No. 555/1979, addressed to the Director-General, Public Buildings Department and signed by Mr Joeling, the then Director of the Department of Tourism; and a copy of the letter in docket No. 245/1979 from the Minister for Public Health to the General Secretary of the Public Service Association?

The Hon. BARBARA WIESE: The Hon. Mr Stefani may not have noticed, but I actually have not been sitting in the tourism chair for the last four months, and therefore it is most peculiar that he would expect me to have been in a position to respond to his question during that time.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: However, I have now resumed my position as Minister of Tourism and I will take up the matter that he has raised here again with respect to asbestos in 18 King William Street. Whether it will be within the capacity of Tourism SA to respond to questions relating to asbestos is something that I will have to check further. The honourable member should be aware that it is the Department of Housing and Construction that actually has responsibility for the asbestos removal and monitoring programs for public sector buildings. However, whoever has the information

that the honourable member has requested will no doubt be able to provide it. As to the dockets that the honourable member describes, I shall have those matters raised with the appropriate agencies and will seek replies from them.

BLYTH HOSPITAL

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about the closure of the Blyth Hospital.

Leave granted.

The Hon. BERNICE PFITZNER: Blyth Hospital was a general hospital supported by the community for over 80 years. In 1988 there was a threat of closure, and as a compromise with the Health Commission the hospital agreed to change its role and relocate the surgical and obstetric services and CEO to the Clare Hospital, thereby leading to a substantial cut in funding, just to remain open. Since then the hospital has worked efficiently and effectively, as verified by the medical audit done in 1991 by the Health Commission. As the community said:

> Just when we thought it was safe . . . the SAHC has raised the possibility that this well loved and well used Blyth Hospital is to be closed.

It is proposed that acute cases be relocated to Clare Hospital, 13 kilometres away, and the chronic cases relocated to Snowtown, 30 kilometres away. The Blyth community is devastated by the news. The community wonders whether the Health Commission understands that, although Clare is only 13 kilometres away, the road is steep, winding and narrow so that it is difficult to hurry past the grain trucks in an emergency, whether the Health Commission is aware that the Clare Hospital has had to refuse Blyth patients due to lack of beds; whether the Health Commission understands the disorientation that will eventuate on transferring the long-stay patients to Snowtown, 30 kilometres away; and whether the Health Commission realises that money will not be saved as the main cost is staff wages, and staff have been guaranteed jobs in the district. My questions are:

1. Why has the Government, though the Health Commission, changed the 1988 situation, especially as $100 000 was recently spent upgrading the hospital?

2. Why was there such poor consultation between the hospital board and the local medical practitioner as I understand that the media knew of the proposed withdrawal of funding before the hospital and medical practitioner did?

3. The sole local medical practitioner still has not had any communication with the Health Commission. How can we expect to have more doctors in the rural areas when they are treated with such disdain?

4. Since 1988 the sole local medical practitioner has had to cover Blyth and Clare. If the Blyth Hospital closes so too will the medical practitioner's practice, and who will the SAHC engage for the Blyth community—or does not the Government care?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

PINE FORESTS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question about Government pine plantations.

Leave granted.

The Hon. M.J. ELLIOTT: I suppose that this question could be directed to several Ministers. There is a general agreement that different levels of Government do not tax and rate each other. The Woods and Forests Department, unlike owners of private pine plantations, is exempt from paying rates to the local government bodies responsible for the areas in which its plantations are located. This situation has a detrimental effect on councils' ability to fund the infrastructure such as roads, on which the timber industry relies. I was recently in Penola and was told that 15 per cent of the District Council of Penola is covered by non-rateable Government-owned plantations.

The Hon. L.H. Davis: You weren't agreeing with us on this matter last year, were you?

The Hon. M.J. ELLIOTT: Not at all. If you had listened to the debate you would have heard me say that everybody should be rated.

The PRESIDENT: Order! The Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: The council estimates that that equates to some $173 730 in forgone rates. The council is responsible for maintenance of the district road network over which, in 1991-92, some 404 000 tonnes of logs were hauled. This haulage has a very high impact on the roads which carry it—far higher, the council says, than the produce of any other land use in the district. I have been told that the only contribution made by the Government to the maintenance of these roads has been the loan, on several occasions, of trucks to assist in roadwork. My questions to the Minister are:

1. Does the Government recognised that it has a responsibility to contribute to road maintenance in the South-East local government areas in which it has timber plantations?

2. Does the Minister acknowledge that paying rates is the most logical and equitable way of making such a contribution.

3. Why should Government forests be exempt from rates when owners of private forests pay rates?

The Hon. ANNE LEVY: As the honourable member indicated, this is really a question that covers many ministerial portfolios. While I am very happy to make some comments on it, I think that for a definitive answer I should perhaps refer it to the Minister of Forests. To some extent I think the member partly answered the question himself in his explanation, when he said that there is a principle that Governments do not tax each other.

The Hon. M.J. Elliott: It is unfair in this case.

The Hon. ANNE LEVY: The honourable member interjects that it is unfair in this case. I am sure, Mr President, that there are many occasions where it could be said that it was unfair. There are all sorts of occasions where the State Government does not apply a tax to local government and, likewise, local government does not apply a tax to State Government. I do not think one can consider the question of the rates for Woods and Forests

separately from the whole question of Governments taxing each other.

For instance, no council in this state pays payroll tax which is, however regrettable, a major source of income to the State Government. If we are to have councils taxing Government, then we will have to look at all the taxes that the State Government should levy on councils. I do not think one can consider taxing in one direction without considering all the taxes that currently neither tier of Government pays to the other tier. I am not able to comment on the specifics which apply to the District Council of Penola. I do know that Woods and Forests make contributions—

The Hon. M.J. Elliott: They loan trucks to Penola.

The Hon. ANNE LEVY: No, it makes financial contributions to councils where roads are used by Woods and Forests' trucks.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: It is agreed that trucks from plantations in the particular year where harvesting occurs do cause a considerable degree of stress on local roads, although this applies only in the years where a particular plantation is harvested. Whilst, as a general principle, this contribution is made from Government to local government, I am certainly not familiar with the particular contribution that occurs for the District Council of Penola. However, I am happy to make inquiries in that respect and confirm or otherwise the information that the honourable member has been given. I am not saying that I am doubting his information, but I would certainly like to get the information as to what is contributed to different councils in the South-East and elsewhere where Woods and Forests trucks are using local roads.

This is not an easy question. There have been discussions involving the Local Government Association, me as Minister for Local Government Relations, the Minister of Lands, the Minister of Forests and Treasury people. It is certainly open to the Local Government Association to raise this matter again through the negotiation process. However, I repeat that it is not a question of considering one tax which local government wishes to apply to State Government in a particular circumstance; it must be considered in the context of all the taxes which neither tier of government levies on the other.

The Hon. M.J. ELLIOTT: As a supplementary question, does the Minister concede that, despite the general principle of non-taxation, a small number of councils are inequitably affected by the large amount of land in their areas which is used for commercial operations and which cannot be rated?

The Hon. ANNE LEVY: 'Have you stopped beating your wife yet?' That is an impossible question to which to answer 'Yes' or 'No'. I am sure no-one would disagree that the fact that different levels of government do not tax each other will have differential impacts on different council areas. Again, the honourable member is picking out one particular tax - rates for Woods and Forests lands. If we look at all the taxes which different levels of government do not charge each other, we would see, I am sure, that there would, likewise, still be differences in their impact on different council areas and different areas of State Government revenue. Such a balance sheet has not, to my knowledge, been drawn up on a council by council basis, although thought has been given to the total rate of tax not paid by either tier of government to the other. I should not be surprised in the least to find that the incidence would differ from one council area to another around the State.

PILCHARDS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Fisheries a question about pilchard quotas.

Leave granted.

The Hon. PETER DUNN: At the moment there are three fish farms in Port Lincoln with 10 to 12 cages holding tuna which are caught in the open sea, then fed under controlled conditions, fattened, and sold in Japan as sashimi. The production is about 150 tonnes a year and it has a premium value. For example, tuna caught and canned bring about $1 500 a tonne. The sashimi sold on the Japanese market brings in between $40 000 and $50 000 a tonne, or $40 to $50 per kilo.

At the end of the year the industry will be employing about 200 people. It has become a tourist attraction because the cages that were out at sea holding sharks and other fish have been brought in near Boston Island close to where the tuna farms are. People are now watching the tuna being fed and at the same time seeing these other fish. Therefore, as I say, it has become quite a tourist attraction.

These tuna require between 3 000 and 5 000 tonnes of pilchards or feed per year. It is ironic that the quota for pilchards in South Australia is 1 200 tonnes. Some 600 tonnes are allowed to be used by the tuna farms and the other 600 tonnes by net fishermen. The second 600 tonnes are not caught, because there is not the necessity for chumming when catching tuna in the deep sea, and there is no other market for them. Therefore, there is a shortage of feed of about 3 000 to 4 000 tonnes. This shortfall is made up by importing pilchards from Western Australia and Tasmania. In fact, Western Australia harvests about 16 000 tonnes per year. The cost is $1 per kilo, so they are having to fork out quite big money.

I am informed that in the Port Lincoln area and just to the south in one day as many as 5 000 tonnes of pilchards have been seen, using echo sounders and sonar equipment. They are natural in the area so the tuna came to Port Lincoln. They got onto the tuna because they chase the pilchards as a natural food. If these pilchards are in the area, why cannot the tuna farm operators harvest them, and what research is being carried out to determine the tonnage that can reasonably be harvested allowing for regeneration?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

KINGS PARK RESERVE

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local

Government Relations a question about the Kings Reserve in the Thebarton council area.

Leave granted.

The Hon. J.C. IRWIN: The Minister will be aware of the community debate in the Thebarton council area around the future of the land known as Kings Park Reserve. The land became available for so-called redevelopment when the West Torrens Football Club left the park in 1990. I am advised that Thebarton council has in the past received funding to develop Kings Park Reserve under the Public Parks Act. There are some, including former mayors and a former town clerk, who believe that the public funds were applied to the parklands in perpetuity. I ask the Minister:

1. Was public park funding made available to Thebarton council to develop Kings Park Reserve on the understanding that the area was dedicated parklands in perpetuity?

2. What are the Thebarton council's options for developing Kings Park Reserve? Can it extend to commercial activity other than in a sporting/recreational sense?

3. Is the Minister aware that a clause in the council's briefing provisions to a consultant, saying that any redevelopment of the area should be only for open space, was deleted by resolution of Thebarton council?

The Hon. ANNE LEVY: I shall have to seek information with respect to some of the queries that the honourable member has put forward. If public park funds were applied to the development, it would have been many years ago, as that fund ceased to exist some time ago—long before I became Minister for Local Government Relations. I will have inquiries made as to whether there was such a contribution many years ago. There are provisions that, even where such funds have been applied, a reserve can cease to be a reserve with permission from the Minister. I recall that I have on occasion given permission for such an altered function for a council reserve. I hasten to say it was not Thebarton council; rather it involves other councils throughout the State.

My knowledge about the actions of Thebarton council is no more extensive than that of the honourable member. I know only what has been publicly available in the local and Statewide press. I understand that a consultant's report has been obtained, and I also understand from the latest Messenger press that Thebarton council is now proposing to embark on an extensive community consultation program—on my reading, it seems a very extensive consultation with the community—to determine what the community favours with regard to further use of Kings Park Reserve.

The local press has contained various suggestions, with people saying that, in its current state, it is not good for much other than football, and that only a tiny proportion of the population wants to play football, as well as the typical expressions of the points of view one would expect from members of a diverse community. However, I am sure that the Thebarton council will be undertaking thorough community consultation and, I presume, will make its decisions following such consultations. On the specific matters that come under my responsibility, I will need to seek a report, as I am unaware of what may have happened 20 or 30 years ago.

FLORISTS' WIRE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Tourism in her capacity as Minister of Consumer Affairs a question about the sale of products in nurseries.

Leave granted.

The Hon. J.C. BURDETT: The kind of nursery I am talking about is a garden nursery, and not the other far more satisfactory variety. I am informed by constituents that a number of consumers, the majority of them female, have wanted to be able to purchase lengths of florists' wire to make up floral arrangements and things of that sort, and that some nurseries have been purchasing the florist wire in rolls, in bulk, cutting it up and selling it in lots of a few dollars each, varying according to the particular nursery but said to contain about 50 pieces.

It has been done in this form because of low sales, low volume and very little profit, and it is only profitable if it can be done in this approximate way—bundles with about 50 pieces in each bundle. My constituents inform me that officers of the Department of Public and Consumer Affairs have said that this labelling is not good enough; that it has to be accurate; and that it cannot be sold in this form. The result has been that, because of the low volume and low profit, the nurseries concerned have ceased to stock the line.

So, the people who want to buy pieces of florists' wire, unless prepared to buy a whole roll themselves, have been deprived of the product. My questions are: does the Minister approve of their being deprived of the product and would she conduct an inquiry into this matter?

The Hon. BARBARA WIESE: This matter has not been raised with me by people seeking this product. Certainly, on the surface of the argument, I would agree it is regrettable that it has not been possible to buy the product in the quantities desired. I will certainly refer the matter to the Department of Public and Consumer Affairs and seek a report on it.

LOCAL GOVERNMENT ELECTIONS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question about local government elections.

Leave granted.

The Hon. R.R. ROBERTS: I have been approached by my constituent, Mr Michael Atkinson, from Croydon in the seat of Spence, who has expressed some concerns at allegations made by an honourable member in this place on 5 May, when the Hon. Dr Pfitzner said that on 2 May 1992 the member for Spence, a Mr Michael Atkinson, had attended a polling booth during an election for the West Croydon ward of Woodville council and had approached a candidate to arrange a preference swap with one of the other candidates.

Dr Pfitzner said that she was asking a question for a Mr Joe Rossi, an unsuccessful candidate. Dr Pfitzner went on to say that local government ought to be non-political, which is rather strange when I am assured that the Mr Rossi in question is the campaign manager for and President of the Liberal Party in the seat of Spence.

Has the Minister made any inquiries into the conduct of the member for Spence and, if so, what are they?

The Hon. ANNE LEVY: When the Hon. Dr Pfitzner asked her question I stoutly defended the right of any citizen to take part in local government elections, campaigning for them, and I welcomed interest in local government matters on the part of all citizens. However, what I was not aware of at the time and what I have had drawn to my attention recently is that Mr Michael Atkinson, the member for Spence, was not even in Australia on 2 May 1992 and could not possibly have been seen by Mr Rossi or anyone else handing out material connected with local government elections.

I regret that he was not able to do so, but I have been given to understand that at that time the member for Spence was in the Jewish quarter of Prague, the capital of the Czech lands; that he left Australia on 29 April; and that if anyone cares to check his overseas travel report in the Parliamentary Library, the matter will be given in more detail. I suggest that the Hon. Dr Pfitzner has been misleading the Parliament, giving false information. Of course, she may have been supplied with that false information and not checked her facts before presenting the information to the Parliament. She would not be the first member of the Opposition to have presented unsubstantiated facts to Parliament without their being checked out. I would also suggest that, if her informant was Mr Rossi, she should take note that he must therefore be regarded as a most unreliable source of information.

CARRICK HILL

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about Carrick Hill.

Leave granted.

The Hon. DIANA LAIDLAW: Acknowledging the Government's current enthusiasm to sell assets and land deemed surplus to requirements, I was not unduly surprised last week to receive advice that I should question the Government's intention about the sale of land at Carrick Hill. At the same time, I must admit I found it difficult to believe it was possible that the Government could contemplate such a course of action following the defeat in the Legislative Council in 1987 of a Government sponsored resolution to sell 2.5 hectares of land.

However, in a recent interview in the *Advertiser* of 15 August the new Director, Ms Denzil O'Brien, stressed that Carrick Hill is supposed to be a self-supporting entrepreneurial concern. She goes on to say, '. . . Carrick Hill cannot be sold. It has been enshrined in an Act of Parliament.' That is an interesting analysis. She does not make any reference, however, to the possibility of the board's again seeking the Government's concurrence to sell a portion of the land. Carrick Hill's financial status in 1990-91 was that total payments exceeded receipts by $71 000 and funds in reserve fell from $112 000 to $41 000. This result does not include salaries and wages, which were met by the Department of Arts and Cultural Heritage. I ask the Minister:

1. Has she been advised of Carrick Hill's financial results for the year ended 30 June 1992 and, if so, are the results less precarious than they were the previous year?

2. Has she received a request from the Carrick Hill Trust or has she canvassed with any member of the board or, indeed, the new Director, the possibility of the trust selling some of its landholding?

3. Can she guarantee that she will not be bringing any resolution to the Parliament seeking approval to sell any portion of land currently entrusted to the Carrick Hill Trust?

The Hon. ANNE LEVY: I have not seen the final details for the financial year just ended, but they will obviously be available for the Estimates Committee, which will be taking place very shortly. As far as selling land at Carrick Hill is concerned, I can assure the honourable member that I have not suggested such a procedure myself, nor has the Carrick Hill Trust requested of me that such a procedure be undertaken. I can equally assure the honourable member that I would not take any step such as bringing a motion to Parliament which, as she and other members would know, would be necessary before any sale of land could take place, without prior discussion with the board of the Carrick Hill Trust. I point out to members that no such motion before Parliament would be required for Carrick Hill to dispose of assets other than real property.

