LEGISLATIVE COUNCIL

Tuesday 21 March 1995

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

RETAIL SHOP LEASES BILL

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the sitting of the Council be not suspended during the conference.

Motion carried.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Regulation under the following Act—
Public Corporations Act 1993—EDA—Shanghai Office.

By the Minister for Transport (Hon. Diana Laidlaw)—

Regulations under the following Acts—
Racing Act 1976—Sports Betting Venues—Football Park, Hindmarsh.
Urban Land Trust Act 1981—Para Hills/Salisbury East Joint Venture Stadium.
Corporation By-laws—Gawler—
No. 1—Permits and Penalties.
No. 2—Moveable Signs.
No. 3—Streets and Public Places.
No. 4—Inflammable Undergrowth.
No. 5—Bees.

QUESTION TIME

CHILD CARE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about child-care numbers.

Leave granted.

The Hon. CAROLYN PICKLES: At the beginning of the year the Minister announced that the number of students enrolled at primary and secondary schools had fallen by about 4 000 and that studies are under way to determine the reason for declining student numbers. In relation to the number of children attending child-care centres, the latest information we have is that a 1993 census of licensed child-care centres indicated attendance at 13 160 children. Unfortunately, only 87 per cent of centres responded to that census, and the lack of response to requests for vital information, and the doubt that this places on the validity of these statistics, is a matter of some concern. I am sure that the Minister will agree that good planning requires accurate information. My questions to the Minister are:

1. Will the Minister say how many children attended child-care centres during 1994 and how many are attending this year?

2. How many child-care centres are licensed this year compared with the 192 licensed centres in 1994?

3. How many staff were employed this year compared with a figure of 1 676 staff employed as at 30 June 1994?

The Hon. R.I. LUCAS: I will take the question on notice and bring back a reply.

COLLINSVILLE MERINO STUD

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Treasurer a question about the sale of the Collinsville stud.

Leave granted.

The Hon. R.R. ROBERTS: The *Stock Journal* of 16 March reported that a Melbourne businessman Mr Phillip Wickam has a contract with the South Australian Asset Management Corporation for the sale of Collinsville Stud. The article states that Mr Wickam and the head of the South Australian Asset Management Corporation's corporate section, a Mr Derick Wilsen, both agreed that they had in fact signed a contract for the sale of Collinsville for $9 million around midnight at the Hilton Hotel in Adelaide on 24 January this year. The signing of this contract followed a meeting earlier that evening between Mr Wickam, the Treasurer (Stephen Baker) and other South Australian Asset Management Corporation officials.

In the article in the *Stock Journal* Mr Wickam claims that he paid a $50 cash deposit for Collinsville at this midnight meeting and that he attempted to pay the remaining $449 950 deposit by cheque on 28 February. The article states that the South Australian Asset Management Corporation refused to accept the cheque because, in its view, the contract had been terminated because of Mr Wickam's inability to demonstrate his financial capacity to meet the remainder of the contract. This extraordinary series of events has led to a situation where Mr Wickam claims he still has a contract with the South Australian Government for the purchase of Collinsville and he is threatening to take legal action to enforce the contract he has with the State Government. Members should remember that this contract is based on a payment of a $50 cash deposit given at the Hilton Hotel on midnight on 24 January, a deposit, by the way, that Mr Wickam says has not been returned to him. Perhaps the Hon. Mr Davis might like to organise a whip-round amongst his mates over there to get the deposit back. My questions are:

1. Will the Treasurer give some indication as to when the sale of Collinsville might be concluded so that employees and other interested people at Collinsville can plan for their future?

2. Given the Government's stated intention to sell BankSA, SGIC, the Pipelines Authority of South Australia, some EWS and Department of Transport functions, hospitals and other State assets, will the Treasurer assure South Australians that the sale process for the multi-million dollar assets will proceed without the need for a $50 cash deposit?

3. Will the Treasurer immediately implement an investigation into the actions of the South Australian Asset Management Corporation to ensure that the sale of public assets proceeds in a proper and businesslike manner, and that South Australia taxpayers receive an appropriate return on the assets which they have fully funded?

The Hon. R.I. LUCAS: I am sure that the sale of assets are proceeding in a businesslike fashion, but I will refer the detail of the honourable member's question to the Treasurer and bring back a reply.

MURRAY RIVER

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Environment and Natural Resources, a question about willow tree eradication.

Leave granted.

The Hon. T.G. ROBERTS: I had a number of calls prior to Christmas from people along the Murray River who were concerned about the eradication program that was being commenced along the Murray, and taking out willow trees around the Paringa-Renmark area. Apparently there has been approval given by the Murray-Darling Basin Commission to carry out the eradication program and that, according to residents' correspondence and telephone calls, people did not have any concerns at the start of the commencement of the program on the basis that they thought it would be applicable only to the flood plain areas where the willows were impacting on the environment and in areas around billabongs and so on.

Unfortunately, the eradication program has gone further than that. The information I am provided with indicates that the program has not only been taken further than expectations of Murray River dwellers and users, but has been carried out in a way which they consider is dangerous. The program of eradication is dangerous and the stumps and fallen boughs that have been left are also dangerous. Local government is concerned about the liability for any potential litigation and is saying that it certainly does not want to be involved in any complicated litigation in relation to accidents that may be caused to people in speed boats, barefoot skiers—anybody who runs into any of these stumps and fallen trees. One of the chemicals that is being used in preparation for the chainsaw demolition of the willows is a chemical that certainly causes me concern. The chemical is Garlon, which, according to the manufacturers' and distributors' specifications, should not be used in streams, rivers, waterways, near irrigation channels and certainly should not be anywhere near drinking water.

Unfortunately, Adelaidians who live at this end of the Murray River must rely on it heavily for their drinking water. In January, the Government brought about a moratorium on the use of these chemicals. I hope that moratorium will continue and that the use of Garlon is stopped. My questions to the Minister are:

1. Will legal responsibility for public liability be assessed and the result passed onto the local government areas that have those concerns?

2. In view of the manufacturer's and supplier's concerns about Garlon, will it not be used in the program if it is to continue?

3. Will the Government assure me that the community approves of the program in the form in which it is to continue or in a changed form?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

RAILWAY STATION CLOSURES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport a question about railway station closures.

Leave granted.

The Hon. SANDRA KANCK: My office has been informed that the closure of the Millswood, Hawthorn and Clapham railway stations is imminent. I understand that the issue of these closures has been simmering for about six months but that at no stage during this time period has the Minister consulted with local residents and commuters who use the Belair train and board and alight at these stations, despite the fact that since the closure of the stations was first proposed local community groups have continued to exercise community pride by painting over graffiti and tending to gardens on the platforms. My questions are:

1. When will the Minister announce her decision to close the Millswood, Hawthorn and Clapham railway stations?

2. Why has the Minister not advised residents who live close to the stations of the planned closure so that community groups can stop maintaining them and train commuters can have sufficient time to make alternative transport arrangements?

The Hon. DIANA LAIDLAW: The honourable member would be aware that over recent months National Rail has been undertaking extensive work to standardise the line from Melbourne to Adelaide. As the line comes through the Adelaide Hills from Belair to Adelaide, we will see a number of consequences of this standardisation program. I have been working with National Rail to determine a date suitable to it and the Government on which to make a public announcement, because it is my view that National Rail should be involved in such an announcement as the work arises from its project to standardise the line.

LOCAL GOVERNMENT REFORM

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister representing the Minister for Housing, Urban Development and Local Government Relations a question about a local government matter.

Leave granted.

The Hon. M.S. FELEPPA: Ms Margaret Simons, a noted lecturer in media law as well as an investigative journalist, was commissioned by Messenger Newspapers to conduct an inquiry into the Local Government Act in South Australia. She has also conducted inquiries for the *Australian* and the Melbourne *Age* and has assisted the Queensland Fitzgerald Royal Commission into public corruption.

Ms Simons has found that the South Australian Local Government Act contains provisions that date back to the last century, and she notes that some aspects of the Act are 'unusual and obnoxious'. Some of these include: secrecy of declarations of councillors' pecuniary interest; total lack of guidelines and controls over tenders; lack of any guarantee that council budgets (including justification for rates) are made public; laughable freedom of information provisions in the Act; and lack of any mechanism for public input and discussion of budgets.

I refer the Minister to the report in the City *Messenger* of 15 March this year and I urge her to obtain the full report, as I already have. From what was described in the article, one could easily conclude that the Local Government Act not only is outdated but also seems to be—and this is not necessarily my personal opinion—in an appalling mess and out of line with its interstate counterparts. Therefore, my questions are:

1. Is the Minister aware of the findings of the report prepared by Ms Margaret Simons into the Local Government Act?

2. Will the Minister undertake to reform the Local Government Act to eliminate all ridiculous provisions and update the Act, particularly those sections dealing with accountability, the public declaration of conflicting pecuniary interest, accessibility by the public and freedom of information?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

BALANCE OF PAYMENTS

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Minister for Education and Children's Services, representing the Minister for Industry, Manufacturing, Small Business and Regional Development, questions about Australia's adverse balance of payments.

Leave granted.

The Hon. L.H. Davis: The State Government should be able to do something about that!

The Hon. T. CROTHERS: Well, you wouldn't know.

The Hon. L.H. Davis: Neither would Paul Keating.

The PRESIDENT: Order!