The Hon. DIANA LAIDLAW: Has the Minister for the Arts and Cultural Heritage discussed with the board, or does she know, whether the board is prepared to sell assets other than land at the present time?

The Hon. ANNE LEVY: No.

SWIMMING POOLS

The Hon. J.C. IRWIN: Does the Minister for Local Government Relations have an answer to my question of 18 August regarding swimming pools?

The Hon. ANNE LEVY: In view of the time and the fact that it is a fairly lengthy response, I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

1. New South Wales has repealed its Swimming Pools Act 1990 which commenced on 1 August 1990, and passed a new Swimming Pools Act, which commenced on 1 August this year. The essential elements of the 1990 Act were that new swimming pools were required to be isolation fenced, for example fenced so as to enclose the pool and its immediate surrounds without any structure within the fence other than the pool and ancillary facilities, and existing pools were required to be fenced by 1 August 1992 with a fence which formed a barrier between the house and the pool.

In general terms the 1992 Act sets more flexible minimum requirements. Except where expressly exempted, the Act imposes different requirements depending upon the nature of the property on which the pool is installed whether the pool is new, that is, built after 1 August 1990, or existing that is, built or under construction on 1 August 1990, and whether the pool is indoor or outdoor or a spa. Unless erected on waterfront, large or very small properties or otherwise entitled to exemption under the Act, all new outdoor swimming pools will be required to be surrounded by a child-resistant barrier. The barrier surrounding a new swimming pool within this category must separate the pool from any residential buildings on the premises, separate the pool from all neighbouring premises and be constructed, installed and maintained in accordance with the standards prescribed in the regulations.

Existing outdoor swimming pools not situated on waterfront or large properties and all pools situated on very small properties must be enclosed by a barrier which separates the swimming pool from all neighbouring premises and which meets the Australian Standard, with such modifications as may prove necessary. If, for pools in this category, a barrier is not erected between the house and the pool, the means of access from the house must be restricted in accordance with standards to be prescribed by regulations.

The precise effect of this new N.S.W. legislation on existing pools will not be clear until the regulations relating to existing pools have been finalised.

2. The Standards Australia Committee which is working on the draft Swimming Pool Safety Standard met most recently on 30 June 1992 and issued a First Pre-Publication Draft, for Committee purposes only, in July 1992. Provided the majority of Committee members agree to the Draft, the next formal stage is publication of the new Standard.

Part 2 of the Draft deals with the location of fences for private swimming pools and specifies three options for fencing location.

Option A does not permit access to the pool area from the house. The wall of a building or a boundary fence complying with A.S. 1926.1, which sets out design and construction criteria, may form part of the pool fencing.

Option B does not permit access from the house to the pool area. The wall of a building or a boundary fence complying with A.S. 1926.1 may form part of the pool fencing. A building wall which forms part of the fencing may include a child resistant openable portion of window which complies with A.S. 1926.1.

Option C permits access from the house to the pool area. Where the wall of a building forms part of the fencing, it may include a child resistant doorset and a child resistant openable portion of window which complies with A.S. 1926.1.

Each option contains a note explaining the factors which would compromise safety, and providing some guidance as to when the less stringent options could be used.

An Appendix to Part 2 contains general notes on factors to be considered in fencing location such as the location of other buildings and structures in the backyard. The Appendix will not be a mandatory element of the standard and will therefore not form art of any legislation calling-up the standard.

The draft has been arranged so as to facilitate the referencing of the total Standard in the Building Code of Australia and, if necessary the deletion of one or more of the options provided in Part 2 in the individual State and Territory variations to the BCA.

The Standard itself will have no legal effect—its effect will depend on whether, and when, it is incorporated by reference in the BCA, and the response of the various States to that. Some States may choose to incorporate it in specific Pool Fencing legislation.

As indicated previously, I expect to release the White Paper on proposed South Australian legislation in the near future.

COURTS ADMINISTRATION BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the administration of courts. Read a first time.

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

That this Bill be now read a second time.

The Courts Administration Bill represents a striking advance in the complex discipline of judicial administration, and this Bill will, I believe, be studied widely as a new model for court governance in Australia. Members will be aware that the Chief Justice of South Australia (Justice L.J. King) has on a number of occasions recommended that the efficient administration of the courts, in a manner consistent with the delivery of justice by an independent judiciary, can only be secured by the existence of a structure of court administration which is both effective and compatible with the needs of an independent judiciary. The Chief Justice, in a paper delivered at the New Zealand High Court Conference in May 1992, has recommended the establishment, for South Australia, of the models adopted for all the Federal Courts of Australia (for example, the High Court, Federal Court, Family Court and Administrative Appeals Tribunal).

The question of the court governance in Australia has also been the subject of a recent comprehensive report undertaken by Professor Peter Sallman and Professor Tom Church on behalf of the Australian Institute of Judicial Administration. The Church/Sallman Report examined three models of courts administration in Australia. The first model examined was the 'traditional' one (for example Victoria) where courts administration is handled through an existing Law Department with other legal functions. The second model examined was the separate department exemplified by the current South Australia Court Services Department. The third model examined was the 'autonomous' model, exemplified by the new Federal court system structures referred to above with approval by the South Australia Chief Justice.

The reforms in courts administration in the Federal sphere reflect the following statutory characteristics:

- The Chief Judge (of the particular court) is 'responsible' for managing the administrative affairs of the court (for example, entering into contract, acquiring property, etc.).
- The Chief Judge is assisted by a Registrar appointed by the Governor-General on the nomination of the Chief Judge and is subject to the directions of the Chief Judge.
- Other officers and staff are employed under the Public Service Act.
- The Chief Judge is required to submit to the Attorney-General annual estimates for expenditure, in a form approved by the Attorney-General. Money appropriated by Parliament for the purposes of the court must be expended in accordance with the estimates approved by the Attorney-General.
- The Chief Judge is required to submit to the Attorney-General an annual report of the management of the administative affairs of the court during the financial year, and provide financial statements which must be submitted to the Auditor-General.

The Government considered that, in the light of developments at the Federal level and in the light of the continuing recommendations of the Chief Justice, it was timely to consider whether an new Courts Administration Authority would be a more effective and more efficient means of providing a unified, cheaper and accountable courts administration in South Australia.

In February 1992, Cabinet approved in principle a statutory courts commission for the provision of a unified judiciary based (for example, non-executive) system of courts administration in South Australia and also agreed to examine the benefits and advantages of a statutory courts administration model. Cabinet approved that the Attorney-General consult with the judiciary and other relevant parties to examine the proposal, subject to the conditions that satisfactory arrangement for judicial accountability for administration be assured, and that the

arrangements not result in additional cost to Government. It was agreed that the Industrial Court and Commission not be involved in the proposal, although the Bill (clause 4) does make provision for courts to be declared as 'participating courts' under the new Judicial Council established by the Bill.

An establishment committee was formed to develop the proposals: the committee comprised the three jurisdictional heads (Chief Justice, Chief Judge and Chief Magistrate), the Chief Executive Officer of the Courts Services Department, the Chief Executive Officer of the Attorney-General's Department (as Convenor), with representatives of the Under-Treasurer and Commissioner for Public Employment, and representatives from the Public Service Association. The committee met on a number of occasions and examined a wide range of materials, and sought the views of federal court administrators.

The committee reported that the most desirable approach to meet Cabinet's decision and specifications was to recommend the establishment of a statutory body ('the Courts Administration Authority') with the management responsibilities of the administrative affairs of the Supreme Court, District Court, Magistrates Court, Children's Court and Coroners Court being vested in a Judicial Council. The Judicial Council would be composed of three Heads of Jurisdiction (Chief Justice, Chief Judge and Chief Magistrate), together with three associate non-voting members drawn from each jurisdiction. The Judicial Council would be assisted in the management of the administrative affairs of the courts by a State Courts Administrator, an independent statutory officer who would be appointed by the Governor on the recommendation of the Judicial Council.

The committee recommended that certain senior 'prescribed' positions within the Courts Administration Authority be appointed by the Governor on the recommendation of the Judicial Council, but in all other respects these officers would be subject to the terms and conditions of the Government Management and Employment Act (save for the protection that disciplinary measures against a senior officer could not be instituted except with the consent of the Judicial Council). Staff of the Courts Administration Authority would in all respects enjoy the terms and conditions, rights, protections and privileges of the Government Management and Employment Act, including grievances, promotion, discipline, re-assignment, etc.

Cabinet has agreed with the recommendations of the Committee, and the Bill now before the House reflects the detailed work undertaken by the Committee.

I inform honourable members that the Judicial Council, which comprises the Chief Justice of the Supreme Court (who will preside at meetings of the Council), the Chief Judge of the District Court and the Chief Magistrate, together with a non-voting associate member of each of those members of Council, is charged by the Bill with the responsibility of providing or arranging for the provisions of the administrative facilities and services for participating courts that are necessary to enable the courts to carry out their judicial functions (Clause 10).

The 'participating courts' which are the subject of the Judicial Council's responsibility are the Supreme Court, the District Court, the Children's Court of South Australia, the Magistrates Court, Coroners Court, and any other prescribed court or tribunal.

Clause 3 describes one of the objects of the Bill as being 'to establish a judicial council independent of control by executive government'. This object has been achieved, and the Judicial Council has been vested with the necessary powers to carry out the responsibilities assigned to it under the statute, including the control of property (Clauses 11, 12 and 15). On the other hand, by way of necessary balance in terms of our system of government, judicial accountability has been assured by the provision of a number of obligations fixed upon the Judicial Council in respect of the discharge of its duties.

The Judicial Council is obliged to provide an annual report to the Attorney-General, which is tabled in Parliament within 12 days of receipt by the Minister (Clause 13), and the Council is also obliged to make such further reports to the Attorney-General as may be necessary to ensure the Attorney-General is kept properly informed about the administration of the courts (Clause 14).

As to financial accountability, the Council (Clause 25) must prepare and submit to the Attorney-General a budget showing estimates of receipts and expenditures, and the budget must conform with any requirements of the Attorney-General as to its form and the information it is to contain.

In accordance with long established constitutional procedures, the Council may not expend money unless provision for the expenditure is made in a budget approved by the Attorney-General (Clause 25 (4)).

Clause 26 makes detailed provision in relation to accounting records, and Clause 27 provides for audit by the Auditor-General, both annually or at any other time.

As the Judicial Council and the Courts Administration Authority are established independent of control by executive government, it has been necessary for the State Courts Administrator (as the Chief Executive Officer of the Judicial Council) to be established independently of the Government Management and Employment Act. The State Courts Administrator is to be appointed by the Governor on the nomination of the Council for a term of up to 5 years, and the State Courts Administrator is not a member of the Public Service. Senior staff of the Council are to be appointed by the Governor, on the nomination of the Council, but are otherwise subject to the Government Management and Employment Act save that no disciplinary action may be taken against a senior staff member expect with the consent of the Council. All other staff of the Council are to be appointed by the State Courts Administrator under the Government Management and Employment Act, and Schedule 1 makes transitional provisions in respect of senior and other staff, and preserves and continues existing and accrued rights of employment.

The Bill represents a far-reaching, innovative and accountable system of judiciary based courts administration, and will place South Australia at the forefront of progressive reforms in court governance in Australia. I commend the Bill to the House. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 states the objects of the new Act.

Clause 4 contains definitions required for the purposes of the new Act.

Clause 5 provides that the Council, the Administrator and the other staff of the Council may be collectively referred to as the Courts Administration Authority.

Clause 6 establishes the Judicial Council. The Council is to be a body corporate and an instrumentality of the Crown.

Clause 7 provides that the Council is to consist of the Chief Justice, the Chief Judge of the District Court, and the Chief Magistrate. Provision is also made for associate members of the Council who may act in the absence of the principal members.

Clause 8 empowers the Chief Justice to determine the times and places for meetings of the Council.

Clause 9 deals with proceedings of the Council and provides that a decision supported by the Chief Justice and one other member of the Council is to be a decision of the Council.

Clause 10 provides that the Council is responsible for providing or arranging for the provision of the administrative facilities and services for participating courts that are necessary to enable those courts properly to carry out their judicial functions.

Clause 11 sets out the powers of the Council. The Governor's consent will be necessary before the Council enters into a contract involving liabilities in excess of a prescribed limit, or the acquisition or disposal of real property.

Clause 12 empowers the Council to delegate any of its powers.

Clause 13 requires the Council to make an annual report and provides for the tabling of the report in Parliament.

Clause 14 requires the Council to make any additional reports that may be necessary to ensure that the Attorney-General is kept properly informed on issues relevant to the administration of participating courts.

Clause 15 places all courthouses and other real and personal property of the Crown that as been set apart for the use of participating courts under the care control and management of the Council.

Clause 16 provides for the appointment of the State Courts Administrator and the conditions on which he or she is to hold office.

Clause 17 sets out the functions and powers of the Administrator.

Clause 18 deals with the appointment of senior staff apart from the Administrator.

Clause 19 provides that disciplinary action may not be taken against a member of the senior staff of the Council without the Council's consent.

Clause 20 provides for the application of the Government Management and Employment Act 1985 to the senior staff of the Council.

Clause 21 provides for the appointment of other staff under the Government and Employment Act 1985.

Clause 22 provides that a member of the Staff of the Council is responsible—through any properly constituted administrative superior—to the Administrator and the judicial head of the court in which he or she is assigned to work.

Clause 23 provides that the Commissioner of Public Employment must consult with the Council before making a determination specifically applicable to the Council's staff. The Council is empowered to vary the Commissioner's determinations in their application to the Council's staff and itself to exercise any power vested in the Commissioner to make determinations or give instructions to the Council's staff. This power does not, however, extend to determinations affecting remuneration or conditions of employment.

Clause 24 provides that the money required for the purposes of the new Act is to be paid out of money appropriated by Parliament for the purposes.

Clause 25 provides that the Council's expenditure must be in accordance with a budget approved by the Attorney-General.

Clause 26 deals with accounts and financial management.

Clause 27 provides for an annual audit of the Council's accounts by the Auditor-General.

Clause 28 exempts persons engaged in the administration of the participating courts from civil liability for acts or omissions occurring in the course of purported course of their duties.

Clause 29 empowers the Governor to make regulations for the purposes of the new Act. Such regulations—except where made for the purpose of imposing a limit on the Council's powers—are to be made on the recommendation of the Council.

Schedule 1 provides for the automatic transfer of the staff of the present Court Services Department (except the Chief Executive Officer) to corresponding positions on the staff of the Council.

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

PRIVACY BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to establish the South Australian Privacy Committee and define its functions and powers; to make other provision to protect the privacy of natural persons; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

This Bill seeks to give effect to what the Government regards as a significant and highly desirable reform. It establishes the South Australian Privacy Committee and puts information privacy principles on statutory basis.

Honourable members will recall that when Parliament rose earlier this year the Legislative Council had just commenced the Committee stages of debate on the Privacy Bill 1991. The 1991 Bill created a general right of privacy and provided that the infringement of the right of privacy is a tort actionable by the person whose right is infringed.

The Hon. Mr M.J. Elliott had tabled amendments to the Bill which would have, *inter alia*, established a Privacy Committee and enshrined information privacy principles in the legislation. The Government had no objection to these amendments in principle but was concerned with some matters of detail and I had tabled amendments which would have made the honourable member's amendments acceptable to the Government.

This Bill is an amalgam of my and the Hon. Mr Elliott's amendments in relation to the Privacy Committee and the information privacy principles.

Honourable members will notice that this Bill does not contain any provisions creating a general right of privacy or making an infringement of the right of privacy a tort actionable by the person whose right is infringed. Infringements of a person's right of privacy will be dealt with differently under this measure and I will talk about that later. The Government has decided not to proceed with creating a general right of privacy and providing a remedy for a breach of that right at this stage.

The Privacy Bill 1991 which created a right of privacy was an innovative measure which would have ensured that the privacy interests of South Australians were protected without hampering the legitimate dissemination of information. The Bill contained specific provisions to ensure that commercial organisations were not prevented from obtaining information they needed to conduct their businesses.

However, the Bill was emasculated during the parliamentary process. Its application to the media was severely curtailed and further amendments would have removed the media for the ambit of the Bill

altogether—public interest groups would also have been exempt. Difficulties would have been caused by the proposed amendments to apply the Bill only to the private, as opposed to the business, financial affairs of the person. The line between a person's private and business financial affairs is often difficult to draw. The exclusion of the media, public interest groups and business affairs from the ambit of the Bill would leave the Bill with little to do.

Recent developments have also influenced the Government's decision not to proceed with the tort. The uniform defamation legislation being developed in the Eastern States provides that the defence of justification is not available where the matter concerns the plaintiff's private affairs unless the defendant also establishes that the publication of the matter was warranted in the public interest. There is no requirement, as there was in the 1991 Bill, that the intrusion be substantial and unreasonable. If the 1990-91 Bill was enacted in its original form publications about South Australian's private affairs would have less protection than is being contemplated in the Eastern States.