The Hon. T. CROTHERS: Thank you, Sir. The balance of payments problem confronting the nation appears to worsen month by month with no apparent easement for our problems in sight. That, coupled with the present state of Japan's economy, the American dollar, the inflation rate in China and the economic problems inherent in the fusion of the two Germanys into one nation, is giving rise to global economic concerns. I notice that this State is giving rise to some export industries. In itself, that is very laudable, and I applaud the Government and the present Minister for the role that they appear to have played. For instance, I notice that a new locally produced motor bike is now on sale and that that company's order book is full to overflowing relative to the manufacture, and that we have just secured orders for 500 export homes which will be made in this State.

The Hon. A.J. Redford interjecting:

The Hon. T. CROTHERS: If you were a motor bike you would be a 4000cc. My questions are:

1. Does the Minister believe that the States, too, as well as the Federal Government, have a role to play in endeavouring to redress the nation's balance of trade?

2. Has the Council of Ministers, of which the Minister is a member, adopted policy which will ensure that the States and the Federal Government act collectively so as to maximise our efforts in the export area; and, if not, why not?

3. Has the State Minister addressed the matter of having groupings of smaller industries coming together with the view of acting together, even though they may produce different goods and services, so that they will be more able to attract and procure export orders?

4. If no groundwork has been done here in South Australia relative to the content of question No. 3., will the Minister look into the matter, thus continuing the good work he already appears to have done; and again, if not, why not? I would cite here as an example the invaluable work that to some extent already has been done in the export of Australian medical services and goods.

The Hon. R.I. LUCAS: I would be very pleased to refer the honourable member's questions to the Minister and bring back a reply as soon as possible.

EVATT FOUNDATION REPORT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Evatt Foundation Report.

Leave granted.

The Hon. R.D. LAWSON: In this morning's *Advertiser* an article reports the results of the latest Evatt Foundation survey. That foundation is described as 'an influential Labor movement think tank'.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: This report publishes the results of a survey of the Australian States, based on economic, fiscal, administrative, environmental, industrial relations, cultural and social policy achievement. The report, not surprisingly, rates South Australia, by a wide margin, as the leader overall. My questions to the Minister are:

1. Does he perceive any flaws in the impeccable reasoning of the Evatt Foundation report?

2. Does the Government welcome the endorsement of the Evatt Foundation?

Members interjecting:

The PRESIDENT: Order! I remind the honourable member that he was introducing opinion at the end of that question.

The Hon. R.I. LUCAS: I am always very cautious of anything that the Evatt Foundation produces. Being a naturally cautious Minister, when I see the term 'Evatt Foundation' I am even more cautious. I must admit that that natural caution was sorely tempted this morning when I saw the headline 'South Australia leads all the States and Territories of Australia'. The honourable member's quote from the *Advertiser* of its being 'an influential Labor movement think tank' is probably a contradiction in terms. One could have an influential Labor think tank in relation to some of the areas that the Evatt Foundation purports to make comment on, in particular in relation to economic performance.

My initial response to the honourable member's question is that I am very cautious about the Evatt Foundation generally and the nature of the work that the Evatt Foundation does. I note that the Leader of the Opposition, who in times past has been very quick to support the Evatt Foundation when it has suited his purposes, was quickly into the press today in effect debunking the credibility of the particular report by the Evatt Foundation which ranks South Australia ahead of all the other States and Territories. It is a very sad indication of what has become the Opposition's growing attitude to everything that promotes South Australia or indeed says anything good about South Australia, and when one of its own Left wing think tanks rates South Australia ahead of all other States and Territories the Leader of the Opposition even knocks that.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Leader of the Opposition and the Labor Party even knock its own Left wing think tanks when it puts South Australia ahead of all other States and Territories. Sadly, that has become the *modus operandi* of the Leader of the Opposition and indeed all members of the Labor Party on any initiative the Government might announce or on anything that says that the State of South Australia is doing well. The Leader of the Opposition and the Labor Party

knock all the time—they are negative, destructive, carping and critical. These are the descriptions that we can use of the Labor Party all the time, from the Leader of the Opposition (Mr Rann) right down through its members in the Legislative Council. They are very negative of anything which purports to show that South Australia is doing well.

As I said, I am naturally cautious about the work of the Evatt Foundation and I certainly would not lock myself into the integrity of the work that it does in a number of areas until I was able see all the detail. The other point I would note for the honourable member's benefit is that it does follow on, from the other end of the political spectrum, a report card late last year issued by the Institute of Public Affairs on the soundness of the budgets of all the States and Territories. That report indicated that South Australia had the second soundest, the second best, of all the State budgets. It was introduced last year by a Liberal Government in tackling the economic problems left to the State Government by the previous Labor Administration. In terms of economic analysis, that is a more recent report. Certainly, in relation to economic and financial analysis, the Institute of Public Affairs clearly has more runs on the board in terms of credibility and analysing economic and financial performance.

We have at one end of the political spectrum the IPA saying that the South Australian Liberal Government's first budget was the second best of all State and Territory budgets, after that of the Western Australian Government, in tackling the economic and financial mess that the Labor Government had left. If one goes right to the other end of the spectrum, one sees that we even have the friends of the Labor Party, the Evatt Foundation, saying that, in terms of a whole range of indicators, the State of South Australia leads the nation.

The only good thing one can say about the Evatt Foundation is that, whilst we all acknowledge that the economic and financial mess with which the State is confronted must be dealt with by the Government of South Australia, this Government never losses sight of the fact that we are not just interested in economic matters: there are important social and non-economic issues which a Government must confront and for which it must have appropriate policies as well. The Evatt Foundation at least attempts, in some crude way, to make some judgement about the Government's performance in relation to non-economic issues as well. Whether it is appropriate actually to balance some of those indicators on equal terms and with equal weighting with economic performance is something about which there will be a lot of debate. Nevertheless, from that viewpoint, from wherever it comes, no matter what caution I might have about the originator, certainly this Government welcomes anyone who says that South Australia is doing well, whether we are leading the nation or right up there amongst those at the top.

The Hon. ANNE LEVY: As a supplementary question, will the Minister agree that the Evatt Foundation has stated that its evaluation of South Australia was done on the 1993-94 budget, which was introduced by the previous Labor Government, that it took no account at all of the 1994-95 budget introduced by the Liberal Government and that the consequent high marks for cultural and social implications are a reflection of the previous Labor Government and not the current Liberal Government?

The Hon. R.I. LUCAS: I would have to say that I would not agree with anything from the honourable member until I had an opportunity to investigate the matter myself. The answer to the honourable member's question is 'No.'

RADIOACTIVE MATERIAL

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Premier a question about radioactive shipments to South Australia.

Leave granted.

The Hon. M.J. ELLIOTT: I have been contacted by some people in relation to the radioactive shipments. They advise me that the Premier may be being given some inaccurate information by the Federal Government or by the agencies involved in the materials that are being shifted. This is not a criticism of the Premier but of the originators of the material. Yesterday in the media I heard the Premier and others say that they understood that the amount of plutonium due to come to South Australia was, I think, 60 hundred thousandths of a gram, if I recall the figure correctly. My informants, who have been very reliable in relation to this matter, tell me that the intention was that tens of grams would be involved in the shipment. Whether or not they have now been withdrawn is another question. Quite plainly, misleading information was given to the *Advertiser* itself, because it talked about 'conditioning treatment to reduce radioactivity'. Anyone who understands the way radioactivity works will understand that you cannot condition things to reduce their level of radioactivity.

The Hon. T.G. Roberts: Over 200 000 years you can.

The Hon. M.J. ELLIOTT: That is precisely the point. It appears that even the *Advertiser* was given what may have been deliberately misleading information in relation to treatment. For some time there have been concerns that new shipments would carry more radioactive materials and higher levels of radioactivity than the earlier shipments did. The Premier in his response yesterday indicated that that appears to be happening. The concern among people who have contacted me is that there is no indication about what actual quantities of strontium and radium are included in the shipment, other than the fact that they will be present, nor do we have any indication as to what other materials could come in future shipments.

After all, Lucas Heights will have a significant store of plutonium because it is a natural product of a nuclear reactor running with uranium as a fuel. The concern is that, as we move from low to mid-level radioactive materials, some very high level material is also being kept at Lucas Heights that the Government will be keen to shift. So that we can have some idea as to what information the Premier is being given, and to confirm that the Premier is being given misleading information, I ask the following questions:

1. Is the Premier prepared to release correspondence sent to him that details what is meant to be in the shipments and, in particular, the composition of those shipments?

2. Is the Premier prepared to release his correspondence, which indicates precisely what the State Government is prepared to accept?

3. Either by way of that correspondence or in other ways will the Premier give a clear indication to the Parliament and the people of South Australia what quantities of radioactive materials are to be involved in the next lot of shipments, as referred to in the *Advertiser* yesterday?

4. Will the Premier refuse all future shipments to any temporary storage in South Australia and not just the current shipments that are being discussed?

5. Will the Premier indicate what is the total amount of radioactive material in temporary storage around Australia

and also the total amount currently in South Australia, because there are a couple of sites such as the DSTO site at Salisbury and others that have radioactive materials on site? Will the Premier indicate the total quantities of the various materials and in what form they occur? When I say 'in what form', I mean not only what elements but also whether or not they are mixed in soil, in slurries or in solid form.

The Hon. R.I. LUCAS: I am informed that the Australian Radiation Laboratory has advised that there are traces of plutonium present and that the laboratory can say only that the most likely source is a low level alpha calibration source used for calibrating alpha counters. Advice has also been provided from the Radiation Protection Branch of the South Australian Health Commission that the radionuclide activity of the traces is .002 millicuries, and that the traces are in the form of a small solid disc sealed in perspex to enable safe handling. That is the advice that has been provided to the Government. I will refer the question to the Premier to see whether he can add anything useful and further to that answer.