Another development which influenced the Government is the enactment of the Magistrates Court Act 1991. The provisions in that Act relating to neighbourhood disputes will provide a remedy in many instances where a breach of privacy is in issue. Also the Magistrates Court is given the power to grant injunctions. Previously a person had to go to the Supreme Court to obtain an injunction where, for example, a trespass or nuisance was alleged.

These considerations together with the widespread public misunderstanding of the provisions of the 1991 Bill which was, in some cases, deliberately promoted led the Government to conclude that privacy needed to be tackled in a different way.

Part 2 of the Bill establishes the South Australian Privacy Committee. Members are aware that a Privacy Committee, established by proclamation, has been in existence since July 1989. This Committee has been very valuable, particularly in advising on the application of the privacy information principles and considering applications for exemption from them. The time has come to put the Privacy Committee on a statutory basis. There has been a statutory Privacy Committee in New South Wales since 1975.

I would particularly direct honourable members' attention to the Committee's function of receiving and investigating complaints concerning alleged violations of the privacy of natural persons.

This, I believe, is a very important function. It will provide a focus for people's concerns about privacy and provide a basis for assessing what, if any, measures need to be taken to ensure that personal privacy is appropriately protected. It may be that the Committee's experience will lead it to recommend that there should be a general right of privacy or some more limited right. The Committee will be ideally placed to collect evidence over a period of time of the types of invasion of privacy that concern the people of South Australia and to recommend changes to the law that may be necessary.

The Bill does not create 'privacy police'. The Committee is not given any coercive powers to investigate complaints about alleged violations of the privacy in the private sector, nor is any remedy provided. The Committee can, however, if it considers it in the public interest or the interests of the person or body the subject of an investigation, have the report of an investigation published in such manner as the Committee thinks fit. In this regard I would draw honourable members' attention to the recent High Court decision in *Ainsworth and Another v Criminal Justice Commission* (1992) 106 ALR 11 which makes it clear that the Committee is required to proceed in accordance with the rules of natural justice.

Part 3 of the Bill requires agencies to comply with the information privacy principles as set out the schedule. Administratively based information privacy principles have applied to the public sector since July 1989. These statutorily based principles apply only to the public sector. The Privacy Committee may, however, assist in developing codes of practice for the private sector. The development of any such codes is purely voluntary. The information privacy principles are the rules which govern the collection, handling, access, use and disclosure of personal information, as well as ensuring the maintenance of anonymity of record subjects in the products of research.

Experience with the administrative information privacy principles has shown that there are occasions where the rigid application of the principles can inhibit a legitimate use or exchange of personal information. Accordingly, clause 13 of the Bill allows regulations to be made exempting an agency from the operation of the principles in relation to a specified act or practice of the agency. This is quite a limited exemption power. There is no power to exempt an agency generally. The Privacy Committee will oversee compliance with the privacy principles but complaints that the principles have not been observed by an agency will be investigated by the Ombudsman (or the Police Complaints Authority where appropriate). Those authorities are given similar powers of investigation, report and coercion as they have to investigate complaints under their own Acts.

It may be that some small addition to the existing Privacy Committee resources will be required but there will be no need for, and there is no intention to create, a large bureaucracy. Neither the Privacy Committee nor, of course, the Ombudsman or the Police Complaints Authority will have any coercive powers to investigate complaints about breaches of voluntary codes or practice developed in the private sector.

Recent events in New South Wales show how important it is that a positive obligation is imposed on public sector agencies to ensure that privacy is not violated. While the New South Wales Independent Commission Against Corruption report was concerned with trading in Government information, this is but one aspect of the way personal information in Government hands may adversely affect an individual. Where information is inaccurate, incomplete or irrelevant a decision adverse to a person may be made on the basis of that information or, indeed, a decision which it is not in the interests of the agency.

Where information in the hands of government is made available to those who should not have access to it, or the information is used in a context or for a purpose other than that for which it was collected, the results can be very serious for the person concerned. Sometimes the

results may only be irritating but even this should not be allowed to occur. Since 1 July 1989 privacy information principles have been in place to regulate the collection, storage, access and disclosure of personal information by government agencies. The provisions of this Bill strengthen the protection of those rights and further enhance the privacy of the citizens of South Australia. The New South Wales ICAC report has brought information privacy into the spotlight. It has shown that South Australia must confront the issues. Reject this Bill now and the consequences will need to be dealt with in the future. I commend this Bill to members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1 (Clauses 1 to 3)
Preliminary

Clause 1 is formal

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 defines terms used in the measure.

Part 2 (Clauses 4 to 12)
The South Australian Privacy Committee

Clause 4 deals with the establishment of the Committee.

Subclause (1) establishes the Committee.

Subclause (2) provides for the Committee to consist of five members appointed by the Governor. Not more than two members may be Public Service employees.

Subclause (3) requires at least one member of the Committee to be a woman and one to be a man.

Subclause (4) provides for the Governor to appoint one of the members to preside at meetings of the Committee.

Clause 5 deals with the terms and conditions of office of members of the Committee.

Subclause (1) provides for a member to be appointed for a term of three years and to be eligible for reappointment at the expiration of a term of office.

Subclause (2) limits the term of office of a member appointed to fill a casual vacancy to the balance of the term of the member's predecessor.

Subclause (3) empowers the Governor to remove a member from office for misconduct or for mental or physical incapacity, or failure, to carry out satisfactorily the duties of office.

Subclause (4) provides for the office of a member to become vacant if he or she dies, completes a term of office and is not reappointed, resigns by written notice to the Minister or is removed from office by the Governor.

Clause 6 entitles a member to such allowances and expenses as the Governor may determine.

Clause 7 deals with the procedures of the Committee.

Subclause (1) provides for a meeting of the Committee to be chaired by the presiding member or, in his or her absence, by a member chosen by those present at the meeting.

Subclause (2) provides for three members to constitute a quorum and prohibits any business being transacted at a meeting unless a quorum is present.

Subclause (3) allows the Committee to act despite vacancies in its membership, subject to a quorum being present.

Subclause (4) entitles each member present at a meeting, subject to clause 8, to one vote on a matter arising for decision at the meeting and entitles the member presiding at the meeting to a casting vote, in addition to a deliberative vote, in the event of an quality of votes.

Subclause (5) provides for a decision carried by a majority of members of the Committee present at a meeting to constitute a decision of the Committee.

Subclause (6) requires the Committee to keep accurate minutes of its proceedings at meetings.

Subclause (7) empowers the Committee to determine the procedure for calling meetings and for the conduct of business at meetings.

Clause 8 deals with conflicts of interest.

Subclause (1) requires a member who has a direct or indirect personal or pecuniary interest in a matter before the Committee to disclose the nature of the interest to the Committee before, or as soon as practicable after, the matter arises for consideration. The maximum penalty for non-compliance is a division 6 fine ($4 000).

Subclause (2) requires such a disclosure to be recorded in the minutes of the Committee.

Subclause (3) requires a member to abstain from voting on a matter arising before the Committee (other than a question of general principle) that affects the member's personal or pecuniary interests directly or indirectly. The maximum penalty for non-compliance is a division 6 fine ($4,000).

Clause 9 deals with delegation.

Subclause (1) empowers the Committee to delegate any of its powers or functions under the Act (other than the power of delegation) to a member of the Committee, a particular person or body or the person for the time being occupying a particular office or position.

Subclause (2) requires a delegation to be by instrument in writing, allows it to be absolute or subject to conditions, provides that a delegation does not prevent the Committee from acting in any matter and provides for a delegation to be revocable at will by the Committee.

Subclause (3) disqualifies a person from acting pursuant to a delegation in relation to any matter in which the person has a direct or indirect personal or pecuniary interest.

Clause 10 deals with the Committee's staff.

Subclause (1) provides for the Committee to have an executive officer and such other staff to assist the Committee as the Governor thinks fit.

Subclause (2) provides for the executive officer and other staff to be appointed, and hold office, subject to and in accordance with the Government Management and Employment Act 1985, and allows the Committee's staff to hold office conjunction with any other office in the State's Public Service.

Subclause (3) allows the Committee, with the approval of the Minister and on terms mutually agreed, to make use of the services of any employee or use the facilities of an administrative unit administered by that Minister.

Clause 11 sets out the Committee's functions.

Clause 12 deals with the annual report.

Subclause (1) requires the Committee, not later than 30 September in each year, to furnish the Minister and the Parliamentary Legislative Review Committee with a report on the performance by the Committee of its functions during the year that ended on the preceding 30 June.

Subclause (2) requires the Minister to table copies of the report in both Houses of Parliament within 12 sitting days of receiving it.

Part 3 (Clauses 13 to 16)
Data Protection Safeguards

Clause 13 deals with the obligations of government agencies with respect to information privacy principles.

Subclause (1) requires an agency (as defined in the Freedom of Information Act 1991) to comply with the Information Privacy Principles set out in the schedule of the measure.

Subclause (2) empowers the Governor, by regulation, to exempt an agency from the operation of the Principles in relation to a specified act or practice of the agency.

Subclause (3) allows for such an exemption to be unconditional or subject to conditions set out in the regulations.

Subclause (4) requires an agency in relation to which an exemption is granted to comply with any conditions of exemption.

Subclause (5) empowers the Governor, by regulation, to vary the conditions of an exemption or revoke an exemption.

Clause 14 deals with codes of practice for the private sector.

Subclause (1) empowers the Committee, at the request of a person or body of a prescribed class (other than an agency), and on payment of the prescribed fee, to assist in the preparation of—

a code of practice relating to personal information held by the person or body and procedures for dealing with that information;

any amendments to such code of practice.

Subclause (2) requires the Committee, in assisting in the preparation of a code of practice or amendments to a code of practice, to classify personal information held by the person or body to whom the code applies according to degrees of confidentiality and to specify procedures for dealing with any such information with a view to safeguarding its confidentiality.

Subclause (3) requires a code of practice to generally conform to the Information Privacy Principles.

Clause 15 deals with access to personal information for research purposes.

Subclause (1) empowers the Committee, on application by a person or body of a prescribed class and payment of the prescribed fee, to grant to the person or body access to personal information held by an agency if—

the Committee is satisfied that access to the information is necessary or desirable for the purposes of any research being or proposed to be conducted by the applicant;

and

the agency that hold the information consents to access being granted to the information.

Subclause (2) provides for access granted under subclause (1) to be subject to such terms and conditions (if any) as the Committee considers necessary to protect the privacy of the person to whom the information relates.

Subclause (3) overrides the Information Privacy Principles and the Freedom of Information Act 1991 to require an agency that holds information to which access has been granted under subclause (1) to give the person or body to whom access is granted access to any document that contains the information.

Subclause (4) provides for access to a document to be given in any form in which access to a document can be given under the Freedom of Information Act 1991 and provides for fees and charges to be payable in accordance with that Act in respect of the giving of access.

Clause 16 requires the Committee to keep a register of persons and bodies to whom access to personal information has been granted under clause 15.

Part 4 (Clauses 19 to 28)
Investigations

Clause 17 deals with investigations.

Subclause (1) empowers the Committee to investigate any action alleged to violate the privacy of a natural person.

Subclause (2) empowers the Committee to make such an investigation on receipt of a complaint or on its own initiative.

Subclause (3) requires the Committee, where it receives a complaint alleging a breach by an agency of the Information Privacy Principles or of any condition of an exemption under clause 13—

in the case of a complaint in relation to the Police Force—to refer the complaint to the Police Complaints Authority for investigation;

in any other case—to refer the complaint to the Ombudsman for investigation,

Subclause (4) requires the Police Complaints Authority or Ombudsman, where a complaint is referred, to carry out an investigation and empowers the Police Complaints Authority or Ombudsman, as the case may be, to exercise the same investigative powers as are conferred on the Ombudsman by the Ombudsman Act 1971 in relation to an investigation under the Act.

Clause 18 provides that a complaint may be made by any person, by the personal representative of any person or by a member of either House of Parliament on behalf of any person, with their consent.

Clause 19 makes it an offence for a person to prevent another from making a complaint under the measure or to hinder or obstruct another in making a complaint under the measure. The maximum penalty is a division 7 fine ($2 000).

Clause 20 deals with the time within which complaints must be made.

Subclause (1) prohibits the Committee from entertaining a complaint if it is made after 12 months from the day on which the complainant first had notice of the matters alleged in the complaint unless the Committee is of the opinion that in all the circumstances of the case it is proper to entertain the complaint.

Subclause (2) provides that a complainant will be presumed to have had notice of the matters alleged in the complaint at the time he or she might reasonably be expected to have had such notice.

Clause 21 specifies which complaints need not be investigated.

Subclause (1) empowers the investigative authority to refuse to investigate a matter alleged in a complaint or to discontinue the investigation of such a matter if of the opinion—

that the matter raised in the complaints trivial;

that the complaint is not made in good faith;

that the matter is the subject of an existing or proposed investigation under the Police (Complaints and Disciplinary Proceedings) Act 1985 or the Ombudsman Act 1972;

or

that have regard to all the circumstances of the case, the investigation, or continuance of the investigation, of the matter is unnecessary or unjustifiable.

Subclause (2) requires the investigative authority, where a complainant has a remedy under the Freedom of Information Act 1991, to inform the complainant of his or her rights under that Act and prohibits the authority from investigating the complaint unless of the opinion that it is no unreasonable, in the circumstances of the case, to expect that the complainant should resort or have resorted to that other remedy.

Subclause (3) requires the Police Complaints Authority or Ombudsman to inform the Committee of a decision not to investigate, or to discontinue the investigation of, a matter raised in a complaint referred by the Committee and of the reasons for the decision.

Subclause (4) requires the Committee to inform the complainant of a decision not to investigate, or to discontinue the investigation of, a matter raised in a complaint and of the reasons for the decision.

Clause 22 sets out the procedure on investigations.

Subclause (1) empowers the investigative authority to make a preliminary investigation of a matter to determine whether to proceed with a full investigation.

Subclause (2) requires the investigative authority, before proceeding with a full investigation, to inform the person or body the subject of the proposed investigation of the decision to proceed with such an investigation.

Subclause (3) requires an investigation to be conducted in private.

Subclause (4) provides that the investigative authority—

(a) is not required to hold a hearing for the purposes of an investigation;

(b) may obtain information from such persons and in such manner as the investigative authority thinks fit;

(c) may determine whether any person to whom an investigation relates may have legal or other representation.

Subclause (5) provides that subclause (4) *(b)* and *(c)* does not apply in relation to an investigation by the Committee.

Subclause (6) requires the investigative authority, before making a report, to allow the person or body the subject of the investigation a reasonable opportunity to comment on the subject matter of the report.

Subclause (7) empowers the investigative authority to determine the procedure to be adopted in relation to an investigation.

Clause 23 deals with the proceedings on the completion of an investigation.

Subclause (1) provides that the clause applies to an investigation under the measure as a result of which the investigative authority is of the opinion that the action to

which the investigation related violates the privacy of a natural person.

Subclause (2) requires the investigative authority, if of the opinion—

that action can be, and should be, taken to rectify, or mitigate or alter the effects of, the action to which the investigation related;

that the practice in accordance with which the action was done should be varied;

that the reason for the action should be given;

or

that any other steps should be taken,

to report that opinion and the reasons for it to the person or body the subject of the investigation and empowers the authority to make such recommendations as it thinks fit.

Subclause (3) requires the investigative body to send a copy of any report and recommendation made under subclause (2) to the Minister and the Parliamentary Legislative Review Committee.

Subclause (4) requires the Police Complaints Authority or Ombudsman, where a complaint has been investigated by the Police Complaints Authority or Ombudsman, to send a copy of any report and recommendation made under subclause (2) to the Committee.

Subclause (5) requires a person or body in relation to which a recommendation is made under subclause (2), at the request of the investigative authority, to report to the authority within a time allowed in the request, on what steps have been taken to give effect to the recommendation and, if no such steps have been taken, the reasons for the inaction.

Clause 24 empowers the investigative authority, if it considers it to be in the public interest or the interests of the person or body the subject of an investigation by the authority, to have a report on an investigation published in such manner as the investigative authority thinks fit.

Clause 25 deals with reports to complainants.

Subclause (1) requires the investigative authority to inform a complainant of the results of an investigation made on the complaint.

Subclause (2) requires the investigative authority, where it makes a recommendation under clause 23 and is of the opinion that reasonable steps have not been taken to implement the recommendation within a reasonable time, to inform the complainant of that opinion and employers the authority to make any further comments on the matter that appear appropriate in the circumstances.

Clause 26 empowers the District Court, on the application of the Committee, the Police Complaints Authority, the Ombudsman or the person or body the subject of an investigation or proposed investigation, to determine the question as to whether the Committee, the Police Complaints Authority or the Ombudsman has jurisdiction to conduct the investigation and to make any orders necessary to give effect to the determination.

Part 5 (Clauses 27 to 32)
Miscellaneous

Clause 27 provides—

that there is no obligation to maintain secrecy or other restriction on the disclosure of information obtained by or furnished to persons in the service of the Crown or a State instrumentality in relation to the disclosure of information for the purposes of an investigation under the measure by the Police Complaints Authority or the Ombudsman;

and

that, except as provided by the measure, the Crown is not entitled, in relation to such an investigation, to privilege in respect of the production of documents or the giving of evidence.

Clause 28 prohibits a person from disclosing information obtained by or on behalf of the Committee, the Police Complaints Authority or the Ombudsman in the course of or for the purposes of an investigation under the measure except—

to a member of the police force of this State or of the Commonwealth or another State or a Territory of the Commonwealth;

for the purposes of the investigation and any report or recommendation to be made under the measure;

or

for the purposes of any proceedings under the measure or the Royal Commissions Act 1917.

The maximum penalty for contravention is a division 7 fine ($2 000).

Clause 29 makes it an offence for a person to—

without lawful excuse obstruct, hinder or resist the Police Complaints Authority or the Ombudsman in the exercise or performance of powers or functions conferred by or under the measure;

without lawful excuse fail or refuse to comply with any lawful requirement of the Police Complaints Authority or the Ombudsman under the measure;

or

wilfully make statement that is false or misleading in a material particular to the Police Complaints Authority or the Ombudsman when acting in the exercise of powers under the measure.

The maximum penalty is a division 7 fine ($2 000).

Clause 30 gives a person engaged in the administration of the measure immunity from liability for an honest act or omission in the exercise or discharge, or purported exercise or discharge, by the person, or by a body of which the person is a member, of a power, function or duty under the measure. Liability lies instead against the Crown.

Clause 31 deals with the application of the measure.

Subclause (1) provides that the measure does not take away from any right of action or remedy existing under any other statute or law.

Subclause (2) provides that nothing in the measure affects the powers, duties or functions of the Police Complaints Authority under the Police (Complaints and Disciplinary Proceedings) Act 1985 or of the Ombudsman under the *Ombudsman Act 1972* Clause 32 empowers the Governor to make regulations for the purposes of the measure.

The Schedule sets out the Information Privacy Principles.

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

SUMMARY OFFENCES (ROAD BLOCKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 183.)

The Hon. C.J. SUMNER (Attorney-General): I thank members for their support of this Bill and in response I will address some of the specific concerns that were raised. The Hon. Mr Griffin has requested some detail on the guidelines that may be applied by the police in the establishment of road blocks in the instance of an illegal use of motor vehicle offence being detected. The police have prepared draft guidelines for the establishment of road blocks and these have been approved by the Assistant Commissioner (Operations), but they have yet to be approved by the Departmental Occupational Health and Safety Committee to comply with the Act and police practices and procedures. I seek leave to incorporate in *Hansard* the draft guidelines without my reading them.

Leave granted.

DRAFT
DEPARTMENTAL POLICY STATEMENT

POLICE ROAD BLOCK—'Salus Populi Suprema Lex' The Safety of the People is the Highest Law

POLICY

Members of the Police Force will not erect a road block under the provisions of Section 74b of the Summary Offences Act on any road unless specifically authorised to do so by a Commissioned Officer in the manner prescribed.

PROCEDURES/LIMITATIONS

A Commissioned Officer will not authorise the erection of a road block until appropriate consideration has been given to the following factors:

Safety of the Public/Offender

It is essential that people who can reasonably be expected to be using the area at the time are not placed at unnecessary risk of injury or damage to property.

Also the offending driver and any passengers in the vehicle are not to be exposed to any unnecessary life threatening danger.

Road Block Site

Straight road: the road block is to be erected on a straight stretch of road and not near a bend or cross roads or other obvious escape routes.

Volume of traffic: the selected road must be assessed at the time as carrying a low volume of traffic to minimise any risk to other road users.

Weather conditions: when road surfaces are wet or visibility is impaired due to inclement weather, extreme caution will be exercised before a rod block is erected on any road.

Width of Road: the actual width of the carriageway should not be too wide to facilitate the guiding of the offending vehicle toward the road block.

Material Used to Erect Road Block: the objects and/or equipment used to form the actual road block will depend on what is readily available at the time. Unless very exceptional circumstances prevail, no privately owned property, including tractors, farm implements, trucks etc., will be utilised by the police to form a road block without receiving the expressed consent of the owner or person having control thereof.

Warning of Road Block

In every instance adequate warning of the presence of a road block will be given by either signs or lights to enable the driver to see or understand that he/she is approaching a road block.

The warning will be clearly visible over such a distance to allow the driver sufficient distance to stop the vehicle safely before reaching the actual road block.

Speed of Offending Vehicle

When an offending driver is travelling at very high speeds there is always the danger that a road block may cause loss of control over the vehicle, either from punctured tyres or while trying to avoid the road block, resulting in a serious crash.

Road blocks will not be erected on roads where the speed of the offending vehicle can be expected to be very high; for example, in excess of 150 kilometres per hour.

BACKGROUND

Legislation has now been introduced to authorise the police to erect road blocks to assist in apprehending offenders driving motor vehicles.

It is paramount that police use this authority in strict compliance with the law and in a responsible manner to minimise the danger to the community and offenders.

The Hon. C.J. SUMNER: The guidelines recognise that much will depend on the particular circumstances applying in each case where a road block is required. However, the guidelines emphasise factors to be considered including: safety of the public/offender; side of the road block; warning of the road block; and speed of the offending vehicle.

The Hon. Mr Gilfillan raises the issue of what will happen if a vehicle is stopped by a road block for one offence but evidence of another offence is found. During debate in 1990 on the Summary Offences Act Amendment which first introduced the road block provision, this issue was extensively debated. It was determined at that time that the police powers with respect to search and seizure at road blocks should be made clear.

The power to search the vehicle stopped at a road block is limited by section 74b (5) *(d)* which provides:

> . . . A member of the Police Force . . .
>
> *(d)* may search the vehicle for the purpose of ascertaining whether the person for whose apprehension the road block was established is in or on the vehicle and give reasonable directions to any person in the vehicle for the purpose of facilitating the search.

This provision makes it clear that the power to search a vehicle is limited to ascertaining whether the vehicle is carrying the person for whom apprehension the road block is established (for example, an escapee, an armed robber, or, after this amendment has passed, a person illegally using a motor vehicle, etc.). As I said in 1990, "[this provision] allows a cursory examination to determine whether the offender is in the vehicle" (see *Hansard* 1990 Vol. 2 page 1251).

Also included in 1990 were provisions which leave no doubt about the capacity of the police to seize evidence of other offences. Section 74b (5) *(e)* provides:

> . . . a member of the Police Force . . .
>
> *(e)* may take possession of any object found in the course of such a search that the member suspects on reasonable grounds to constitute evidence of an offence.

So, while a road block is established for the specific purpose of apprehending a specific person, evidence may be obtained relating to the commission of another offence by that specific person or some other person.

It should be noted that it will not be necessary to randomly search every vehicle which is stopped by a road block put in place to detect a section 86a (1) offender, that is, a person illegally using a motor vehicle. In these instances the police have an accurate description of the vehicle sought and consequently would be unlikely to need to search the vehicle to apprehend offenders. If the police observe that a vehicle, which has been stopped as being a vehicle illegally used, contains equipment or an article likely to raise suspicions about the commission of some other offence then the powers in section 68 of the Summary Offences Act can be used to search that particular vehicle.

The Hon. I. Gilfillan: That might apply to the owner of the stolen car, not to the actual occupants of the car.

The Hon. C.J. SUMNER: What?

The Hon. I. Gilfillan: If goods were found in the car that were not related to the driver but in fact related to the owner of the car that had been stolen—

The Hon. C.J. SUMNER: Bad luck.

The Hon. I. Gilfillan: So there is no restraint on action?

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan interjects that the police may be able to take evidence from the car which might relate to its owner. The provision says that a member of the Police Force may take possession of any object found in the course of such a search that the member suspects on reasonable grounds to constitute evidence of an offence. So, whether it is from the person who took the car illegally or whether it is from the owner of the car, it is I think clear that if there is evidence that the police officer suspects on reasonable grounds may be evidence of an offence the police officer can take possession of it. I am not quite sure what the Hon. Mr Gilfillan is suggesting.

The Hon. I. Gilfillan: It is not proper for police to set up a roadblock just for this purpose.

The Hon. C.J. SUMNER: Let us take an example for the honourable member. What happens if police set up

the roadblock to stop the person who has taken the car illegally and then, on looking in the back seat of the car, find three kilograms of heroin? Is the honourable member suggesting that they should not be allowed to confiscate that and take it as evidence of an offence?

The Hon. I. Gilfillan: I am asking a question; I am not making a joke of it. It might be not only one car that is stopped; it could be a dozen cars.

The Hon. C.J. SUMNER: That is true. It is unlikely to be a dozen cars unless a dozen cars have been taken illegally and are baiting the police. I suspect that is not the usual situation. Possibly only one or two cars will be involved in these escapades. The answer is that the powers are wide enough to cover things which might be in the car and which could constitute evidence of an offence, even if those things were put there by the owner rather than the person who illegally used the car. I am not sure how one overcomes that. If the honourable member has any bright idea about it, perhaps he could let me know.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. I. GILFILLAN: I should like to discuss in a little more detail the matter that I raised in interjections during the second reading debate. There is a concern that there should not be a misuse of the power of road blocks for general search. The extension of the power of the police to establish a road block for this purpose has my support. I have no doubt in my mind that it is worth while, and I said so in my second reading contribution. If—I emphasise that—there is misuse of this road block power by the police to stop and search a series of vehicles for some other purpose, which they would not normally—

The Hon. C.J. Sumner: How can they do that?

The Hon. I. GILFILLAN: By establishing a road block. If instead of interjecting the Attorney-General would settle back, maybe he can give me a reasonable answer that *Hansard* can understand as well. What protection is there that the public will not be exposed to road block procedures which are not based on the legitimate purposes included in this Bill?

The Hon. C.J. SUMNER: Road blocks can be set up only for specific serious offences, as previously. That is already in the law. There is nothing new about that. The only new thing is that they can set up road blocks to stop cars that have been stolen and are being illegally used. They would be fairly readily identified. One cannot imagine that they would set up a road block under this extension unless there was reasonable suspicion that the vehicle was being used illegally. That is the only addition to the existing powers. It may be that the honourable member's concern should have been expressed—perhaps it was—when the Bill was before us in 1990. I do not know of any examples since that time when it has been abused. I do not see the problem raised by the Hon. Mr. Gilfillan as being realistic, because the car—

The Hon. I. Gilfillan: You are talking about 'the car'.

The Hon. C.J. SUMNER: The car or the one or two cars.

The Hon. I. Gilfillan: I may be stopped because, in the opinion of a police officer, I was driving a stolen car. Although that may be proved to be incorrect, what if the police officer searched my vehicle and found something on which he wanted to act?

The Hon. C.J. SUMNER: I will read the section if it will assist the honourable member.

The Hon. I. Gilfillan: It might assist us both.

The Hon. C.J. SUMNER:. It probably will not assist me much but it might assist the honourable member. Had he read it before coming into the Chamber it would have assisted him.

The Hon. I. Gilfillan interjecting:

The CHAIRMAN: Order! We are in Committee. Honourable members are entitled to ask questions and receive answers and I should like it to be kept on that basis.

The Hon. C.J. SUMNER: Section 74b of the Summary Offences Act 1953 is headed 'Road blocks'. It will probably take 10 or 15 minutes, but I will read it. If the honourable member had bothered to get hold of a copy he could have read it himself. It reads:

(1) In this section—

'major offence' means an offence attracting a penalty or maximum penalty of life imprisonment or imprisonment for at least seven years.

(2) Where a senior police officer believes on reasonable grounds that the establishment of a road block at a particular place would significantly improve the prospects of apprehending a person—

(a) suspected of having committed a major offence; or

(b) who has escaped from lawful custody,

the officer may authorise the establishment of a road block at that place.

So, the road block has to be established in circumstances that would significantly improve the prospect of apprehending a person suspected of having committed a major offence or who has escaped from lawful custody. If the police are going to stop the honourable member, they will have to suspect him of committing a major offence. Subsection (3) provides:

An authorisation under this section—

(a) operates for an initial period (not exceeding 12 hours).

We may not want to know about that. It goes on to provide:

(4) An authorisation may be granted under this section orally or in writing but a written record must be kept . . .

(5) Where a road block is authorised under this section a member of the Police Force—

(a) may establish a road block...at the place to which the authorisation relates;

(b) may stop vehicles at or in the vicinity of the road block;

(c) may require any person in any such vehicle to state his or her full name and address;

(d) may search the vehicle for the purpose of ascertaining whether the person for whose apprehension the road block was established is in or on the vehicle and give reasonable directions to any person in the vehicle for the purpose of facilitating the search;

(e) may take possession of any object found in the course of such a search that the member suspects on reasonable grounds to constitute evidence of an offence.

Those are the two provisions that I read before. Then there are the penalty provisions. It is provided that a person who fails without reasonable excuse to stop a vehicle at a roadblock when requested or signalled to do so is guilty of an offence. The Commissioner must report to the Minister stating the number of authorisations, as well as the place, the period and the grounds for the granting or renewal of each authorisation, and the Minister has to lay a copy of the report under subsection

(9) before both Houses of Parliament within seven sitting days following receipt of the report. I do not recall any reports having been tabled, which may mean there have not been any roadblocks since this legislation was proclaimed in late 1990. So, they are the accountability provisions.

All this does is add to that already existing authority the capacity to stop a vehicle where there is a suspicion that the vehicle is being illegally used. A situation could occur where someone who is not the actual subject of the offence is stopped, but in those circumstances what the police can do as far as a search is concerned is limited by the Act. However, and I think this was debated at the time the matter was before the Council on the previous occasion—it would defy commonsense if, in the conduct of that search, whether or not it related to the person under suspicion, evidence was found of another offence, such as drugs or whatever, and the police could not do anything about it.

The Hon. I. GILFILLAN: If the person who was stopped could satisfy the police that he or she was not the cause of the roadblock, would the police still be empowered to search the vehicle?

The Hon. C.J. SUMNER: No.

The Hon. K.T. GRIFFIN: I want to make a couple of observations about the departmental policy statement. Am I to presume that in conjunction with the policy statement there will be an outline of the circumstances in which roadblocks may be used? I suppose that would be the case, but there is no indication that the draft statement will be accompanied by an outline of the circumstances in which roadblocks are to be used. I am not asking for a response now; this matter can be followed up later if that is more convenient.

At the bottom of page 2, it is stated that legislation has now been introduced to authorise the police to erect roadblocks to assist in apprehending offenders driving motor vehicles. I think that is pertinent to the discussion the Attorney has just had with the Hon. Mr Gilfillan, but it seems to me that even the legislation that has just been introduced is not only about offenders driving motor vehicles—it is more about a person who is illegally using a motor vehicle. The legislation also deals with escaping prisoners and those who might reasonably be believed to have committed a serious offence. It may be that this supplements other policy statements, but I draw attention to these matters because, if the operational police officer is to have full guidance, ought to be properly addressed.

The Hon. C.J. SUMNER: I will refer the honourable member's comments to the Police Commissioner.

Clause passed.

Clause 2 and title passed.

Bill read a third time and passed.

BUDGET PAPERS

The Hon. C.J. SUMNER (Attorney-General): I seek leave to table the 1992-93 budget papers.

Leave granted.

PAPERS TABLED

The following papers were laid on the table:

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

Enterprise Investments Limited (ACN 008 262 717) Financial Statements for the year ended 30 June 1992.

Enterprise Investments Trust Financial Statements for the year ended 30 June 1992.

Enterprise Securities Limited (ACN 008 128 194) Financial Statements for the year ended 30 June 1992.

Lotteries Commission of South Australia—Report 1991-92.

Public Sector Employees Superannuation Scheme—Report 1991-92.

South Australian Government Financing Authority—Report 1991-92.

South Australian Superannuation Board—Report 1991-92.

South Australian Superannuation Fund Investment Trust—Report 1991-92.

State Bank of South Australia 1992 Proforma Result

State Government Insurance Commission—Report 1991-92.

The Treasury of South Australia—Report 1991-92

Report on the Operation of Police (Complaints and Disciplinary Proceedings) Act 1985.

EQUAL OPPORTUNITY (EMPLOYMENT OF JUNIORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 187.)

The Hon. C.J. SUMNER (Attorney-General): I thank the Hon. Mr Griffin for his response to the Bill. The honourable member indicates that the Chamber of Commerce and Industry has suggested that a further subparagraph be added to section 85f, to enable specifically for:

(c) the advertising of the availability in employment in accordance with subparagraphs *(a)* and *(b)*.

If such an amendment were to be inserted, a similar provision should logically be inserted following each provision of the Act which creates an exemption to the Act's general application. Such an approach would render section 103 obsolete. The honourable member raises an issue concerning the fact that the amendment is limited to industrial awards or agreements under the Industrial Relations Act 1972. I shall move an amendment to make clear that the amendment applies also to junior rates of pay which exist pursuant to Commonwealth awards.