The Hon. M.J. ELLIOTT: As a supplementary question, if the Premier said that he did not know until yesterday that the shipment was coming, how is it that our State Health Commission is in a position to comment about the composition of the load?

The Hon. R.I. LUCAS: I will refer that question to the Premier and bring back a reply.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made today by the Premier on the subject of the transfer of radioactive waste to Woomera.

Leave granted.

SOUTHERN CROSS HOMES

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made by the Deputy Premier and Treasurer in another place on the subject of the South Australian Asset Management Corporation and Southern Cross Homes and the Adelaide Casino.

Leave granted.

MUSICA VIVA

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about Musica Viva in Schools.

Leave granted.

The Hon. ANNE LEVY: The Musica Viva Association, which is this year celebrating its fiftieth anniversary of activity in Australia, has in recent years begun a very worthwhile program called Musica Viva in Schools, whereby Musica Viva provides musical experiences to students in a very large number of schools by bringing groups to play in the schools either classical music, folk music or contemporary music, covering the whole range of possible musical experiences for students. It has received a large sum of Federal Government money for this and this year will be reaching 300 000 school children throughout Australia. It has plans to expand its activities and has received an extra $1.2 million from the Federal Government so that the current four States where Musica Viva in Schools occurs can be expanded to six States and both Territories. South Australia is planned to be included in 1997, this State being one of the two States that currently do not have this Musica Viva in Schools program.

As well as receiving extra support from the Federal Government, I understand that support from the State Government is necessary before the program can be implemented, and in the four States where Musica Viva in Schools currently operates, that is, New South Wales, Victoria, Tasmania and Western Australia, support is provided both by the arts and education departments. Musica Viva has indicated that it hopes to bring the program to South Australia in 1997 but, obviously, before it can do so it will need to receive a promise of funding from the State Government either through the Arts Department or the Education Department or both, as occurs in other States. My questions to the Minister are:

1. Does she support the extension of the Musica Viva in Schools program to South Australia?

2. Has a commitment been given either by her department or by the Education Department or both to Musica Viva that South Australian Government support will be available in 1997 to enable the program to come here? If so, what sums have been promised to Musica Viva and, if not, will the Government ensure that South Australia does not become the only place in Australia to miss out on this extremely worthwhile program, which not only is bringing music to schools but also is providing a great deal of employment for local music groups and opportunities for them to perform interstate in schools as part of the program?

The Hon. DIANA LAIDLAW: The Chairman of Musica Viva, Mr Tony Berg, who I recall is also Managing Director of Boral based in Sydney, spoke to me about this initiative when he was in Adelaide late last year. I indicated at that time that I would be keen to explore the whole idea. I, too, would not wish the State to miss out in terms of this Musica Viva funding, as we have missed out with Federal Government initiatives and are vulnerable in terms of ABC funding with the symphony orchestra. Where there is ever any capacity for me to do anything about it in State terms when there is money on offer, I would certainly work to ensure that we did our best to gain that fund for the benefit of young people, in this instance, in this State. I do not recall receiving any further firm offer from Musica Viva that may have arisen and I cannot speak for the Minister for Education and Children's Services, but I will certainly follow this through and bring back a reply to the honourable member.

DRIVER ACCREDITATION

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about driver accreditation.

Leave granted.

The Hon. BARBARA WIESE: I have been made aware of concerns among voluntary community organisations about the driver accreditation requirements of the Passenger Transport Act. As the Minister would be aware, there are numerous community organisations which provide transport services for the people they serve. Many of these services survive with little financial input and with the help of volunteer drivers. There has been considerable scepticism and confusion about the new provisions of the Passenger Transport Act amongst these community organisations, particularly with respect to the cost to community organisations, the timing of accreditation and whether or not dona-

tions received for the provision of transport constitute a fare or other consideration for the purposes of the Act.

A fear has arisen in the voluntary community sector that the cost of accrediting drivers, particularly where a number of them exist, will be prohibitive for small organisations and that this will lead to the withdrawal of drivers and perhaps the transport services altogether. I believe that these issues have been raised with the Government and with the Passenger Transport Board, so I ask the Minister:

1. Will she advise whether consideration has been given to the concerns of volunteer community organisations?

2. Does she agree that the accreditation requirements of the Passenger Transport Act place a heavy financial burden on some community organisations?

3. Has she agreed to adopt any alternative measures that would minimise the cost burden for community organisations that provide much needed services throughout the State?

The Hon. DIANA LAIDLAW: Yes, the honourable member suggested in her questions that she was referring to concerns of quite a number of bus drivers. I do not believe that that is so. Only those services which require a fare or other payment to the service provider are covered by the Act, and therefore that excludes almost all community transport services. It does not exclude services to which a council charters out its bus with a driver for a payment, and there are relatively few services which do require such a fare. There is one that operates under the brokerage scheme that was set up by the former Government in the Barossa area. There is also a fixed route service that operates in the Enfield area which would be covered by the accreditation of driver provisions.

In relation to school excursions for payment or fare, accreditation has never been required. I have written to numerous organisations and sought to make that clear in the past. If there is some confused message coming from the PTB I will speak to the honourable member and explore that further, but certainly it was our policy that we took to the last election that community buses would not be part of this accreditation scheme. As far as I have been able, I have certainly sought to ensure that that is the case when the policy was put into practice and therefore only those services which require a fare or those which require a payment—and because of the requirement that does not relate to a donation—are involved in the accreditation.

Some dilemma has occurred however in respect of school buses and the need for driver accreditation. Those issues are being discussed with school communities and the Education Department. As I understand, the drivers who were already driving those buses did not have to pay registration fees or accreditation fees this year and were automatically accredited. We did that deliberately to find out whether there were any hiccups in the system and where we could solve those through negotiation over the year from July last year. I understand that we are close to solving those problems. So, it was always understood that we were not to handicap community bus operators, but where they required fare or payment that they would be accredited and we always allowed this period of grace of one year for accreditation, but with non-payment for that accreditation, while we sorted out any problems; we anticipated there may be some and there have been.

PATAWALONGA

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Environment and Natural Resources, a question about the Patawalonga.

Leave granted.

The Hon. G. WEATHERILL: In relation to the clean-up of the Patawalonga, I have been told by the people from Henley Beach, Grange and West Beach areas that the Government is considering taking the contaminated water from the Patawalonga and transferring the problem to West Beach, or even Henley Beach, either through the Torrens River system or to West Beach itself near the caravan park. I believe that these are some of the matters being discussed at the present time with the Government. People have told me that the problem starts a long way before there—somewhere in the foothills—and that is the area that should be cleaned up, rather than leave Glenelg free from contamination and transfer the problem into the two other areas.

I am also told the other matter that has to be taken into consideration is the aquaculture in the area—South Australia is one of the leading sea aquaculture areas—and that the people involved at West Beach require fresh water. This action, if the Government decides to take it, could contaminate the water at West Beach. Will the Minister provide a detailed statement on the Government's intentions regarding the clean-up of the river system and the Patawalonga, and will he also guarantee that the Patawalonga locks will provide the only outlet from the river system into the sea?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

WORKCOVER

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Industrial Affairs, a question about outsourcing.

Leave granted.

The Hon. A.J. REDFORD: I draw members' attention to a debate that occurred in February 1986 when the WorkCover Bill was introduced into this place. During that debate, the Hon. Michael Elliott said that he did not accept that private insurance companies did not have a role in the area of WorkCover. He went on to say that it was his view that the Government ought to tender out the various components of that scheme.

The Hon. ANNE LEVY: On a point of order, Mr President, I understand that there is a Bill relating to WorkCover before the Parliament and that questions cannot be asked on an item that is listed on the Notice Paper.

The PRESIDENT: I think the honourable member is correct.

The Hon. A.J. REDFORD: The Bill does not deal with outsourcing.

The PRESIDENT: The question must be directly related to the Bill and, as I understand that outsourcing is not mentioned in the Bill, there is no point of order.

The Hon. A.J. REDFORD: The Hon. Mr Elliott was also heard to say that it was his view that tendering out of the various components of the scheme, including rehabilitation, paperwork and investment, ought to be considered. Indeed, he asked the relevant Minister whether the Bill would allow

tendering to occur and whether the Government had contemplated that. In the light of those comments, does the Minister agree with the sentiments expressed in February 1986 by the Hon. Michael Elliott, and, if so, what steps is he taking to implement outsourcing, which was so much desired by the Hon. Michael Elliott in February 1986?

The Hon. K.T. GRIFFIN: I will refer the honourable member's question to my colleague and bring back a reply.

RADIOACTIVE MATERIAL

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Leader of the Government in this place, representing the Premier, a question about a ministerial statement.

Leave granted.

The Hon. T.G. ROBERTS: In his ministerial statement, the Premier states:

> In my letter to Mr Keating, I made it clear that the South Australian Government will not accept the decision to store this waste at Woomera Rangehead until certain assurances are given and uncertainties clarified.

I understand that the Premier is being very cautious about the whole process, and I take note of that. However, I think that the time for being cautious has passed. The ministerial statement also indicates that a clearly delineated line of communication was set up so that the Commonwealth could contact the States regarding negotiations about this problem. Other points raised in the ministerial statement highlight a few further questions that need to be answered. My questions are:

1. Did the Commonwealth EPA try to use the clearly established lines of communication involving the Department of the Premier and Cabinet and the Health Commission when it sent its fax to the South Australian Department of Housing and Urban Development?