Finally, the honourable member raises an issue concerning the review of persons who hold tenured positions in tertiary institutions. The honourable member indicates concerns that the person's tenure of the position will not be subject to review when the person reaches what is now the compulsory retirement age. The position of such persons is similar to that of persons appointed to the Public Service pursuant to the Government Management and Employment Act. Such persons are not subject to review either. There does not seem to be anything in the nature of tenured positions which would make them worthy of special consideration, but if the honourable member has some specific concerns I shall be happy to look at them.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Exemptions.'

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

Page 1, line 21—Leave out 'the employment of young persons at reduced rates of pay' and insert 'a decision to offer employment only to a young person, or the employment of a young person, where the rate of pay for that employment is a reduced rate of pay'.

As a result of further consultation, it became apparent that some ambiguity remained as to whether the original text of the Bill overcame the problem it was supposed to address, namely, that employers should be entitled to advertise for and to appoint juniors, where junior rates of pay are available under the relevant industrial award.

This amendment removes that residual ambiguity, by making it absolutely clear that employers can decide to employ only juniors and to advertise only for juniors where a junior rate of pay exists under an award. As the employer's decision to employ a junior is not unlawful, the prohibition on advertising contained in section 103 will no longer apply.

The Hon. K.T. GRIFFIN: I have no difficulty with the general provisions of the amendment. It was after receiving advance notice of the amendment that I also received some communication from the Engineering Employers Association, which supports the intention of the Bill but says:

Some of the terminology is of concern to us in that it could lead to some confusion. For example, amendment 46 refers to the employment of young persons at reduced rates of pay. Perhaps a better interpretation of the intention would be to refer to the appropriate rate of pay, rather than the reduced rate of pay.

I gave that some thought, and perhaps the reference to 'reduced rate of pay' is ambiguous. It is certainly not defined, and it seems to me that an alternative amendment, which I have on file, may be the more applicable way to refer to the gradation of wages under particular awards or agreement. I move:

Page 1, line 21—Leave out 'the employment of young persons at reduced rates of pay' and insert 'a decision to offer employment only to a young person, or the employment of a young person, where the rate of pay for that employment is a rate less than that applicable to an adult,'.

I thought that there might be some difficulty in refining 'reduced rate of pay' and that it would be more appropriate to refer to a rate 'applicable to an adult'. As I said in the beginning, I am not too fussed about it; it is a technical matter. But it concerned the Engineering Employers Association, with some substance, according to what the association was suggesting to me. That is the reason for my amendment. I am amenable to any alternative suggestion that will meet the concerns that have been expressed.

The Hon. C.J. SUMNER: Is the honourable member reasonably content with my amendment?

The Hon. K.T. GRIFFIN: There is a possible difficulty as to what 'reduced rate of pay' refers to. Is it reduced in relation to each category or something that is less than the appropriate adult wage? If it is provided in the award at a particular rate, it is reduced below the adult wage but, in the context of the award and relating to a particular age range, it is not reduced.

The Hon. C.J. SUMNER: We will accept the honourable member's amendment.

The Hon. Mr Griffin's amendment carried.

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

Page 1, line 23—Leave out 'or approved under the Industrial Relations Act (S.A.) 1972' and insert ', approved or certified under the Industrial Relations Act (S.A.) 1972 or under the Industrial Relations Act 1988 of the Commonwealth'.

This amendment ensures that employers who decide to employ only juniors where the relevant award creating the junior rate of pay is a Federal award will be able to advertise for juniors. It gives effect to the point made by the Hon. Mr Griffin to which I have already referred.

Amendment carried.

The Hon. K.T. GRIFFIN: I raise this matter again only because one of the employer groups raised the issue and I thought it ought to be the subject at least of some discussion. The concern was expressed that, even though section 103 of the principal Act deals with advertising, it provides that a person must not publish or cause to be published an advertisement that indicates an intention to do an act that is unlawful by virtue of this Act. The suggestion was made, I think by the Chamber of Commerce and Industry, that there was some difficulty with the amendments, and it wanted to put the issue completely beyond doubt that the advertising of the availability of employment in accordance with paragraphs *(a)* and *(b)* was exempted from the operation of the Act. I note from the Attorney-General's reply at the second reading stage that he did not seem to think it was a problem. If that is his advice, I will not push the issue too much. The last thing I would want, if it was left unaddressed, is that the advertising of a vacancy for a person on less than an adult wage in some way was found to contravene the Act.

The Hon. C.J. Sumner: On section 103?

The Hon. K.T. GRIFFIN: That is what I am saying. I am saying that, as a matter of principle, if there was a problem that we had not foreseen, I would hate to—

The Hon. C.J. SUMNER: The Government does not see it as a problem and therefore believes that the amendment that the honourable member filed should be accepted. We believe it could create confusion with the interaction of his proposal with section 103, and we think it is quite clear that section 103 will prohibit advertising where it relates to something unlawful by virtue of the Act. We have now exempted the employment of juniors from that.

Clause as amended passed.

Title.

The Hon. K.T. GRIFFIN: The Attorney-General did respond to my observation about tenured positions. I take his point that those persons who are employed in the Public Service under the Government Management and Employment Act are in no different a position from those who might be in tenured positions. The retiring age within universities, for example, terminates the tenure. If the retiring age provision is made unlawful, the tenured position presumably would continue indefinitely without an opportunity to at least review the person who was occupying the tenured position. It was that which had been drawn to my attention.

Again, I do not wish to pursue the matter now but I flag it as an issue, and this is an appropriate Bill under which to raise this issue. We probably should have raised it when the principal provisions were before us. It has been raised with me, and it is important that that issue be addressed at some stage because by virtue of the operation of section 85f subsections (5) and (6), it is no

longer lawful to apply a retirement age; one then has to question where is the cutoff point for positions which are tenured and presently subject to retirement age.

The Hon. C.J. SUMNER: It is quite irrelevant to the Bill. As the honourable member knows, the Commission for Equal Opportunity has been conducting a review of all age requirements relating to both children and adults across the whole range of South Australian Parliament legislation. That is in the process of happening. Within two years of the passage of the original age discrimination provisions, this report has to be prepared. The Commissioner for Equal Opportunity is preparing the report. For instance, I am not recommending that judicial age limits be removed.

The Hon. K.T. Griffin: You said you were not going to in the courts legislation.

The Hon. C.J. SUMNER: There may be other age limits that will not be removed. Each one will have to be treated on its merits, the report will have to be produced and tabled in the Parliament, and it will be up to the Parliament to determine which of those age limits are to remain and which are to be removed. I understand the point the honourable member is making. There is no difference between with university lecturers who have tenure and public servants who, effectively, have tenure.

The Hon. K.T. Griffin: I acknowledge that.

The Hon. C.J. SUMNER: I will undertake to refer the honourable member's comments to the Commissioner for Equal Opportunity to have her consider them when she is preparing the report which is required under section 85 *(s)* of the principal Act.

The Hon. K.T. Griffin: This year?

The Hon. C.J. SUMNER: Early next year.

Title passed.

Bill read a third time and passed.

SUMMARY PROCEDURE (SUMMARY PROTECTION ORDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 186.)

The Hon. DIANA LAIDLAW: I support the second reading of this Bill. It proposes three amendments to the Summary Procedures Act 1921 relating to restraint orders, namely, that applications for restraint orders can be made by telephone or any other communications device outside normal court hours; that the restraint orders granted in South Australia can be recognised and enforced in South Australia; and that orders can be made concerning the disposal of firearms or cancellation of or variation to firearms licences. These are all important amendments and I will address each in turn a little later. However, I cannot endorse the somewhat presumptuous assumptions made by the Attorney-General when he said in his second reading explanation that these amendments overcome many of the inequities and difficulties currently faced by victims of violence. The fact remains, notwithstanding the merits of the three amendments, that difficulties and inequities encountered by victims of violence will never be overcome until community attitudes towards domestic violence change, nor will they be overcome while the enforcement and legal systems in this State and nation continue to regard domestic violence as marital conflict and not criminal assault.

Domestic violence is an issue that many Australians would prefer not to think or talk about. A study was conducted by the Public Policy Research Centre in 1988 for the Office of the Status of Women, which study revealed that large sections of the Australian public believe that violence against one's wife can be justified under some circumstances, and I seek leave to have incorporated in *Hansard* a chart outlining circumstances in which the respondents believed that physical violence against a wife was acceptable.

The PRESIDENT: Is it of a statistical nature?

The Hon. DIANA LAIDLAW: Yes, it is statistical.

Leave granted.

Circumstances in which physical force against wife considered acceptable

Circumstances	Per cent Agreeing
Argues With or Refuses to Obey Him	2
Wastes Money	2
Doesn't Keep the House Clean	2
Doesn't Have Meals Ready on Time	1
Keeps Nagging Him	4
Refuses to Sleep with Him	3
Admits to Sleeping with Another Man	11
One or More of Above Circumstances	14
At Least One Circumstance	19

Source: Public Policy Research Centre Domestic Violence Attitude Survey (1988).

The Hon. DIANA LAIDLAW: Overall, 19 per cent of the respondents, or nearly one in five, believed it was acceptable for a man to use physical force against his wife under at least one circumstance, although men were more likely than women to think that the use of physical force was acceptable—22 per cent as against 17 per cent. The difference is not as marked as one might expect. My own view would have been that no woman would accept that physical violence was tolerable in any circumstances, but this research identifies that 17 per cent of women surveyed believed that physical violence was acceptable in at least one circumstance. Perhaps that is a matter of self esteem, or a reflection on the self esteem of the women interviewed. It may be a factor of family influence; nevertheless it is a matter that we must take into account in addressing the subject, that women themselves may believe that physical violence is tolerable in some circumstances. It is certainly not my view.

In terms of the types of action considered justified under some circumstances, it is again remarkable that 82 per cent of the respondents sanctioned 'denying money'; 58 per cent considered 'yelling abuse' was acceptable, 22 per cent agreed that 'smashing a household object' was justified and as many as 10 per cent felt that 'pushing or shoving' would be all right under some circumstances. The survey also found that persons from blue collar households were more likely than those from white collar households to believe that physical violence could be acceptable. However, we do know that domestic violence occurs in both blue collar and white collar households.

I note also that the survey found that only 1 per cent of respondents spontaneously mentioned domestic violence as an important issue affecting Australian families, yet

when asked how serious a problem they thought domestic violence was in Australia today, 43 per cent considered it very serious; a much higher proportion of women than men (50 per cent to 36 per cent) responded in this manner. When the response categories of 'very serious' and 'fairly serious' were combined, 85 per cent of the sample were in this category. The PPRC surveyors believe that these results indicate that, while most of the community knows when prompted that domestic violence is an important issue, it is not a top of the mind issue. It is my view that until domestic violence is perceived as a top of the mind issue affecting Australian families, the difficulty and inequities referred to by the Attorney-General and faced by the victims of domestic violence will never be overcome. The victims suffer immense problems, and they usually suffer in silence.

A major domestic violence phone-in conducted in Queensland in 1988 involving 661 callers was reported at length in a publication by the National Committee on Violence in 1990. The majority of the victims 'endured the violence for between three and 10 years and 14 per cent suffered for more than 20 years'. The majority of victims who responded, responded passively to the violence or tried to escape, with only 24 per cent describing themselves as fighting back. Fifty-four per cent described the abuse as resulting in permanent damage to their health.

Despite the predominating community attitude that if a woman does not like it she can always leave, women experience enormous difficulties in leaving a violent relationship; most do not leave. Concern for their children is paramount, followed by practical considerations such as having no money, transport, housing, social support and so on. In addition, there are victims who stay because they are realistically afraid of their partner and there are those who say they stay because they still love their partner and always hope (and this hope is usually unrealistic) that he will change. The evidence indicates that partners do not change without a crisis, for example, arrest and/or long-term intervention programs. In these circumstances it is imperative that all women are aware that restraint or intervention orders are available to help protect them from violence. It is equally imperative that women are confident that when the orders are granted they are enforced effectively.

Miss Linda Matthews, Coordinator of the Domestic Violence Unit in South Australia, and a member of the National Committee on Violence Against Women notes that anecdotal evidence from all sources reveals that women have been badly beaten and sometimes killed because intervention orders were not granted or not enforced. The National Committee on Violence Against Women has commissioned a study to examine whether intervention orders have been effective in stopping people harassing or attacking their partners or ex-partners. A report on their findings is to be presented to the State Attorneys-General and the Police Ministers at the end of this year. So I suspect that this will not be the only Bill of this nature to come before Parliament in the next couple of years.

Dr Patricia Easteal, a Senior Criminologist with the Australian Institute of Criminology, has commenced a study of 120 killings in New South Wales and Victoria between 1988 and 1990, in which the victims and killers were spouses and ex-spouses. Dr Easteal reports that men had killed their wives or ex-partners in about two-thirds of the cases, and according to preliminary findings she estimates that about 10 per cent of these cases involved prolonged and severe domestic violence in which the woman was murdered, despite having an intervention order or protection order. Dr Easteal argues, and I agree, that a tougher law and order approach to domestic violence is needed. It is a fact that State laws on domestic violence in many States are flawed, because the onus falls too heavily on the victim to apply for a protection order.

It is also a fact that many battered women do not initiate or follow up their applications because they fear retribution from the offender. I refer to reflections made by an Adelaide lawyer, Mr Angus Redford, who was involved in a recent landmark domestic violence case in the South Australian Supreme Court. His client, Ms Erica Konttinen was acquitted of murder after the court heard expert medical evidence about battered women's syndrome. Evidence about the syndrome has been used regularly in the United States courts, but not so in this State or nation, to explain why battered women kill their husbands rather than leave them. It is a pretty drastic alternative, but it may reflect some of the horrors that some of these women put up with.

Mr Redford says that protection orders are inadequate in severe cases, because at each stage the process depends on the victim's courage to initiate and follow through with the investigation. He says that at the end of the day the perpetrator has control over the investigation. There is no other area of criminal investigation where the criminal has control over the prosecution process. I repeat: there is no other area of criminal investigation, other than domestic violence and domestic assault, where the criminal has control over the prosecution process. Mr Redford says that we do not see the Commonwealth Bank doing all the investigation and prosecution when a bank is robbed. Why should a woman have to do it when she has been assaulted and battered?

Mr Redford maintains that better police training would increase the number of criminal charges brought against offenders. Certainly, I note that, in Victoria, the Police Commissioner has issued a directive. He did so in May last year in order to tighten procedures on domestic violence. Under the new rule, if there is evidence of an assault a police officer must—and I stress 'must'—charge an offender or take out an intervention order, without relying on the consent of the victim. To this time I have not been able to obtain from the Office of the Victoria Police Minister or from the Victoria Police Commissioner the information that I have sought on the impact of this new rule. It may have been effective or it may be that the police have not been able to go further because of a lack of assistance from victims. However, I am aware that, prior to the new rule being issued, only about 5 per cent of intervention orders in Victoria were taken out by police, the vast majority having been taken out by the women, the victim. I am also aware that in Victoria, in 1990-91 more than 5 000 orders were sought and of this number 3 200 orders were granted by the court and about 2 000 were withdrawn.

I have placed on notice two questions seeking information from the Attorney about the facts and figures

as they relate to South Australia. I have sought information on how many applications for domestic violence intervention orders were received last year, how many of the applications were lodged by police, and how many were granted by the court, and also how many were withdrawn. I am very keen to receive advice on those matters as soon as the Attorney is able to gather the information in response to those questions that I have placed on notice. It will also be of interest to know, compared to the Victorian figures, how many police in this State, when they have noted incidents of domestic violence, have actually applied for these intervention orders on behalf of the victims. I am not sure whether, in respect of the South Australian situation, the South Australian police have issued a directive similar to that which has been issued in Victoria, to ensure that if there is evidence of assault a police officer must charge an offender or take out an intervention order without relying on the consent of the victim. During the summing up of the second reading debate or in Committee I would be very keen to learn from the Attorney details about that matter.

However, it is critical that domestic violence be addressed as criminal assault and not simply as marital conflict. In the meantime, while the community resolves those issues and comes to terms with this horror in our community and within our families I do welcome the three measures that the Attorney has introduced. I see them as being most worthy advances in protecting women, children and the sanctity of family life in this State. I know that they are part of a package of measures that have been discussed and supported by Attorneys-General across Australia, and it is encouraging to see that there is more cooperation between the States in this regard, because it is critical that restraint orders granted in one State can be equally enforced in another State. Finally, I would like to quote, in terms of the ongoing issues in relation to domestic violence, a statement made by the Premier of Victoria, Mrs Kirner. She said recently that it was:

> . . . time the media changed their attitudes to women and stopped looking only at individual crimes against women. The sooner the media focus not just on a specific issue, as sad and horrific as they may be, and say, 'What are we as a community portraying about women in our videos, in our commentary pieces, in our pictorials on the front page, in our cartoons?'—the sooner we do that as leaders, whether media leaders or political leaders—then the sooner the community will say there's more to this than a particular incident.