2. Will the Premier demand an urgent meeting with the Department of Defence to ascertain its full intentions in relation to all aspects of radioactive waste transport and disposal (because it appears to me that the interchange of letters is a bit like putting on your cricket creams when the expletive deleted is about to hit the fan)?

3. What assurances did the Premier ask for and what uncertainties needed to be clarified so that the matter could be negotiated compatibly between the Commonwealth and the State?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Premier and bring back a reply.

GLENTHORNE FARM

In reply to **Hon. BARBARA WIESE** (8 March).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

1. Under the former Labor Government preliminary investigations regarding the future use of the Glenthorne site at O'Halloran Hill were undertaken following proposals from the Planning Review. Whilst these investigations have to date not been progressed, informal discussions between senior staff of the CSIRO and the Minister's department have concluded that a major portion of the site has been surplus to the CSIRO requirements for some years due to the change in redirection of the division's research activities.

2. The Glenthorne site is currently zoned Rural B which is primarily a zone comprising land to be retained in use for agricultural purposes. If the land was to be used for other uses it would require rezoning prior to its development by parties other than the Commonwealth, who are not bound by State Statutes.

3. Federal jurisdiction allows the Commonwealth to develop the site irrespective of State consent or to sell the property to a developer who would then need to comply with State legislative processes.

4. Yes, this Government is committed to honest and meaningful consultation with community interests.

5. The Government is not actively in discussion with the Commonwealth in respect to the rationalisation of their property asset at Glenthorne Farm, but is monitoring the interests of the Commonwealth in the potential land usage options.

Any potential negotiations with the CSIRO concerning future use of the Glenthorne site would involve a commitment for a considerable proportion of land to be transferred to open space.

PATAWALONGA

In reply to **Hon. T.G. ROBERTS** (7 February).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

1. The Government has embarked on a comprehensive and responsible process in cleaning up the Patawalonga. Work has already begun on cleaning up the upstream catchment. A Stormwater Management Bill should be coming before this House in the near future. This legislation will provide for a Patawalonga Catchment Management Board to be established and for funds for an ongoing program of works across the catchment. Dredging works are proposed in the Patawalonga basin to remove the build up of sediment that has occurred over the past 20 years.

We have foreshadowed an option of cutting a new outlet to the sea north of Glenelg Sewage Treatment Works. This option has the clear advantage of enabling a stable, year round, marine environment to be established in the basin. Clearly, this cannot be achieved by simply diverting the problem to the marine environment, and it is not intended that this would be the case. This and other options will be evaluated over the next six months and there will be extensive public consultation throughout this process.

2. The new channel option, along with all environmental improvement works currently being considered for the basin, have been canvassed in Environmental Impact Statements carried out on this area over recent years.

There will be a proper, open process undertaken to supplement this earlier work. We envisage we will be in a position to undertake a program of public consultation on the new outlet option during May 1995.

BLOOD TESTS

In reply to **Hon. T.G. CAMERON** (23 February).

The Hon. DIANA LAIDLAW: Compulsory blood testing of all persons involved in motor vehicle accidents was introduced to overcome concerns expressed by doctors regarding the need to distinguish between passengers and drivers when taking blood samples. Doctors considered it was not their role to undertake inquiries to determine the status of the patient; nor did they believe they should be held responsible if a driver escaped prosecution by claiming to be a passenger.

As the honourable member correctly stated, concern has been expressed about the intrusive nature of the blood test, particularly where the patient has not been drinking. Consequently, the Department of Transport, in consultation with the SA Health Commission and the South Australia Police, has been examining the feasibility of using Alcotest breath testing devices in hospitals for preliminary screening in the way suggested by the honourable member.

I understand this consultation is nearing completion and that a proposal will soon be provided for my consideration. On this basis, I would anticipate amending legislation being dealt with in the Third Session of Parliament.

The Hon. DIANA LAIDLAW: In relation to the last question, I note that the Government has decided that arising from the questions asked by the Hon. Terry Cameron it anticipates introducing amending legislation in the third session of this Parliament.

POLITICAL DONATIONS

In reply to **Hon. M.J. ELLIOTT** (8 March).

The Hon. R.I. LUCAS: The Premier has provided the following response.

1. In all questions about political donations, I have consistently made the point that I will not go behind the information publicly disclosed by the Liberal Party as required by the Commonwealth Electoral Act. I refuse to seek information about individual donors. However, I note that MBf itself has stated publicly that it has no direct or indirect link to the donation from Catch Tim Ltd.

2. The source of funding for the donation from Catch Tim Ltd has been publicly disclosed.

BORES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister representing the Minister for Infrastructure a question about bores being sunk in the metropolitan area.

Leave granted.

The Hon. ANNE LEVY: There is considerable concern—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —in the community at the moment regarding water rates, with people finding that their water bills are very much increased due, in part, of course, to the dry season but also because of the new water rating system that is being introduced by the Government. A number of people—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —have stated that they wish to get around the payment of excess water rates by sinking their own bore so that they can pump water from the underground aquifers and water their tennis courts, fill their swimming pools, and so on, without paying the high water bills that would otherwise result. It is obvious that if many people do this there will be a serious effect on the underground aquifer, which does not have a limitless supply, and that these people will avoid their responsibility to contribute to the general water infrastructure that is provided for the people of this State. My question is: is it possible for people to sink a bore in their backyard in order to obtain water from the aquifers and so avoid water rates; is the Minister aware of any people who have already done so; and will the Minister ensure that there is no danger to the underground aquifers in Adelaide resulting from people who do this merely to avoid the payment of higher water rates?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply. However, I think I can safely say without fear of contradiction that the Minister is aware that some people have sunk bores in their backyards.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 1576.)

The Hon. ANNE LEVY: I wish to speak briefly in the Supply Bill debate on a couple of matters concerning finance which largely relate to the drastic and extremely damaging cuts which are expected in the forthcoming State budget. I refer specifically to the arts area, where it is common knowledge around the arts community that a budget cut of $1.7 million, in addition to that which was applied last year, is being insisted on by the Government; that an extra $500 000 will be supplied to the Adelaide Festival which will have to be taken from other arts sources; that $500 000, or perhaps even $750 000, will be provided additionally to the Adelaide Symphony Orchestra, and that also will have to be found within existing resources; plus extra recurrent funding for the Art Gallery so that it can staff and run the extensions which are currently under way and which are expected to be completed later this year.

This adds up to a cut for the general arts budget of well over $2.5 million, and it may be greater than that if the extra cuts supplementary to those which already have been considered and which were mentioned in the newspaper turn out in fact to be cuts to be applied to the Arts Department. So, we can expect cuts to the arts budget of somewhere between $1.7 million and, I suppose, an upper limit of $3 million which will have absolutely devastating effects on the arts in this State.

Many people in the arts community are extremely perturbed, and some are considering leaving South Australia before they know where the cuts will fall because living with the uncertainty and disruption that this causes to their lives means that they cannot get on with their artistic activity in any reasonable frame of mind.

The Hon. Diana Laidlaw: Who's leaving?

The Hon. ANNE LEVY: I said a number are considering leaving.

The Hon. Diana Laidlaw: Who's considering leaving?

The Hon. ANNE LEVY: I will tell you some time, but I will not mention their names in this Council.

The Hon. Barbara Wiese: It wouldn't be appropriate to do that.

The ACTING PRESIDENT (Hon. M.S. Feleppa): Order!

The Hon. ANNE LEVY: It would be totally inappropriate for me to give their names in the Council unless they have actually left, as Patrick Frost has done. I can assure you, Mr Acting President, that numerous people in the arts have said to me that they are considering leaving South Australia, and that while there has been for many years a coming and going in the artistic community there is great concern that at the moment the goings are far greater than the comings and that South Australia is losing out. There is enormous concern amongst the theatre companies in this State, many of which have had box office problems due to the recession. This has applied right across the entertainment world, and it would be virtually impossible for them to make up for any cuts which they receive from the Government.

The smaller theatre companies have been getting together on this matter. They are united in their determination to persevere and attempt to continue to provide a valuable artistic contribution to the public in this State, but they are very fearful that they may not be able to do so; and likewise for many of the smaller galleries: the organisations and smaller galleries which do not show highly commercial work and which have received very valuable assistance from the Government so that they can show more experimental and innovative work fear, too, that they will be cut and that they will, therefore, no longer be able to survive, so depriving our visual artists and craftspeople of exhibition venues whereby

their work can be seen and, hopefully in some cases, purchased by the public.

There is a rumour that charges are to be brought in right along North Terrace. South Australia has always, until now, taken the view that the contents of the Art Gallery, the Museum and the State Library belong to the people of this State, and that they should have access to them without further charge. There are rumours that admission charges will be imposed for the Art Gallery and the Museum, and even some form of lending charges for use of the State Library. I hope that these rumours are ill-founded and that such impositions do not take place.

We have along North Terrace world class institutions which are greatly appreciated by the citizens of this State, as can be seen by the attendance figures. Over half a million people—that is, nearly 50 per cent of South Australia's population—visit the Museum each year. It and the other institutions, including the History Trust, are extremely valued and appreciated by people in this State. To make them pay to see what already belongs to them would be a drastic step backwards and would affect the Evatt Foundation's assessment on social and cultural matters in South Australia in its next year's summing up.