It is also important, in my view, that men start to acknowledge that violence is unacceptable.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: That is right. I hope that the Attorney-General, as sponsor of this Bill, and my colleague the Hon. Trevor Griffin, who is spokesman for the Liberal Party on this matter, as respected men in our community continue to speak out on this matter and influence more and more people in our community. Violence in any form is unacceptable, I would argue, but particularly in the home. I commend the Attorney for introducing this Bill and I wish the Bill a speedy passage and effective implementation.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

STAMP DUTIES (RATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 August. Page 216.)

The Hon. L.H. DAVIS: The Opposition supports the second reading of this Bill, which makes what has to be described as minor changes to the Stamp Duties Act in three different areas. The first is with respect to the stamp duty concession on first home purchases. Here the legislation currently exempts all first home purchasers from stamp duty for the first $80 000 of the purchase price. The Government now is seeking to phase out the concession for purchases between $80 000 and $130 000, at which point it will become $30.

The second reading points out that South Australia is one of the more generous States in terms of stamp duty concessions for first home buyers. The point is made that there was an example in the financial year 1990-91 where a first home buyer purchased a house for $441 500 and received a concession. Certainly, the Liberal Party finds it hard to support concessions being granted for houses of that value. The concession for first home buyers, as I recollect, was an initiative of the Tonkin Government just over a decade ago. I accept that the changes which are proposed by the Government are modest and not unreasonable. As the second reading explanation states (and I accept this because I checked it), South Australia has the highest home stamp duty concessions in Australia apart from the State of Queensland.

The proposed change will result in 60 per cent of home buyers still qualifying for the full concession; 34 per cent will receive a partial concession; and only 6 per cent will receive no concession at all. As we know, the average price of a home in South Australia at the moment in metropolitan Adelaide is just over $100 000. If one looks at the average price for a first home buyer that price may well be lower, so the amount of stamp duty to be paid as a result of this initiative will not be a significant sum. Indeed, it is estimated that the Government expects to collect $3 million as a result of the alteration to stamp duty concessions for first home buyers in the remainder of this financial year and $4 million in a full year.

Another amendment relates to stamp duty on conveyancing of powers of attorney, deeds and miscellaneous instruments. It is pleasing to see that the $4 current duty for powers of attorney has been examined and that in future there will be no duty for that. I am sure that is welcomed by many people because, undoubtedly in an ageing population, an increasing number of powers of attorney will be drawn up. For a variety of other documents, such as mortgage discharges, there will be an increase from the current $4 to a new duty of $10, and that amount was last increased in 1974. For deeds and other miscellaneous documents there is a similar increase from $4 to $10, and that was last altered in 1971. For caveats there is again an increase from $4 to $10, and that was last changed in 1988. For agreements or any memorandum of agreement the current charge of 20c will increase to a duty of $10, and that was last changed in 1971. That certainly is a significant increase, and the main types of documents affected by that duty presumably will be contracts for the sale or purchase of land which require a transfer to give effect to the

contract, and of course an *ad valorem* stamp duty is payable. Also, loan agreements will be affected by this change.

Although agreements for the sale of land are presently 20c, with that *ad valorem* stamp duty being imposed on the subsequent transfer—while that is being altered to $10 and we do not oppose it—the point must be made that it will raise the duty on documents in a transaction which is highly taxed. On that collection of alterations in the charges for a variety of instruments such as mortgages, deeds, caveats, agreements for the sale of land, loan agreements, and so on, the Government has estimated that there will be a $2 500 000 increase in stamp duties collected in the balance of 1992-93 and $3.3 million in a full year. The legislation has a commencement date of 1 September 1992. As I have indicated, the Liberal Party is happy to expedite the legislation and supports the second reading.

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

LOCAL GOVERNMENT ELECTIONS

The Hon. BERNICE PFITZNER: I seek leave to make a personal explanation.

Leave granted.

The Hon. BERNICE PFITZNER: I have sought leave with regard to a matter that was raised in Question Time today. The interpretation of my question asked on 5 May with regard to a local government election was misunderstood and further misinterpreted as misleading of Parliament. The relevant part of the explanation on 5 May states:

> Secondly, local Labor MPs for the area attended: Mr M. De Laine handed out how to vote cards and Mr M. Atkinson approached a candidate, Mr L. Aird, to seek second preferences for his colleague Mr D. Allen.

It could be interpreted that both Mr De Laine and Mr Atkinson were there, but it is not specifically stated that they were the two members who were present. My intention to identify that only Mr De Laine was present at the actual election and Mr Atkinson had approached Mr Aird at some other date is supported by a letter which I had at hand from a Mr Rossi to the Electoral Returning Officer. That letter reads:

> It has been allegedly reported to me that the local member of Parliament for Spence approached a candidate, Mr Aird, to seek second preferences from him in favour of Mr Allen, whom he was accompanied by, on Anzac Day.

I had this letter stapled to the question. The relevant part of the letter which I have read would therefore indicate that the statement, which I have written in my own handwriting, is meant to read:

> Secondly, the local Labor MP for the area, Mr M. De Laine, handed out how to vote cards and Mr Atkinson previously approached a candidate, Mr Aird, to seek second preferences for his colleague Mr Allen.

In question No. 4—

Members interjecting:

The PRESIDENT: Order! The honourable member is claiming that she was misrepresented in answer to a question today, and she is trying to put the record straight. She is going into a fair amount of depth. I will allow her to continue, but the honourable member should keep it relevant.

The Hon. BERNICE PFITZNER: Thank you, Mr President. I seek only to document what I want to claim in my personal explanation as everybody in Parliament should. In question No. 4, I asked:

> Does the Minister support the activities of the two Labor members of Parliament in last Saturday's local government election?

The interpretation of that question is meant to be as follows:

> Does the Minister support the activities of the two Labor members of Parliament with regard to last Saturday's local government election?

I acknowledge that the explanation and questions as printed in *Hansard* were ambiguous, but, with the document which I have just quoted, I can validate that my intention was to state that this arrangement by Mr Atkinson was made on some other day. Mr De Laine was present and Mr Atkinson had made that arrangement previously. Therefore, I did not mislead Parliament, as suggested, and the misleading arose from the misinterpretation and misunderstanding of the explanation and question on 5 May.

RACING (DIVIDEND ADJUSTMENT) AMENDMENT BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

This Bill proposes amendments to the Racing Act 1976, to permit the South Australian TAB and authorised racing clubs to use the commission deducted to them from any particular race pursuant to section 68 of the Racing Act 1976, towards the payment of dividends where a racing totalizator pool is insufficient to pay winning bed dividends of 50 cents and in the case of a dead heat a minimum of 25 cents.

It is also proposed that where the commission deducted, pursuant to section 68 of the Racing Act has been used to pay winning bet dividends, the loss be met as follows:

> Where TAB is involved the loss be shared equally between the racing codes and Government, the same way as profit is shared;
>
> Where an authorised racing club is involved, the loss be met fully by the racing club concerned.

On 7 May 1992, the Racing (Interstate Totalizator Pooling) Amendment Act 1992, allowing for the amalgamation of South Australian win and place totalizator pools with an Interstate TAB was assented to.

The amendments provided, *inter alia*, that TAB enter into an agreement with an interstate TAB to accept bets for pooling with those placed in another State or Territory. That agreement states that the calculation of dividends shall be made in accordance with the totalizator rules of the interstate TAB, for example, Victoria.

Consequently, some changes need to be made to this State's rules so as to be compatible with those of the Victorian TAB. Draft amendments to the On and Off-Course Totalizator Rules were made, but found to be *ultra vires* the Racing Act and therefore invalid.

At present, in all cases except for place dividends where the totalizator pool is insufficient to pay a minimum winning bet dividend of 50 cents, the TAB or authorised racing club can, as the case may be, to the extent necessary to enable it to pay those dividends, drawn upon—

- firstly, fractions accruing to it on the day; and
- secondly, from the Dividends Adjustment Account held at Treasury.

Similarly, at present, in the case of place dividends, where the amount is insufficient to pay a minimum winning bet dividend of 50 cents, an amount shall be deducted from the remaining horse or in equal proportions from the remaining horses before any dividend is calculated.

The proposed amendments to the win and place rules require the TAB and authorised racing clubs to use the commission deducted under section 68 of the Racing Act to enable a minimum dividend of 50 cents to be declared.

In the case of the proposed place rules, the commission deducted shall be paid first, and if there are still insufficient funds an amount shall be deducted from the remaining horse or in equal proportions from the remaining horses fefore any dividend is declared. These rules would then be compatible with those of Victoria.

The proposal that the racing clubs meet the loss in full, where commissions have been used to ensure a minimum winning on-course bet dividend, is supported by all the racing industry. The anticipated loss from this source in a full year is expected to be no more than $5 000. However, this amount will be more than offset by the additional revenue to be gained from the amalgamation of win and place totalization pools, which is expected to commence operation during mid-September.

The use of fractions and the Dividends Adjustment Account to make up minimum dividends will no longer be required.

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

Leave granted.

Explanation of clauses

The provisions of the Bill are as follows:

Clauses 1 and 2 are formal.

Clause 3 amends section 69 of the principal Act. This amendment ensures that the loss involved in making up a deficiency in winning bet dividends is shared equally by the Hospitals Fund and the codes.

Clause 4 makes a similar amendment to section 70 of the principal Act in respect to amounts deducted by a racing club under section 68. In this case the loss falls solely on the racing club.

Clause 5 replaces section 75 of the principal Act with a provision that requires a deficiency in winning bed dividends to be made up from amounts deducted under section 68. A consequence of this provision is that the Dividends Adjustment Account has no further role to play.

Clauses 6 to 9 make consequential amendments.

Clause 10 inserts a transitional provision.

The Hon. J.C. IRWIN: It is somewhat unusual for a Bill to be introduced and passed on the same day, or even in the same breath. Even though this Bill has already been through the other place, the fact that this is happening underlines the bipartisan way we approach the measures outlined by the Minister. I am pleased to note that the Minister in the other place acknowledges our bipartisan support on this measure. The racing industry has some interesting and challenging times ahead. It will monitor the effects that the introduction of poker machines will have on the TAB's operations and the general levels of betting on the three racing codes—galloping, harness and greyhounds.

I understand that what we passed today completes the arrangements made with VICTAB early this year, and I hope that the racing industry and the TAB can grow together and benefit what is one of the three largest employers of people in this State and one of the largest industries. I support the Bill.

The Hon. BARBARA WIESE (Minister of Tourism): I should like briefly to express the Government's appreciation of the cooperation shown by the Opposition in enabling this Bill to pass the Parliament on the same day as it was introduced and I, too, acknowledge the bipartisan approach taken on measures relating to the racing industry.

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

GAMING MACHINES BILL

The House of Assembly intimated that it had considered the corrected schedule of amendments of the Legislative Council and had agreed to same without amendment.

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The main purpose of this Bill is to make a number of amendments of a technical nature to the Police Superannuation Act which came into operation on 1 June 1990. The technical amendments will clarify certain matters relating to the scheme and overcome some minor problems that have arisen since the new arrangements came into operation. The principal Act established a new lump sum superannuation scheme and close the pension scheme to new entrants.

The provisions of the Act which specify the salary upon which contributions and benefits are based are revised under this Bill. The proposed provisions are intended to overcome some interpretation problems in relation to the existing wording of the relevant provisions of section 4 of the Act. Clause 10 of the Bill will also overcome a problem by specifying that employee contributions to the scheme for the first financial year after the Act came into operation, are to be based on the actual salaries of employees on 31 March 1990. This gives the administrators a 12 month period in which to determine the salary of the highest position ever held by each employee. Under the new arrangements introduced by the Act on 1 June 1990,

contributions and benefits are based on the salary of the highest rank and band ever held.

Amendments will be made to section 17 of the Act dealing with contribution rates. These amendments are designed to provide conformity with the amendments to section 4 of the Act.

Section 32 (1) *(a)* (ii) of the act specifies the lump sum benefit payable to a spouse, where the contributor retired before the commencement of the Act. The provision should only relate to a lump sum received under the repealed Act, And not a lump sum received under the scheme in existence before the commencement of the repealed Act. Clause 5 of the Bill makes the appropriate amendment.

An amendment is also proposed to section 34 of the Act dealing with the entitlements and options for members of the pension scheme who resign. The clause of the Bill amending this section provides a definition of what is meant by resignation. The proposed definition is the same as the one in the equivalent section of the new scheme provisions-section 22(8). The definition effectively classes a dismissed officer has having resigned for the purposes of the superannuation scheme.

Section 37 of the Act which deals with the return to work of an invalid or retrenchment pensioner is to be amended to restrict the application of subsections 1 *(a)* and *(b)* to return to permanent employment. The amendment also introduces provisions for dealing with any lump sum that the pensioner received on his or her earlier cessation of service. Without this amendment, an individual could receive an overall package of benefits greater than the normal maximum under the scheme.

Several other minor amendments are made to enhance the understanding of provisions.

An amendment is also sought to the provision of the Act which deals with the situation where a member's salary is reduced for disciplinary reasons. Under the existing provision, the member's salary after demotion is used to calculate all benefits. The effect is that the accrued benefit, even up to the date of the misdemeanour is retrospectively reduced through the application of a lower salary. The Government is concerned, principally because of its retrospective aspect, that the provision can have a large and unintended financial effect upon the member's accrued superannuation entitlement. The Government believes a fairer and more appropriate arrangement in such circumstances would be to allow the member to retain the accrued benefit at the higher salary, and continue to accrue a benefit applicable to the lower salary after demotion. The Bill seeks to amend the Act by introducing such an arrangement. The Police Association supports the proposed arrangement.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for commencement of the provisions of the Bill.

Clause 3 amends section 4 of the principal Act. New subsection (3) inserted by paragraph *(a)* spells out the salary on which contributions and benefits are to be based and makes it clear that contributions as well as benefits are to be based on the highest level of salary received. New subsection (4) replaces existing subsection (5). New subsection (5) is a new provision that gives an officer whose salary has been reduced for disciplinary reason an additional benefit to reflect the higher contributions made during the period before his or her salary was reduced. Paragraphs *(b)* of clause 3 makes a consequential change to subsection (6). Paragraph *(c)* excludes from the operation of subsection (6) officers who are of the rank of senior sergeant or below but receiving a salary at a higher level than that payable to a senior sergeant. This provision comes into operation from the commencement of the principal Act.

Clause 4 amends section 17 of the principal Act. Paragraph *(a)* makes it clear that contributions will be based on the contributor's actual or attributed salary. Paragraph *(b)* modifies subsection (2) *(b)* (ii) of section 17 to tie in with new section 4 (3). Paragraph *(c)* replaces subsection (3) with two new subsections that retain the substance of the original provision but make it clear that where a contributor receives worker's compensation payments contributions must be based on what he or she actually receives. These amendments are required for conformity with section 4 (3) and also come into operation from the commencement of the principal Act.

Clause 5 amends section 32 of the Act for the reason already given.

Clause 6 inserts subsection (11) into section 34 of the principal Act. The new subsection defines resignation to be any termination of employment except termination on invalidity, retrenchment or death.

Clause 7 amends section 37 of the principal Act. Paragraphs *(a)* and *(b)* restrict the application of the section to a permanent return to work. Paragraph *(c)* sets out the effect on a pension of a return to work on a temporary basis. New subsection (1a) inserted by paragraph *(d)* replaces the substance of subsection (1) *(a)* with an expanded provision which deals with the question of a lump sum paid on the previous termination of employment.

Clause 8 replaces section 38 of the principal Act with a provision corresponding to section 43 of the Superannuation Act 1988.

Clause 9 inserts a new section requiring the rounding off of the amounts of contributions and benefits to the nearest five cents.

Clause 10 inserts new clause 8 into schedule 1 of the principal Act. This clause provides for the calculation of contributions in the first year of operation of the principal Act to be on the basis of the actual salary received instead of on the highest level of salary received by the contributor in the highest grade achieved by the contributor. It has taken the first year of operation of the Act to determine this level of salary in respect of each contributor.

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

SUMMARY PROCEDURE (SUMMARY PROTECTION ORDERS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 186.)

The Hon. BERNICE PFITZNER: I support the second reading. This amendment relates to section 22 of the Summary Procedures Act 1921 dealing with the issue of restraint orders and provides for, first, after hours application for restraint orders which can be made by phone; secondly, restraint orders to be recognised and enforced in other States; and thirdly, orders relating to the disposal of firearms and cancellation of or variation to a firearms licence.

All these amendments provide for increased protection for victims of domestic violence. I should like to comment further on domestic violence, which is a very important and serious concern in this community. Some statistics on domestic violence will provide us with some sobering thoughts concerning us as human beings. For example, one in three homes sees women experience physical assault by their partners at least once; 80 per cent of men are not violent elsewhere; nearly half the population of Australia personally know a victim or perpetrator; one-third of the population see domestic violence as a private matter; one in 10 think slapping or smacking can be justified; South Australian police attended approximately 9 000 incidents of domestic violence in the Adelaide metropolitan area during 1985; and seven out of 13 homicides in 1987-1988 financial year in South Australia can be described as domestic related. Since the introduction of restraint orders in South Australia during 1982, 13 000 orders have been issued as of December 1988; 60 per cent of murdered women are killed by their partners, whereas 10 per cent of murdered men are killed by their partners.