There are fears that Carrick Hill might be closed. We have the situation where Carrick Hill now has been without a Director for 10 months—and how an organisation can be expected to function adequately and develop as it should without a Director is beyond comprehension. This in no way reflects on the very hard and valuable work done by the Acting Director, but for an organisation to advance and develop it surely requires a director and not just an acting director to take charge. There are also many concerns that women's services in this State are about to take a huge blow. I understand that the Domestic Violence Unit has been told that its resources will be considerably cut, if they have not already been cut, so whatever rhetoric is produced by members of this Government about the necessity to prevent domestic violence becomes lip service only if there are no resources there to assist with the problem.

The Women's Health Centres are in danger. We are very proud of the fact that we have four Women's Health Centres in this State and we were the first State to develop such a network. The rumours (or they have become more than rumours) are that the Women's Health Centres are to be rolled into regional organisations and will lose their individuality and identity. It is to be hoped that they can continue in their current locations and not have to share premises with other health organisations where their individuality would completely disappear. Certainly their current autonomy is being threatened. The Women's Health Centre at St Peters has been told of dire cuts. The Government has not had the guts to say that it will close this centre but has merely said that its funding is to drop from $40 000 a year to $8 000 a year. To suddenly reduce funding to 20 per cent of what it had before will mean that it cannot possibly continue to exist in its current form. It already relies quite a bit on volunteer assistance and has very little in the way of paid staff.

One wonders what will happen to the Women's Information Switchboard. It is funded through the Office for the Status of Women and if cuts are applied to that office, as rumour has it, as are being applied to all Government agencies, the switchboard is about the only service funded by that office. If it has to take a cut, it will have no option but to pass on that cut to the switchboard.

It is not only Government agencies concerned with women, like the health centres and switchboard, that are being affected but also I was told yesterday that SPARK is having its resources cut. SPARK is the extremely valuable organisation which assists single mothers, particularly teenage and young single mothers. It provides an extremely valuable supportive service for these women who are amongst the most disadvantaged in our community. It has been told that its grant from the State Government, which until now has been $100 000 a year, is being cut to $17 000. How can it be expected to function if its grant is cut to only 17 per cent of what it had? An 83 per cent cut is ludicrous. It is equivalent to closing it down without having the guts to say that that is what they are doing—closing it down. I understand that representations are being made to have some of these decisions reviewed so that the Government is not so savage in its cuts to these extremely valuable services.

I certainly hope that these representations will see some of these organisations survive. I know that they are only rumours, but one hears them from all directions. They are very strong rumours and I do not believe for a minute that they have been dreamed up in a malicious sense by people who are trying to create mischief. They are certainly based on information and fact, which they are receiving through the bureaucratic sources.

If the sort of cuts that I have indicated are indeed to take place, we will have the spectacle of a Government which is decimating the arts community in this State and which is abandoning all pretence of assisting women and providing women's services for the 50 per cent of this population who happen to be women. I certainly hope that this does not come about, but I cannot pretend for a minute that I am optimistic about the future budget. I support the motion.

The Hon. Diana Laidlaw: You are wrong again.

The Hon. Anne Levy: Tell me where I am wrong.

The ACTING PRESIDENT: Order!

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members generally for their contributions to the Supply Bill debate. My colleague, the Minister for the Arts, tells me that the short description of some of the claims being made by the Hon. Ms Levy are indeed fanciful.

The Hon. Barbara Wiese: Detail them.

The Hon. R.I. LUCAS: Let the Hon. Ms Levy detail these bureaucratic sources or these rumours that float around in the maelstrom somewhere, which she plucks from the air, saying that there will be this cut or that cut. Obviously the Minister in charge of the arts has a much better grasp of the detail of what is being considered, let alone decided at this stage. She has indicated to me that much of what the honourable member has said is indeed fanciful.

The Hon. Barbara Wiese: Provide the evidence.

The Hon. R.I. LUCAS: All we can suggest to the honourable member is that she wait and see the budget. I am sure the Minister will then be able to respond and outline the effects in her portfolio areas of the budget. I know that the Hon. Ms Levy referred to rumoured cuts in a range of other portfolios. The honourable member must wait as we are going through the budget process at the moment and it will not be released until June. If other portfolios are anything like mine—Education and Children's Services—final decisions have not been taken in relation to individual programs or policy initiatives. To say at this stage that final decisions have been made or that rumoured cuts are this or that is indeed

only to be done by someone in this Parliament who is interested in scaring community groups and others who are partially reliant on Government funding.

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: The Hon. Ms Wiese is delightfully naive to say 'allay their fears'.

Members interjecting:

The Hon. R.I. LUCAS: One can see why she was unsuccessful for the leadership position. It is a delightfully naive view to indicate that three or four months prior to the budget the individual decisions or effects on programs can indeed be revealed. The budget is being brought down three months sooner than it is normally, anyway. To think that in March of the financial year one can be in a position to provide the detail of any portfolio is indeed a wonderfully naive view and an indication of the grasp of the financial realities that the previous Government and its Ministers, as represented by the Hon. Ms Wiese, have of matters relating to the budget and to State finances. The financial mess that this State is in at the moment is as a result of the financial naivety of the previous Government and its Ministers, such as such as Hon. Barbara Wiese. Her statements today by way of interjection only serve to provide further evidence of this financial naivety.

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: I am very happy to. Both the Hon. Ms Pickles and one or two other Labor members have been very critical of the Liberal Government's first budget, brought down in 1994. For example, members opposite have, in effect, made the inference that the financial situation in South Australia really was not as bad as the Liberal Government had sought to portray. Again, that is an indication that, contrary to the words of some within the Labor Party who said that the Party needed to learn the lessons as to why it had been turfed out of office in such a fashion by the people of South Australia, the elected representatives of the Labor movement have really not learnt the lesson of the 1980s and have not grasped the fact that the people of South Australia want to see a Government prepared to take on the financially responsible task of balancing a budget.

If one pulls away all the difficult areas of a budget and the State's finances, the one thing that the people of South Australia understand absolutely and completely is that whatever a budget involves—the Government, the family, the business, the farm, the community or an organisation—it has to be balanced. You cannot, whether you are a Government or anything else, go on year after year spending more than you earn. Whilst I am sure that the vast majority of South Australians do not understand—

The Hon. Diana Laidlaw: You can, but you go bankrupt.

The Hon. R.I. LUCAS: As my colleague says, you could but you end up going bankrupt. The one message that the people of South Australia understand is that you have to balance your budget, whoever you are. That is why the Labor Government was thrown out more than any other reason: because of its financial incompetence and because we were confronted with a situation where every year we were spending $350 million more than we were collecting in revenue. Housewives and house husbands, people in—

The Hon. T.G. Cameron: What years were they?

The Hon. R.I. LUCAS: That was the situation—

The Hon. T.G. Cameron: Putting the State Bank aside, are you saying that we spent $350 million a year more every year we were in office?

The Hon. R.I. LUCAS: That was the information provided by the independent Audit Commission. That is the point that members of the Labor Party continue to ignore. They talk about the level of the debt, which is partly State Bank induced—the $3 billion to $3.5 billion and the $8 billion—and, yes, the level of our debt is a tale of financial incompetence—but members of the Labor Party have still not grasped the other issue. That is the point I make this afternoon in this debate. The Hon. Ms Pickles and others who have spoken in the debate still have not grasped that issue. There was the problem of the level of State debt but also the problem of the yearly budget.

Forgetting about all the other issues about black holes and levels of assets and liabilities, which Labor members have concentrated on, the Audit Commission was telling us that on our annual budget we were spending $350 million more than we were earning. When one takes away all the balancing items that previous Treasurers have used, with SAFA balancing items on 30 June and all those sorts issues that Governments use to mask the true underlying recurrent budget deficit, the Audit Commission was telling the people of South Australia that they were spending $350 million a year more than they were earning. Of course, by inference, the Audit Commission was telling us that we have a couple of options: you either increase taxes, charges and revenue by $350 million, with all the problems that that necessarily creates, or you reduce your expenditure by $350 million. Of course, the third option is a combination of both.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: That is where the second issue—the level of State debt—effects the other issue, which is the annual recurrent budget deficit. So, there is a link. The point I am making to the Labor members in the Chamber is that I do not believe that members like the Hon. Ms Pickles, the cold war warriors of the past, have learnt the lesson of the 1980s, because they seem to reject it. Their only response to the Audit Commission reports relates to the level of the State debt. What they have to get into their mind set is what the Audit Commission is telling us and what the people of South Australia realise with their own budgets, that you cannot go on spending more than you are earning. You can argue about the $350 million. At many a meeting that I have been to, where similar cold war warriors within the Institute of Teachers have shared the views of the Hon. Ms Pickles and others, I have said, 'You might be able to argue with me about whether it is $350 million, $300 million, $320 million or whatever it is, but you cannot argue with the indisputable fact that we are talking about many hundreds of millions of dollars, that it is of that order and that we therefore need to balance the budget.'

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron says that you have to look at the percentage of gross domestic product and these sorts of issues. You can do all of that if you want to, but the indisputable fact is that, irrespective of the percentage of State gross product, if you are spending more than you are earning on an annual, recurrent, recurring basis, you have to balance it. You can cope with it for a little while, and the Keynesians of this world will argue that if you are in a recession you should spend a bit more on capital works and run a deficit for a short while, and then when the recovery comes you go into surplus, but in long term sustainable policies you cannot, in effect, lock yourself into expenditures and revenues which mean that you are spending $300 million, $250 million or $350 million dollars a year more than you are

earning. You cannot do that and I think that is the issue in relation to members of the Labor Party such as the Hon. Mr Cameron, who is indicating at least by way of some of his questions that he has an interest in this area. It is on the shoulders of people such as the Hon. Mr Cameron and others, in effect, to take up this argument within their own Caucus. The cold war warrior attitudes of the Hon. Ms Pickles and the Hon. Ms Levy and some in particular of the Left—the Hon. Terry Roberts on occasion is a bit more pragmatic on some of these issues—

Members interjecting:

The Hon. R.I. LUCAS: Only on occasions. However, it is important that there be a recognition of the situation by the Labor Party if it ever wants to be seen by the South Australian community as an alternative Government. If the Government were not wanting to be statesperson-like in relation to this issue, we would quite happily let the cold war warrior attitudes of the Hon. Ms Pickles and others run rampant within the Opposition.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: We haven't been in here for about 20 years. The honourable member asks when was the last time—

Members interjecting:

The Hon. R.I. LUCAS: It was so long ago that I was still in short pants when we were last in Government in South Australia. That was 20 to 25 years ago. Of course, if my recollection of some of my economics is right, at that particular time we were going through another mini recession or recession. Even the Keynesians that might be represented by the Left or some of Left within the Labor Caucus would probably argue that that might be the only occasion when one could justify going into a deficit, whether you be a State or a Commonwealth Government. They are the lessons of the past: we are talking of the present and the future in South Australia. As I said, this debate about Supply Bills and budgets is twofold, but the one issue this Parliament and in particular the Labor Party must grasp is that it is not just the level of State debt; it is the level of the ongoing recurrent budget deficit.

I now want to turn to some brief comments on the education portfolio in response to some of the questions the Hon. Carolyn Pickles raised. The Hon. Ms Pickles, in a sort of Punch and Judy act with Clare McCarty from the Institute of Teachers, in recent times has been seeking to drive a wedge between the Government and non-government school system in South Australia. Sadly, the Hon. Ms Pickles seems not to have learnt from the approach of the Hon. Chris Sumner, who spent his very brief period as shadow Minister for Education launching into Catholic schools and non-government schools in South Australia in quite an intemperate fashion.

One of the great strengths of the South Australian education system has been the level of cooperation that has existed between Government and non-government schools, and under both Governments. Let me be fair about that: under both Governments of the past 20 or 30 years there has been an extraordinarily good level of cooperation between Government and non-government schools. We have cooperative arrangements at Golden Grove, Wynn Vale and Aberfoyle Park where Government and non-government schools live together, work together, teach together and share resources in a way at which other State and Territory Governments can only marvel. They come and visit in their droves to look at the cooperation that exists. I understand that the Labor Government in Queensland is now indicating its policy change approach to build Government and non-government schools together in some of the developing areas of Queensland. It is an indication of where other States and Territories are learning from the cooperation that exists here in South Australia.

For example, with some Commonwealth Government grant programs we actually have in this State joint committees with Government and non-government representatives deciding on the distribution of those funds. That, again, is unheard of in other States, where there is almost undeclared war between the Government and non-government sectors. It is a very great strength we have in South Australia, and one that all Governments and alternative Governments ought to protect very jealously. I am sure that Ministers such as the Hon. Lynn Arnold and the Hon. Greg Crafter, in particular, who worked very hard to ensure cooperation between Government and non-government schools, would be appalled at the approach that has been demonstrated on behalf of the Labor Party towards non-government schools by the Hon. Chris Sumner, with his intemperate attack on all non-government schools, and also the attempts by the Hon. Carolyn Pickles to drive a wedge between Government schools and non-government schools here in South Australia.

As I said, the Hon. Carolyn Pickles is mirroring the attacks being made at the moment by Clare McCarty. One could almost suspect that they have the same scriptwriter or perhaps come from the same faction within the non-liberal sector of the South Australian community, although that is probably not the case.

The Hon. T.G. Roberts: Perhaps the logic of the argument is obvious.

The Hon. R.I. LUCAS: Perhaps only to Clare McCarty and the Hon. Carolyn Pickles is the logic obvious. The Hon. Ms Pickles in her second reading contribution talked again of non-government schools being treated differently from Government schools and sought to imply by her contribution that in some way this Government, for example, was interested only in non-government schools and not interested at all in Government schooling. Again, that mirrors criticisms that have been made by Clare McCarty in relation to both my attitude as Minister and the Government's attitude generally to non-government schools. It is fair to say that in the 1994 budget the non-government schools were treated in the following way: as with Government schools, they were given no increase on the basis of cost of living or inflation based increases. So, as it was for the education budget, there was no CPI increase for non-government schools.

Equally, no increase was given to non-government schools in 1994-95 on the basis of any wage increases, which was the same criterion used in the Government sector. The only increase given to non-government schools was purely on the basis of enrolment changes. Because there were more students in the non-government sector, there was an increase as a result of the increased number of students. The only alternative to that would have been to reduce the expenditure per head in the non-government sector by maintaining the overall amount that was going to the non-government sector. We had a situation, and have had for some time, where there have been declining enrolments in Government schools and increasing enrolments in non-government schools, and the non-government schools were given an enrolment related increase.

The other aspect was that the Government had promised to look at providing a $10 million loan fund from which

interest-free loans will be given to non-government schools that are establishing new schools in developing parts of South Australia. Because of the financial difficulties confronting the State the Government had to say to the non-government sector, 'I am sorry, the budget cannot afford that initiative, worthy though it might be; it, too, is one of those promises that the Government is not able to provide to the non-government sector.' Even if it had, it certainly is not, as the Institute of Teachers has sought to portray it, a gift of $10 million to the non-government sector. It would have been a policy commitment of around $500 000 or a bit over, because it is an interest-free provision. It is not a grant; it is a loan but, nevertheless, at an interest-free or subsidised rate, obviously, and the cost to the Government and taxpayers would have been the extent of the interest forgone in that policy initiative. Nevertheless the Government, as I said, did not proceed with it and has deferred it at this stage on the basis of the difficult financial situation. The Hon. Carolyn Pickles also said:

> Even if the financial situation were as bad as the Government's beat-up suggests—

again I indicate that the language is indicative of the understanding of the problem—

> this would in no way justify what the Government has done in imposing the total burden upon those in the public system and insulating those generally better off people who use the private system.

That is a very sad reflection on the honourable member's understanding of the people who choose to send their children to non-government schools. The Hon. Chris Sumner and the Hon. Ms Pickles are left in this time warp view of non-government schools in South Australia: that they are represented only by those families and children who go to Saints, to PAC, to Scotch or to some of the wealthier schools within the non-government system. I would advise the Hon. Ms Pickles to talk to people like Martin Evans, who previously was in the State Parliament representing Elizabeth and who currently represents the people of the northern suburbs in the Federal electorate of Bonython.

Martyn Evans has been one of the most active supporters of non-government schooling in his area of South Australia, and in particular his support for the work that Trinity College is doing for the students of the northern suburbs. I do not think anybody, even the Hon. Carolyn Pickles, could portray the people of the northern suburbs of Adelaide as being the better off people who use the private system. We had up to 4 000 people during 1992-93 queuing up to be enrolled in Trinity College from those northern suburbs because they were attracted to the education being offered by Trinity College. Mr Acting President, as you would indeed know from personal experience, very many of the families who make sacrifices to send their children to Catholic schools in South Australia certainly would not come from that stream of South Australian society that could be described as being the better off in South Australia.

They are families where both mother and father have worked their backsides off to send their children to a Catholic school for a religious based Catholic education. It costs them dearly in terms of effort, finance, and time with their family, as I said, with both mother and father working to pay for the school fees, uniforms and additional costs within the non-government system. But again, I do not think anyone who really knows the families who attend Catholic schools or private schools in South Australia could ever say that they are the better off. It is a fundamental misunderstanding of Government and non-government schooling and the sorts of families who attend both.

It is a fundamental misunderstanding of what is important to our education system in South Australia for the Labor Party and its spokespersons to try to drive a wedge between the non-government school system and the Government school system, to try to drive a wedge between Government school parents and non-government school parents and to try to generate the sort of animosity that exists between the two systems in some of the Eastern States. We have good cooperation between Government and non-government in South Australia: let us fight to protect it. Let us not let the wreckers, the destructors—such as the Hon. Carolyn Pickles and the Hon. Chris Sumner before her—destroy what is good within our education system in South Australia.

The other issue that the Hon. Carolyn Pickles raised was in relation to reduced curriculum choices as a result of Government cutbacks. The Government has acknowledged that the decisions that it took last year will place some pressure on curriculum choices, in particular at the senior secondary levels. It is an issue that the schools and the system in South Australia will have to confront over the coming years. Our numbers of subjects at year 12 in particular have grown at an extraordinarily rapid rate and it will be difficult for our schools to be able to cope with providing face-to-face teaching for all of those subject choices at the year 12 level. I refer in particular to Craigmore High School which gained some prominence because of its opposition to the reductions earlier this year.

Craigmore High School, in its criticisms of the Government's actions, indicated that it had a number of classes with more than 30 students in them and sought to be critical of the Government because of that particular situation at the school: large class sizes would affect learning; there would be lack of individual attention; and generally it would lead to problems for those students in Craigmore High School doing those particular subjects. I sought more detail on Craigmore High School's curriculum choices and the arrangements of its subjects. One fact I do want to place on the record is that in one particular subject line—and there are a number of other examples of this—Craigmore High School—was offering four subjects: art as a separate subject, craft as a separate subject, design as a separate subject and pedal prix as a separate subject with four separate teachers at the one time all with classes of fewer than 15 students. At the same time it was being critical of the number of classes it had with more than 30 students. That is a choice that Craigmore High School has taken. I must say that most other schools do not have a separate subject called 'pedal prix' with a teacher teaching less than 15 students.