What is the aetiology of this awful human behaviour? The main themes that are emerging are: first, the historical practice of viewing women as men's property; secondly, until recent times, State approval of wife beating; thirdly, a veil of secrecy which denied the existence of violence; and, finally, the lack of economic alternatives as a significant factor in women remaining with violent husbands. The definition of domestic violence is when a woman suffers persistent or serious physical, verbal, economic or social abuse from her partner with the result that she suffers sustained emotional or psychological effects.

As noted in the definition, there are four basic forms of abuse—physical, verbal, economic and social. Physical abuse is the most obvious form of abuse. It begins from a continuation of lack of consideration for the physical comfort of others to the action of pushing, shoving, shaking, punching, breaking bones, denying sleep and nutrition, denying medical care, causing internal injury and permanent injury and, finally, murder. Part of physical abuse is also sexual abuse and object damage is another form of physical abuse. The behaviour ranges from throwing crockery and breaking furniture to harming family pets.

Verbal abuse consists of putting down women. It is an attempt to demean and depower her, causing her to depend on the man. It ranges from jokes the purpose of which is to humiliate and degrade, down to threats of violence. Economic abuse takes on two forms: one consists of the man giving over his income and demanding that the woman do the impossible; or, when the woman has no access or control over her own money, although she has money of her own. Social abuse takes on three forms: first, the verbal abuse of the woman in company; secondly, the sometimes social accepting of the smothering of the woman; and, thirdly, there is the social abuse through isolation. Using these means a man is able to convince the woman that she is responsible for his violence or his abuse.

Domestic violence is the direct result of a society that perpetrates the imbalance of power between men and women. In our society, men are perceived as having the right of control over women, and women's access to finance and social standing is meant to come through the man they live with or are married to. Domestic violence occurs regardless of cultural background or level of family income.

I would like to highlight some myths and common beliefs which many people hold in our society about domestic violence, and these myths and beliefs are taken from *The Battered Woman*, by Lenore Walker. These beliefs are unhelpful, not because they may be untrue in specific instances but because we tend to act as if they are always true for everyone. The first belief about causes and incidents is that domestic violence happens not very often. The incidence of domestic violence is very seriously under-reported; it is very seldom identified as a separate crime and therefore it does not show up in statistics. Studies have suggested that up to one-third of the population is involved.

The second belief is that wife battering is predominantly a lower class phenomenon. Statistics do not accurately reflect the distribution of this problem. Women in families on lower incomes are more likely to come to the notice of helping agencies for other reasons, for example, financial assistance. Workers then assess that violence is a problem for working class people. However, middle class women fear embarrassment and damage to their husbands' career. Increasing media attention is resulting in more and more middle class women revealing the extent of the problem for them and showing that domestic violence occurs equally in all classes.

Another belief is that it is a problem that occurs more in some ethnic groups than others. Recent American studies show that patterns do not vary between the different subcultures. Another perception is that alcohol is the main cause of domestic violence. In an American study, over 50 per cent of the women believed that alcohol played a part in causing their husbands' violence and it is commonly believed that the solution to stopping the violence is to stop drinking. There is no evidence that alcohol causes violence, and there is plenty of evidence that violence occurs without alcohol being involved.

Another belief is that the battered women must have done something to deserve to get beaten. It is widely believed that the woman's nagging or other unreasonable behaviours push the man to breaking point. Studies do not support this, suggesting instead that the decision to be violent has more to do with the man than the woman's behaviour. Another belief is that battered women get battered because they are neurotic. This belief focuses blame on the woman and what could be wrong with her. Studies have shown that women in violent relationships are more psychologically disturbed than are other women.

Crazy or disturbed behaviour which may be adopted by a woman is usually her best attempt to survive in a very difficult or even intolerable situation. It is difficult for many people to understand why battered women do not leave home. There are many factors that operate to make her leaving very difficult. Women are brought up to believe that their real fulfilment comes from being wives and mothers. Family and counsellors often encourage her to stay. They do not feel they have the physical resources to provide for the children. Finally, many women are pursued and finally abused when they leave. They are kept in a double bind, whereby they are beaten if they stay and risk being killed if they leave.

There are many other such beliefs which are unhelpful but which support the view that domestic violence is a matter of attitude. We therefore ought not to stereotype the victims or the perpetrators. Domestic violence is ubiquitous, and the more protection we can achieve for potential victims, the better will be the outcome. However, legislation can do only so much. It is actually the attitude of men towards women that must change. Therefore, I acknowledge the thought and time put into these amendments, which give added power to the enforcers of the law in order to prevent or alleviate violence or potential violence, in particular that violence which is domestic related. I therefore support the second reading.

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

LIQUOR LICENSING (FEES) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

State liquor tax has not been increased since 1984. In that time, the Government has abolished tax on low alcohol beer as a health and road safety measure and has abolished tax on cellar-door sales by wineries to assist the wine and tourism industries.

For the 1993 licensing year, the Government has decided to increase the liquor licence fee from a rate of 11 per cent to 13 per cent, in line with increases announced in New South Wales and Victoria. As from the 1993 licensing year, South Australia, New South Wales and Victoria will apply a uniform rate of tax equivalent to 13 per cent on full strength alcohol. The tax-free status of low alcohol beer will, however, be retained. South Australia, Queensland and Victoria are the only States to grant this exemption.

There has been a pronounced trend in recent years towards consumption of low alcohol beer and the proposed tax increase on full strength beer is expected to accelerate that trend. The Government expects to receive an extra $7 million from the 1993 licence fees which are based on sales for the 91-92 financial year. An estimated $4 million of this will be received in 1992-93. In future years, however, the trend to consumption of low alcohol beer is likely to reduce this figure.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 increases the licence fees for wholesale and retail liquor licences (other than producers' licences) from 11 per cent of the gross amount of sales during the relevant assessment period to 13 per cent.

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

The Hon. C.J. SUMNER: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

SOUTH AUSTRALIAN COUNTRY ARTS TRUST BILL

Adjourned debate on second reading.

(Continued from 13 August. Page 78.)

The Hon. DIANA LAIDLAW: It is a pleasure finally to get an opportunity to address this important Bill, and I indicate at the—

Members interjecting:

The Hon. DIANA LAIDLAW: I think that every member in the Council is relieved. I indicate that the Liberal Party will not oppose this Bill. However, we are far from comfortable with the tenor of development proposed in the Bill for the future direction of regional arts activities in South Australia and we are far from confident that the stated objectives will be realised. The Bill aims, first, to repeal the Cultural Trusts Act 1976 and thereby abolish the four cultural trusts—Eyre Peninsula, Northern, Riverland and the South-East—plus the Central Regional Cultural Authority. Secondly, it will establish the South Australian Country Arts Trust (SACAT) and five country arts boards. Thirdly, it will transfer to the South Australian Country Arts Trust the property rights and liabilities, plus the necessary staff, of the existing four cultural trusts, the Central Regional Cultural Authority and the Regional Cultural Council.

The Bill represents the second major change in four years to the structure and operation of regional arts activities in South Australia, In 1988, the Government combined the responsibilities of the then Arts Council of South Australia and the four regional cultural trusts. It resolved the status of the central region, which includes Fleurieu Peninsula, the outer metropolitan area and Kangaroo Island. It also established the central coordinating body called the Regional Cultural Council, with responsibility for policy development funding, monitoring and statewide touring. In 1988 the Hon. Ms Wiese as Minister Assisting the Minister for the Arts advised in a second reading speech given on 13 October that the new arrangements would 'establish a balanced structure and provide both stability and effective management for arts activities in the non-metropolitan areas of the State'. She also stated that the Government had adopted the new organisational structure for regional cultural management and artistic programming, after extensive study and consultation.

In these circumstances, any reasonable person would anticipate that a new structure, adopted 'after extensive study and consultation' just some four years ago, would have a reasonably long, stable and hassle-free life. But this has not been so. A mere three years after this Bill was introduced to change the structure of regional arts in this State, the current Minister for the Arts and Cultural Heritage, Hon. Ms Levy, launched another major review of regional arts activities. So, today, four years on, we have before us another review and another Bill and, notwithstanding the chequered fate of the 1988 Bill, we again have an Arts Minister asking us to believe that, following another round of study and consultation, the Government has finally got it right.

In my view, the whole process—and this Bill in particular—demands a great act of faith on behalf of all involved and all who are interested in regional arts development in this State. The Bill before us reflects the sentiments and recommendation of the review of the regional arts development in South Australia commissioned by the Minister as part of the 1991-92 budget review process. Essentially, the Bill overturns the directions established in 1988, namely, 'to provide for direct local involvement in decisions concerning activities and funding arrangements'. In 1988, local involvement, local influence, local integrity and local responsibility were deemed important to this Government in the context of regional arts, but not so today. This Bill supports centralisation of decision making and an increase in ministerial power and influence. The review team determined that the current three-year decision making process, involving six separate organisations, plus four local arts advisory committees, was cumbersome, had generated administrative duplication and overlaps, and had led to uneven touring patterns in respect of the performing arts touring program. In particular, the review

team expressed concern about the apparent concentration of staffing and funding resources on the operation of the four regional theatres, with only $70 000 allocated to regional arts development officers for local arts development projects.

The regional theatres, based at Whyalla, Port Pirie, Renmark and Mt Gambier, were built between 1978 and 1984 at a total cost of approximately $18 million. Certainly, they all absorb a huge amount of money from the arts budget for debt servicing and in recurrent costs. In the 1990-91 annual reports for the four trusts it is revealed that the following grants were received from the State Government in that year: Eyre Peninsula, $1.085 million, comprising $452 000 for operating expenses, $449 000 for interest on borrowings and $184 000 for payments to the Harvest Theatre Company; for Northern, $1.359 million, comprising $539 000 for operating expenses and $820 000 for interest on borrowings; for the Riverland, $988 000, comprising $455 000 for operating expenses, $469 000 for interest on borrowings and $64 000 for various undisclosed projects; and for the South-East, $989 000, comprising $446 000 for operating expenses and $443 000 for interest on borrowings.

I indicated earlier that, although the regional arts theatres and cultural trusts (as they have operated in recent years) have absorbed a large proportion of the arts budget, having seen the State budget delivered today one realises how distorted priorities have become in this State when we see a further bail-out of the State Bank of $800 million and we are seeking to save dollars from regional arts activities and put more people in the regional arts field out of a job. In January this year, when the review team completed its report, the four theatres employed 36 administrative and theatre management staff, plus various levels of casual staff as required. Also, each theatre was being used for only 150 days per year with more than 50 per cent of the days in each instance used for cinema activities. Therefore, the theatre on average programmed performing arts activities on fewer than 75 days last year. The review team deemed that in future only four positions were necessary to manage each theatre and to provide administrative support for each new country arts board, except the central regional country arts board.

The Government has accepted the structure proposed by the review team. It will, first, cut staffing levels from 51.5 full-time equivalent positions to 40.5 full-time equivalent positions and, secondly, cut $500 000 in 1990-91 dollars from the total cost to the Government of regional arts activities—a cut from $2.997 million in 1990-91 to $2.5 million this year, although I have not yet checked the arts payments report presented today by the Premier. I seek leave to have inserted in *Hansard* a purely statistical table indicating the proposed staffing arrangements and proposed financial requirements as outlined in the review of the Regional Arts Development Committee for South Australia.

Leave granted.

REVIEW OF REGIONAL ARTS DEVELOPMENT IN SOUTH AUSTRALIA

Staffing Requirements

	FTE	FTE
SA Country Arts Trust		
Directorate	4.5	
Touring Unit	3	7.5
Central Region Country Arts Board (Arts Development Officers		3
Eyre Peninsula Country Arts Board		
Middleback Theatre*	4	
Arts Development Officers	4	8
Northern Cultural Arts Board		
Keith Michell Theatre*	4	
Arts Development Officers	3	7
Riverland Country Arts Board		
Chaffey Theatre*	4	
Arts Development Officers	2	6
South East Country Arts Board		
Sir Robert Helpman Theatre*	4	
Arts Development Officers	3	
Riddoch Art Gallery	2	9
Total:		40.5

*plus casual technical and front of house staff.

Financial Requirements

	($000)
Eyre Peninsula Country Arts Board/Middleback Theatre	420
Northern Country Arts Board/Keith Michell Theatre	420
Riverland Country Arts Board/Chaffey Theatre	310
South East Country Arts Board/Sir Robert Helpman Theatre/Riddoch Art Gallery	460
Central Region County Arts Board	180
SA Country Arts Trust (including Performing Arts Touring Unit)	710
Total	2 500

The Hon. DIANA LAIDLAW: In effect the review team recommended, and the Bill proposes, that the four regions will continue to have a big work-load but fewer staff to manage their responsibilities and less power to implement decisions affecting arts activities in their local area. The Bill establishes a Country Arts Trust comprising 10 trustees, and that represents a reduction of two from the composition of the current Regional Cultural Council. The Bill also establishes five country arts boards to replace the four regional trusts and the Central Regional Cultural Authority. The new board is to comprise eight members—the same number as now—but they will lose the stand-alone or independent statutory status that they have enjoyed for at least the past 10 years; they will also lose their statutory roles and functions and become, as some have suggested to me, subservient or at least answerable to the Country Arts Trust, which is to be based in the city. The members of each board will henceforth be appointed by the Minister and not by the Governor.

Some people may not see this as a significant step, but I point out that there is an important distinction, because the appointment made by a Governor requires that the Minister take his or her recommended appointments to Cabinet where they can be vetted by the Minister's colleagues, and they then must go to the Governor and be published in the *Government Gazette*. None of those processes applies when the appointments are made by the Minister.

Each member of the 10 member Country Arts Trust will be appointed by the Minister. The Minister will appoint the presiding trustee plus three persons who together provide business, entrepreneurial and arts skills. The local government representative will be a person nominated by the Local Government Association of South Australia. I notice that the LGA, in its

consideration of the Bill, was adamant that it nominate its one and only representative rather than provide to the Minister two nominations and leave the selection to the Minister. By contrast, the five new Country Arts Boards have not been so lucky and have not been given the same courtesy, and in each instance will be represented by a trustee who is picked by the Minister from the names of two members that are submitted by them.

The Liberal Party finds this situation unsatisfactory. We see no reason why the LGA should be given such favoured treatment and the exclusive right to appoint its own representative as trustee and why the Country Arts Boards should be denied this same right. Why should the boards not be entrusted to select their own nominee? After all, this Act is meant to be about strengthening arts activities in country South Australia, but in reality what we find is that the Government is watering down country influence over country arts activities.

We in this Parliament should not reinforce this process by devaluing the capacity and integrity of the Country Arts Boards to nominate their own representative. Surely they have their own best interests at heart and will nominate the best person for the job. I know that at present the names of two nominees are submitted to the Minister for appointment to the Regional Cultural Council, but today we are dealing with a totally different situation. The Regional Cultural Council was a coordinating body and not a statutory authority, and the representatives on that council from statutory authorities had immense power in determining the arts activities in country areas.

Today, in this Bill, the Minister proposes that we get rid of that influence and status at the local level. I believe that the least we can do is ensure that we are sensitive to the concerns of the country arts community and indicate to them that, if they are to participate on the new South Australian Country Arts Trust, we as a Parliament are prepared to accept their nominee to that trust rather than ask them to provide two names and the Minister select which one she prefers.

Therefore, I will be moving an amendment to ensure that the one representative from each of the five Country Arts Boards to the Country Arts Trust is the nominee of the respective board, not one of two people who happens to meet the approval of the Minister. I will also move an amendment to clause 7 to allow the trustee who is nominated by their respective board to appoint a proxy to attend and vote on his or her behalf if the trustee is not able to attend any meeting. Such a provision is included in many other Acts that have been passed in this place, but I suggest that it is an even more important provision in this Act because of the tyranny of distance, which is a factor involved in country people attending meetings in the city.

Also, the country trustee may not be able to attend a meeting from time to time because of his or her involvement in business, shearing, or the sowing or reaping of crops. Certainly as a Legislative Councillor representing the Liberal Party, I know that on many occasions it is impossible for country members to attend meetings of State Council, notwithstanding their enthusiasm to do so, because of their workplace and business commitments. I believe that there is every reason—

The Hon. Anne Levy: They are mainly men.

The Hon. DIANA LAIDLAW: No, actually, women happen to work on the land.

The Hon. Anne Levy: Sowing and reaping?

The Hon. DIANA LAIDLAW: Yes. I can tell you that my sister is a farmer who not only moves the sheep but also trains the dog and screams at the dog and the kids, and she is on the tractor.

The Hon. R.R. Roberts: Now I see where you get it from!

The Hon. DIANA LAIDLAW: Oh, you see where I get it from? It's a Laidlaw trait, screaming and yelling. It is true that today, because of financial difficulties on the farm, women are not only working in the kitchen, the community and in charities, but they are also working on the land. I would have expected the Minister to understand that. Notwithstanding that, I believe it is important in this situation that the trustee does have a proxy who can attend on the trustee's behalf, and their vote as a proxy trustee be taken as a vote for the official trustee. I should note at this point that, when the review team was taking evidence, it received a considered and comprehensive joint submission from three of the four cultural trusts, the central regional country authority, plus the regional cultural council.