The Hon. T.G. Cameron: What is it?

The Hon. R.I. LUCAS: Pedal prix is like the solar car challenge. It is a pedal prix where students design a pedal car or bicycle, or something like that, and they go into a competition at some stage during the year and they work out how many laps they have done and how long they survived.

The Hon. Sandra Kanck: What sort of skills do they learn in the process?

The Hon. R.I. LUCAS: Well, technology and teamwork. It is an admirable pursuit—a bit like the solar car challenge and things like that—and I am not critical of that aspect. Most other schools do that, for example, the solar car challenge and the rock'n'roll eisteddfod as, in effect, an optional extra within their particular classes or they do it during the breaks and after hours as well. A lot of other schools also combine

subjects such as craft and design. So schools might have a class of 25 doing craft and design or you might combine art and craft. Those members who have been to country areas will know very well what country schools at Millicent, Kangaroo Inn, Lucindale and a variety of other places have to do to provide subject choices for their students.

Nevertheless, Craigmore decided that it would have four separate teachers teaching art, craft, design and pedal prix at the same time with fewer than 15 students in each class. I said to the teachers and to the parents at Craigmore, 'That is fine. That is a decision you take, and if you place priority on having a separate subject line for pedal prix—terrific—but you have to remember that the natural consequence of doing that is that in some of your year 8 to 10 maths or English classes you will have more than 30 students.' We provide to secondary schools staffing on the basis of either 1 to 18 if it is a practical class; 1 to 27 if it is year 11 to 12; 1 to 29 if it is year 8 to 10. That means that on average no class needs to be more than around about 1 to 26 or 1 to 27 if you average it out perfectly evenly. I realise that is not appropriate, and most schools make judgments that they will have some classes with more because they want to provide greater subject choices with fewer students in those particular subjects. Members will find in some schools, even in the metropolitan area, classes with three or four students doing maths II or physics because the school community has decided that is important and I acknowledge that particular issue.

But school communities, and the Institute of Teachers in particular, cannot have its cake and eat it too by in effect saying, 'We insist on having art, craft, design and pedal prix with four separate teachers with fewer than 15 students in each,' and then at the same time complain to the Government and to the taxpayers of South Australia that it does not want to have 32 students in a year 9 maths class or a year 9 English class. If it wants to keep those classes back down to the averages of 28 or 29, then it has to make the choices that many other communities make and not have pedal prix as a separate subject with a separate teacher and combine subjects such as art and craft or craft and design within those particular subject offerings. Again, they are the issues that the cold war warriors like Clare McCarty and the Hon. Carolyn Pickles have not yet grasped.

They believe that we can continue to do everything at the taxpayers' expense in South Australia and continue to spend $350 million a year more than the State earns. The only way in which that $350 million of over-expenditure can be reduced is by making some changes and reductions in most portfolio areas, including health and education. As has been publicly announced, the Government has committed itself to a $40 million cut over three years in the areas of Education and Children's Services.

Even with those changes, the only thing that I can say I greeted warmly from the Institute of Teachers in the past few months was the acknowledgment by one of the institute's official spokespersons, Mr Steve Errock (whom the Hon. Terry Roberts would know well from his forays into the South-East media and, in particular, the Riverland media), in the *Border Watch* newspaper in Mount Gambier that, even after the cuts, South Australia has arguably the best education system of all States in Australia.

That is an acknowledgment of the truth. As Minister, I released figures which indicate that our student/teacher ratio and expenditure on education are the best of all the States in Australia, and now the Institute of Teachers is on the public record indicating exactly that. That did cause some consternation for the leadership in Adelaide when this story was run on Adelaide radio, I think last weekend. Clare McCarty was appalled at what she heard. She telephoned one of the local radio journalists and said that Mr Errock did not say that, that he must have said that, traditionally, South Australia has had the best education system. I was in a position to fax to this radio journalist Mr Errock's exact quote in the *Border Watch*, and that indicated clearly that Mr Errock had made no such qualification, that he had acknowledged what we have said for some time, namely, that South Australia has arguably the best education system of all the States of Australia, and that it will be much better with the implementation of some of the new Liberal Government's education policies.

At one of the protests at the Craigmore High School, I noted with interest that the students and teachers highlighted a sign which stated, 'One teacher to 15 students—not here at Craigmore'. That sign referred to the student/teacher average ratio which the Bureau of Statistics had calculated for South Australia. I was able to show to a deputation of parents from the Craigmore High School when they visited me recently that when one takes into account the total number of students and teaching staff at Craigmore High School the average is one teaching staff member to every 17 students. When one takes into account the additional staff, including student counsellors, special education teachers and deputy principals, the average is about 1:15. So, the average is 15 students to one full-time equivalent staff person. If school services officers were included, the ratio would drop even further and you would probably find a ratio of one staff person to about 13 or 14 students at Craigmore High School.

I was greeted warmly by the residents of Port Adelaide recently at the Port Adelaide Girls' High School who whispered in disbelief when I told them—and this was quite correct—that last year at that school there was one teaching staff person for every eight students and this year it is one teaching staff person for every five students. As I said, they had the hide to say to the Government that the school was floundering because it had been starved of resources over recent years and could not justify existing or increased enrolments.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: One of your colleagues, Deidre Tedmanson, was right there at the forefront with the Hon. Carolyn Pickles and Clare McCarty—a fearsome group in the front row of the Port Adelaide Girls High School protest action group. That was a very likely coalition, I would have thought, with similar interests.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: As I said on 5AA recently, it was a bit like being a West Adelaide supporter on the mound at Alberton at a football match. You get jeered and booed and hissed at a fair bit, but at least I managed to walk away from the Alberton Oval and the protest at the Port Adelaide Girls High School. I think people from the community and parents at the school were surprised to hear that figure, because they have heard from Clare McCarty, Carolyn Pickles and Deidre Tedmanson that this school has been starved of resources and that that is why it had only 160 students last year and only 100 students this year. Such a statement becomes an article of faith, and they say, 'We have been starved of resources, and if you would only give us more resources we could get more students.' I think the parents were amazed, but it did not change their view because they had a good thing going—there was a lot of cheering, chanting and heckling—but I

think their eyes were opened by the fact that no-one could argue that it involved a question of resources.

There was one full-time equivalent staff member for every eight students at the school last year before the decision was taken to close it and, as I said to the school community—and this was not greeted particularly warmly—most other schools in South Australia would kill for a student/teacher ratio of 1:8, which the Port Adelaide Girls' High School had last year. Very few schools, if any, have been treated as generously by Governments in relation to resources and staffing. So, whilst it is politics with a warm inner glow to jump up and down and say that this could all have been resolved by pouring in more resources, as I said to those people, if they were provided with one teaching staff member for every student at the Port Adelaide Girls High School—because basically it was getting to that stage—it would be a financial impossibility for the taxpayers of South Australia to afford such a situation. It was educationally indefensible to continue that particular school with the educational ramifications that were being inflicted upon the students with reduced subject choices and future restricted career choices for those young girls and women.

I could speak for many a day on other issues relating to education, but they are two or three issues which the Hon. Carolyn Pickles raised which I wanted to place on the public record and respond to in my reply to the debate on the Supply Bill. Again, I thank members for their contribution, and I look forward to future exchanges in Appropriate and Supply Bill debates.

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

RESIDENTIAL TENANCIES BILL

Adjourned debate on second reading.
(Continued from 16 March. Page 1557.)

The Hon. SANDRA KANCK: To some extent this Bill guesses the outcome of another Bill, that is, the Magistrates Court (Tenancies Division) Amendment Bill, which in turn is awaiting the outcome of the deadlock conference on the Retail Shop Leases Bill. Last week I indicated in my speech on the Magistrates Court Bill that I would not allow the dismantling of the Residential Tenancies Tribunal, and with the Opposition also having stated that fact it seems that the Residential Tenancies Bill will need amendment to take account of the fact that the Residential Tenancies Tribunal will continue.

The rationale behind this Bill assumes that the current Act advantages the tenant over the landlord when this is almost never the case. I fail to see how the tenant can ever be at an advantage. We have the rights of a landlord for whom the letting out of a dwelling is a commercial decision, usually because the landlord does not require the dwelling for his or her own shelter—in other words, it is surplus to requirements—versus the rights of a tenant who needs somewhere to live. Clearly, the tenant does not have enough finance accumulated to be able to buy their own home, and I would say that in many cases these days with our economic circumstances some of them may never have enough finance accumulated to buy their own home. So, I fail to see in that balance between the rights of the landlord and the tenant that the tenant is advantaged.

The Democrats find very little fault with the current Act. It appears to balance out the needs and rights of the two parties, with conflict being very quickly resolvable by the Residential Tenancies Tribunal. I explained the rationale and philosophy for the position I am taking when I spoke on the Magistrates Court Bill, and I do not intend to repeat it. I was pleased to hear the Hon. Anne Levy speaking about the amendments which she proposes to this Bill. Subject to analysing her amendments, the Democrats generally will support what the Opposition is attempting to do. We particularly welcome the Opposition's undertaking to ensure that the Residential Tenancies Tribunal remains an essential part of the Bill. Once I have seen the Opposition's amendments and analysed them, it may be that I will have additional amendments of my own. However, without seeing those amendments I cannot anticipate what they might be. Therefore, I reserve that right but cannot flag at this stage what my amendments might be. The Democrats support the second reading of the Bill.