This submission did not argue for the status quo. In fact, to their credit, the representatives of five of the six regional bodies in South Australia recommended significant restructuring of the regional arts system in South Australia with cost savings amounting to $300 000. In my experience, not only in the arts but in other fields, there are not too many groups representing any field of activity that would be recommending cost savings of that magnitude to the activities to which they are devoting their energies, but it is a fact that the joint submission from the representatives of five of the six regional arts bodies in this State did make such a recommendation. They called for a simplified structure, but the structure they wanted was one that preserved the responsiveness of regional levels to the organisation of local aspirations and needs. They also wanted to ensure that job for job employment was retained in the country.

As we now know, the structure for regional arts recommended by the review team and proposed in this Bill has rejected the thrust of the submission by the majority of regional arts bodies. The review team argued that it would perpetuate the current fragmented structural management and operational arrangements, and that it failed to maximise arts development opportunities. To reinforce their case, the review team went on to suggest that a range of grants could be increased under their proposed structure, increases which the joint submission could not have realised. Part of the reason for that is that the joint submission recommended cuts amounting to $300 000 with the review team recommending cuts of $500 000. Therefore, the review team had more flexibility to recommend a range of increased grants. The increases proposed are as follows: first, an increase in funding from $70 000 to $300 000 for the regional arts development officers, which is a change from $5 000 to $20 000 per officer; secondly, the appointment of two—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Well, I would hope that there would be some increase when you are cutting back the funds by $500 000. It goes on:

(2) The appointment of two additional regional arts development officers, one on Kangaroo Island—

I know that the member for Alexandra is pleased—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Well, Minister, I know it is late and you were agitating for a long time for me to speak on this Bill. I should have thought that you would be prepared for me to speak and to move on with the debate and not hold everybody up. Your colleagues behind you are certainly nodding their heads. It continues:

(2) The appointment of two additional regional arts development officers, one on Kangaroo Island—

I wish to acknowledge, if you had been gracious enough to hear, that the member for Alexandra, my Leader, is pleased to note that, as well as that for the Fleurieu Peninsula and the other to the Eyre Peninsula.

The Hon. Anne Levy: One to Kangaroo Island and one to Fleurieu Peninsula.

The Hon. DIANA LAIDLAW: Yes, that is right; and that is what my Leader is very pleased to learn. It goes on:

(3) An increase in the local presenters fund from $40 000 to $60 000.

(4) A new programming fund of $20 000 for each of the four theatres for entrepreneurial activities and touring.

The Minister, in her second reading speech, indicated that the Government had approved all those increases. Those increases, following consultation with a wide range of people, have helped possibly to distract attention from some of the anxieties in country areas about other aspects of the review team's recommendations which are now reflected in this Bill. Generally, the people to whom I have spoken about the Bill believe that, if the Bill can achieve what it sets out to achieve in terms of better access to the arts in country areas and reduce administration costs, they will be pleased. They were recommending much the same themselves in their submission to the review team, but with a different set of administrative priorities.

The people to whom I have spoken have reservations about how this will be achieved, and I do not blame them for those reservations. The exception is the Riverland Regional Cultural Trust whose Chairperson has written to me endorsing without qualification all aspects of the Bill. I have not spoken to the Chairperson on this matter, because the letter was without qualification; but I suspect that, because it was the Riverland Regional Cultural Trust that did not participate in the joint submission, and it is the only correspondence I have received from councillors and friends of cultural activities in regional areas or members past and present who have spoken without reservation, the influence of one of the members of the review team who came from the Riverland may be responsible for the Riverland Regional Cultural Trust's response which, I would say, is quite out of step with those from other people from whom I have heard on this issue.

I wish to dwell for a little time on some of the major concerns that have been expressed to me. The first relates to the fate of the art collections, in particular, the Riddoch art collection based in the South-East Regional Cultural Trust's area of responsibility and housed at the Riddoch Art Gallery in Mount Gambier. The Minister and I have had a number of discussions about this matter, and I think we are generally in accord that it is desirable that this collection should remain in local ownership. How we achieve that is being debated at the present time. Of all the regional cultural trusts, the Riddoch Art Gallery has the largest collection. The Riddoch Art Gallery is South Australia's only publicly funded and professional staffed regional gallery. In that respect we are different from Victoria which has a very strong regional art gallery network.

The collection I would like to highlight contains a number of European and Australian paintings, prints and photographs and dates from 1887, when local grazier and philanthropist, John Riddoch, donated funds for the erection of a gallery for the Mount Gambier institute. In recognition of his early patronage, the present gallery is named in Riddoch's honour. This early group of late nineteenth century works grew through other generous donations from local benefactors. I highlight this point: the collection has long been based on generous donations from local benefactors.

The collection was inherited by the City Council of Mount Gambier which, in turn, entrusted it to the cultural trust for safe-keeping and display on behalf of the citizens of Mount Gambier when it was established in 1991. Various councillors to whom I have spoken in the Mount Gambier area now have misgivings about the city council passing this collection to the trust in 1981 because, as the Bill stands, this collection would now become the property of the Crown and would not remain in the hands of the local people.

The Hon. Anne Levy: It is the property of the Crown now.

The Hon. DIANA LAIDLAW: But the cultural trust has very specific powers and responsibilities which are based in the local area and which you are now taking away and putting central.

The Hon. Anne Levy: But you were saying that it will become the property of the Crown. It is now.

The Hon. DIANA LAIDLAW: Well, it is interesting in terms of perceptions. Perhaps it is the property of the Crown in the sense that the collection inherited by the city council was entrusted to the cultural trust with the Crown, but people believe that it is locally owned, and they are very anxious at present that, with this new structure, they are losing control of something that is very precious to their community. They are also agitated that in the future they will lose the goodwill of benefactors who will not be prepared to continue to be as generous as they have in the past in order to ensure that the collection continues to grow in strength and vitality.

At present, the collection contains 315 works acquired between 1986 and 1992, and of these works 179 were gifted to the gallery. This issue is of major concern to people in Mount Gambier because at an annual general meeting of the Riddoch Art Gallery Society members unanimously opposed the following resolution:

The Riddoch Art Gallery Society, which has contributed in a major way to the Riddoch Art Gallery collection, expresses serious concern that ownership might pass out of the South-East. The society moves that the South-East Cultural Trust does all in its power to retain ownership and control of the collection in the South-East.

At one stage, the Minister wrote to the Chair of the South-East Cultural Trust. She spelt his name incorrectly, calling him Mr Eastwick, which was a bit of a surprise to the Chairman and certainly a surprise to other members of the trust. The Minister says:

> The continuing use and enjoyment of these collections by the community concerned is a primary concern. Consequently, I intend that a properly registered legal agreement will be drawn up between SACAT and the relevant Country Arts Board to ensure that access is protected and in no way disturbed by the trust's assumption of ownership.

The Minister's intention to establish a properly registered legal agreement has turned out to be a false hope, because it is not possible to register such an agreement. It is interesting that, if the Chairman of the trust and other board members had not sought their own legal advice, we could have all started debating this Bill and, possibly, passed it, with the Minister offering false hope to the people of the South-East that—

The Hon. Anne Levy: Their legal advice is equally wrong.

The Hon. DIANA LAIDLAW: We had arguments between various lawyers during debate on the Local Government (City of Adelaide Wards) Amendment Bill so, perhaps, we will have them again. At least, by checking this letter and by seeking their own legal advice, whether or not the Minister or Crown Law agree with it, we are aware that this matter needs a great deal more attention before we debate the Bill further. As I said at the beginning of my remarks, the Minister and I have talked privately about the matter of local collections. I believe that we are going in the same direction, or we were at the last discussion, and that we will reach a situation that is amicable between ourselves and, more importantly, is right for the local communities, so that they maintain if not actual ownership the perception of ownership of these collections.

The future of staff on contract is another matter that has been raised with me over and over again. There is concern that some 18 months ago all trusts were urged to place staff on contract, and some trusts were more diligent in this regard than others. Those that were more diligent now find that their staff members are vulnerable because a direction has been issued which, like so many things from the Department for the Arts and Cultural Heritage these days, is verbal and not in memo form, therefore hard to prove or obtain evidence of. However, I understand that a direction has been issued that permanent staff are to be given preference for reclassified or readvertised jobs. This is of particular concern because, as trust members have expressed to me, it is very hard to attract the appropriate people to fill positions in the country, and we often find that with school teachers and others. The trusts have been particularly pleased with the people who have served the trusts and their communities well in the past few years.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: This is of interest to the Hon. Ron Roberts, because he comes from Port Pirie and would know that the northern trust is particularly agitated about this matter due to the uncertainty over staffing arrangements and the preference that is going to be given to people in permanent positions rather than necessarily giving all people who have worked on the trust, those in permanent positions and those on contract, the same opportunity to apply for the new positions. I believe that the Minister should look again at this directive.

The ACTING PRESIDENT (Hon. M.S. Feleppa): Order! Before we proceed further with the debate, I wish to draw the attention of members to the presence in the gallery of the Hon. Tim Fischer, the Leader of the National Party in the Federal Parliament. I wish to extend on behalf of members a very warm welcome to Mr Fischer.

The Hon. DIANA LAIDLAW: I do not believe that I can refer to people in the gallery, but I am sure that those in the gallery will be particularly interested in this debate about country arts activities. The other issue of concern to me is that the Government released this report in March. The report recommends a range of new responsibilities for local government and these matters should be canvassed between the Local Government Association's respective regional councils and the relevant councils in which these regional trust theatres are located.

However, there has been pitiful little consultation between all those bodies in the time since this report was released in March. It is a disgrace that we are suggesting that there will be major cost savings in the administration of country arts activities in this State before there has been any agreement between councils and the department on what activities councils will be prepared to undertake in terms of joint planning, finance and accounting services and accommodation for regional arts development officers.

To launch into this new scheme without receiving some guarantees that the councils will take over some or all of those responsibilities on a voluntary or fee for service basis makes me uneasy about the future of cost savings here and whether or not country arts activities will suffer as a consequence. I would also say that there has been an increasing sense of nervousness in country areas about this review and the proposed Bill when they have seen successive changes in the department of people responsible for negotiations with respect to the Bill.

I commend the efforts of Mr Ken Lloyd and Mr Ray Wright who were part of the review team. Whilst I do not agree with the thrust of all their recommendations in the review report, there was at least confidence amongst people in the regional areas that within the department they had people who understood regional arts activities and who were anxious to ensure that the interests of regional arts, even at a time of considerable change, were being looked after. I do not see that same confidence amongst regional arts administrators and other representatives in country areas at this time. I suspect that I have covered most of the issues that are of concern to me and those people with whom I have consulted with respect to this important Bill. With a week's break, I may well find other matters that require further discussion, and I appreciate that I can raise them in the Committee stage.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I would like to thank the honourable member for her contribution and her support for the second reading of the Bill. I am somewhat taken aback

by her grudging support. She seems very willing to make carping criticisms which are not necessarily very logical. For instance, she had a great complaint that we were changing the structure of the organisation of regional arts only four years after a structure had been set up, and then commends a whole lot of regional people when they suggest a change in structure and they themselves criticise the current structure for being cumbersome, having duplication and being overly bureaucratic.

It suggests to me that she is trying to have it both ways. However, there is no doubt that this Bill comes from the review to which she referred and to which I have referred previously and that this review resulted from an enormous amount of consultation right throughout the regional areas. There may well have been a great deal of consultation in 1988; it just proves that country people can change their mind. That the submission received from throughout the country areas—

The Hon. Diana Laidlaw interjecting:

The ACTING PRESIDENT: Order, please! The Hon. Ms Laidlaw was heard in complete silence and I ask her to extend the same courtesy to the Minister.

The Hon. Diana Laidlaw: You're deaf.

The Hon. ANNE LEVY: On a point of order, Mr Acting President, I think the honourable member is reflecting on the Chair.

The ACTING PRESIDENT: I did not hear the remark that was made.

The Hon. ANNE LEVY: I will not repeat it because—

The ACTING PRESIDENT: I will tolerate it this time.

The Hon. ANNE LEVY:—it was a reflection on the Chair which, as we all know, is not permitted under Standing Orders. What has come out of the review and what is evident in the Bill before us is that autonomy at the local level is being increased by means of the changed structure that will come about. There will certainly be a much greater degree of local autonomy in many key decision-making areas. This aspect of the review and of the Bill has been warmly welcomed in most parts of the State. I would have thought that the honourable member would welcome the restructuring, which will cut down on bureaucracy and which will increase the resources available at the local level under local control for arts activities. I would have thought she would welcome the fact that there will be more touring and hence more activity, both at the local level and in terms of touring activity throughout the State.

There will be more regional arts development officers resulting from this review and reorganisation. I would have expected the honourable member to welcome this aspect rather than criticise it. I should at this point strongly refute the comment that the honourable member made regarding one member of the Riverland Cultural Trust. She did not name him, so I will not. However, he was a member of the review team and was there because of his expertise in local government and his long standing interest in both arts activity and local government. He is a very distinguished member of the local government community in this State. I completely reject the slur that has been made on him in her comment. When discussions were taking place in the Riverland Cultural Trust regarding these matters he absented himself so that there could be no question of his confusing the hats he was wearing or of influencing the other members of the trust. He was scrupulous in his activities and it cannot in any way be suggested that he has behaved in any way improperly or had undue influence on the other members of his trust. I refute that allegation completely and I hope that the honourable member will feel ashamed that she made it.

The honourable member discussed the question of the Riddoch art collection, and I agree with her that the aim on both our parts is to ensure that the collection remains in the South-East, where it has been put together and collected, where it has great support and where it should continue to be, for the enjoyment of the community of the region. There is no argument at all about that, and I have indicated as much in the letter to the Chair of the South-East Cultural Trust, from which the honourable member quoted. Further discussion on this matter will be necessary before we move into Committee on this Bill, in that the first two suggestions, one from me and one from the Chair of the South-East Cultural Trust, are not legally possible, but I am sure that when everyone has the same aim a method of achieving an outcome can be found.

The honourable member also mentioned the question of staff changes that will occur in the restructuring process. I can assure the honourable member that there has been a great deal of ongoing discussion on this matter. There has been consultation with the staff, with management and with the unions representing the staff, to ensure that their interests are taken care of. A set of draft principles is currently being discussed. I call them draft principles because they have not been finally agreed on by all parties; but obviously the final principles will not differ to any great extent from this draft, and before there is any question of consideration of any particular individual it is important to establish these principles and have them agreed by all parties before they are put into practice.

The honourable member referred to local government, and it is true that discussions with the local councils are still proceeding in the local council areas where the four theatres are situated. I am sure that, with further discussion, reasonable outcomes will emerge, which will prove to be satisfactory on all sides. It is interesting that I have received many letters from councils, other than those in which the four regional theatres are located, begging to have a regional arts development officer located in their town, offering accommodation and facilities for such a regional arts development officer. Obviously, they are very keen indeed to have regional arts development officers located in their towns. So it certainly cannot be said that there is no interest or enthusiasm on the part of local government. I am sure that we could easily place twice the number of RADOs than we can currently afford. Regrettably, there will be some councils that will be disappointed, because we do not have enough regional arts development officers to place them at every location where accommodation and facilities have been offered for them.

There certainly have been discussions with LGA on a wide variety of matters and such discussions will continue. The honourable member indicated that she will be moving amendments in a couple of areas. Perhaps I can indicate immediately that, depending on its wording, the principle of members of the trust being able to have

proxies appointed is one that I completely endorse and will be happy to accept. I do not guarantee, without having seen it, to accept every word, but I believe the principle is very desirable. The country arts boards will, I hope, have other than farmers on them. Many people in the regional centres in this State for various reasons can find it difficult to come to Adelaide other than very occasionally.

The Hon. Diana Laidlaw: Including women farmers.

The Hon. ANNE LEVY: I said that there are plenty of people other than farmers who I hope will be on the country arts boards but there are people as well as farmers who can find it difficult to come to Adelaide other than very occasionally. The principle of having proxies is highly desirable. It is certainly the practice of this Government that, even if an appointment to a board or a committee can be made by a Minister, it is a custom to always take such appointments to Cabinet. They are always discussed in Cabinet, except perhaps for very minor trivial appointments. Certainly, appointments of this nature would be taken to Cabinet by this Government—the honourable member need have no fears in that regard.

Finally, in winding up the debate, I pay tribute to two members from the department who have had a very long involvement with regional arts in this State, who have worked very hard on behalf of regional arts and who have left the department to pursue other interests and further their careers in other areas. I acknowledge the very splendid work they have performed for the arts in regional South Australia. I am sure that we will have plenty of other discussions when the Bill goes into Committee, but I certainly welcome the Bill proceeding to this stage.

Bill read a second time.

ADJOURNMENT

At 6.20 p.m. the Council adjourned until Tuesday 8 September at 2.15 p.m.