The Hon. R.D. LAWSON secured the adjournment of the debate.

HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE ARRANGEMENTS) BILL

Adjourned debate on second reading.
(Continued from 8 March. Page 1422.)

The Hon. T.G. ROBERTS: The legislation before us in relation to housing and urban development structural reorganisation and changes spells the end of the Housing Trust and the introduction of a new formation and structure which does not appear, in the legislative process, to add any distinctive aims, objectives and ideals to the already existing body. I would argue that the Housing Trust is capable of the flexibility and the new formations that are required under the objectives spelt out by the Government, but obviously the Government has planned for major changes to the Act to basically spell the end of the old Housing Trust.

To analyse the indicated changes in the legislation we have to look at the history of the trust—where we have come from, what we are trying to achieve and where we are going—and see whether the legislation matches the intention of the reorganisational structure that we require for the next decade and beyond.

The history of the Housing Trust in South Australia is probably a success story second to none in that the trust itself has had bipartisan support for the whole period of its organisational operations, that is, some 60 years, and a lot of the major changes that did occur to housing programs through the 1970s and into the 1980s were supported in the main by members on both sides of the House. I think the bipartisan approach which we had indicated that the legislation that enacted the trust's objectives were correct and that the housing programs that were set up, particularly in the 1950s and 1960s under Sir Thomas Playford, occurred in an accelerated period of growth but that the trust was able to match the growth with the housing requirements and expectations of people during that period.

I understand that your family, Mr President, was associated with a lot of that expanding program in the Elizabeth area and that both you and your father have memories of the rapid expansion and growth in the Elizabeth area during the period of Sir Thomas Playford and of the expansion of housing that was required because of GMH and its associated industries. A lot of migrants were housed by the trust, which became a

formidable department in those days. Any Minister who got the portfolio of Housing and Construction had quite a heavy responsibility and a busy portfolio area.

After the housing stock had been established and the population levels had started to stabilise the problems that were faced by the trust involved mixing the stock and expanding it into areas so as to bring about a social and economic situation that allowed for mixed growth socially within the metropolitan area particularly and in some country areas, so that we had housing designs within the trust deliberately being put together to match the housing mix of the private sector in developing suburbs. Also, programs were put together in the metropolitan area that saw tenants placed in a variation of rental mixes. Tenements were built, and a wide range of power and water saving innovations were put into some Housing Trust areas.

There was an increase in cooperative tenancies and in the Hindmarsh area stock was built with mud brick innovations and a lot of leading architectural and social objectives were built into the trust's charter. During that period the trust itself had people coming from interstate and overseas looking at the developments that were taking place in South Australia's approach to urban planning and housing. People would go from South Australia into other States taking those plans, views and ideas back to their own housing authorities. People from overseas were visiting South Australia to get ideas from the Housing Trust on how to put together and manage a good housing program with a good social and economic mix for growth in suburban and metropolitan areas.

Everybody on both sides of the House would agree that the trust has served the State well and the trust itself, had the Government taken a different view, could have risen to the challenge of the new objectives being set by the Government, and I am sure it would have adequately met those challenges and come away with a good innovative formation and structure that was responsible to Government, to future tenants and to its current tenants. If it had been given an indicated direction, it would have come away with a charter that the Government and Opposition would have been able to support and ultimately be proud of.

Unfortunately, the trust has not been given that charter or objective. With the legislation the Government will now bring about an organisational structure that is responsive to the Minister only. The democratic structures that were formed using tenants' associations fed information to the trust, the trust itself being responsive to the Minister's department and the department provided advice that, if any legislative changes were required, the trust would become quite responsive. Unfortunately we have now a shell of a company—the trust—operating with about the same legitimacy of a $2 shelf company, with a massive cut-back in the status, power and influence of the trust.

Even after pruning the trust, it will still spend $545 million and employ 800 people this year. By comparison, the South Australian Urban Lands Trust, HomeStart, Minister's office, Public Cemeteries, Local Government Relations and all other policy divisions that make up the rest of the Department of Housing and Urban Development have a budget of just $41 million and a staff of 200, yet the Housing Trust would become a corporate subsidiary of the new department, whose roles and very existence would be determined by simple decree in the Government *Gazette*, if the legislation is passed in its current form.

I have some amendments that indicate a strengthened position for the new structure or body being formed so that there is a stronger responsive position to Parliament rather than simply to the Minister and the *Gazette*. The success of the trust has been the bipartisan way in which the trust had operated and in that successive Governments had supported the trust's charter, the new direction and flow. The Liberal Government during the 1979-82 period was able to see its way clear to support the formation of housing cooperatives. The Hon. Murray Hill, who served this Legislative Council very well over many years, was the housing Minister at the time. The Hon. Mr Hill took great pride in following the progress of the housing programs being developed under the cooperatives program. One may have thought that housing cooperatives would have been an initiative introduced by a progressive Left wing organisational structure-

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: —which may have included the Evatt Foundation, Diedre Tedmanson, the Teachers Federation and all the other progressive organisations, but in this case it had bipartisan support and was not just an initiative from Clare McCarty.

The Hon. R.I. Lucas: The Centre of Independent Studies.

The Hon. T.G. ROBERTS: I do not think the Centre of Independent Studies would approve of cooperative projects.

The Hon. R.I. Lucas: IPA.

The Hon. T.G. ROBERTS: No it is a long way out of the IPA's charter, unless Hickinbotham's were able to control the mechanisms by which the cooperatives were able to be managed. I suspect that direct management would be a philosophical anathema to them to approach a management structure like that. The trust has built up to a position where it now houses some 12 per cent of South Australia's population and was constructed as a response to the requirements of industry and growth within the State. If one looks at the programs put in place then, the program was responsive to investment strategies of the time and Governments would knit their industrial development strategies into the housing programs. They were very responsive, so you had central planning, which again is anathema to a lot of people, working over market forces.

The Hon. R.I. Lucas: Same with unions.

The Hon. T.G. ROBERTS: Some people would reflect on the days of Thomas Playford as being socialised. I would accept that as a constructive tick in the life of Sir Thomas Playford, where orderly growth of the State was managed in a way that brought about an integration of a growth of population and a growth of industry development and manufacturing particularly. In those halcyon days the housing requirements of the State were generally matched in a very difficult period. We had large groups of immigrants coming from overseas and being temporarily housed in accommodation that required early exit from and into housing as soon as possible. The migrant hostels were all right for a short period, but if migrants were left there for too long they would get most restless and in some cases there was discord. It was important that the housing programs matched the development of the immigration programs and were able to bring in skilled labour requirements to match the requirements of industry.

In rough figures, if you invested some $10 million in plant and equipment those days, it would probably roughly equate to 100 jobs. If you invest $10 million now in plant and equipment, particularly the way technology is running now, you would be lucky to see in some cases 10 or 20 jobs because the relative investment packages and technology applications are such that not as many people are required.

Consequently, we have housing programs, not only in South Australia but also in other States, that are not matching the requirements for the growth of technology and industry. It is the Federal program that is driving the State's program in relation to restructuring.

In the *Australian* of Monday 20 March, under the heading 'Public housing shake-up deal close', we get a hint, to some extent, about why this housing and urban development legislation is before us. We find that in the report by Robert Garran it is stated:

> Federal and State Governments are close to agreeing on a radical shake up of public housing that will put tenants into areas with greater job prospects. State and Federal Ministers have already agreed on the framework of the new deal, which is expected to get in-principle support from Premiers at the next meeting of the Council of Australian Governments on 3 and 4 April. The Deputy Prime Minister and Minister for Housing, Mr Howe, said last night that, instead of being 'construction orientated', the policy would be directed to social needs.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. ROBERTS: The Evatt Foundation has not made any comment on housing. The Bill before us deals with housing. The implication of that statement is that the requirement for a new, streamlined housing and urban development program is to allow the trust itself or the new body to become a leaseholder or landlord in relation to being able to buy houses in the private rental market. It appears that if you read a little more into it, the new body may be able to commission private sector building and construction organisations to build houses and then for those houses to be leased or rented via the new organisational structure's new charter. That may have some strengths. However, as I said before, the history of delivery by the old trust network and the old strategy that was put together over 60-odd years certainly was able to respond and did not need to be cut to the degree by which it is now and to change its charter or direction.

There are objectives in the statement that I have just read in relation to the housing market's being reactive to the job market. I would argue that it is quite possible that the job market could become more reactive to the housing market. By way of illustration, we have growth in the Barossa Valley and the Clare Valley areas in relation to the wine industry. They are the only two areas in this State that I can nominate as having any sort of capital growth being injected in any large amounts. The idea under the new charter would be for the Government to buy housing in that area from the private sector or to have it built by the private sector and rent it out to tenants so that they are able to fill the gaps in the demand for housing associated with the areas of employment.

I would argue that it is quite possible to be able to look at the planning and urbanisation of the Barossa Valley, in particular, and to try to move some of the heavy industry associated with the growth in this area and, in so doing, move that work back into the Elizabeth/Salisbury area, which is crying out for work of the nature that is being put together in the Barossa Valley. The Barossa Valley could maintain its 'folksie' image in relation to the wine industry, it could maintain its ability to attract overseas investors and it could maintain its ability to attract overseas tourists. There is no reason why it should get into heavy industry, tank farms and aspects of development that do not fit in with what we should be regarding as aesthetic planning for the area. Much of that production and many of the jobs associated with the wine industry could be developed outside the valley—for that area north of Elizabeth and Salisbury between Gawler—and thereby use the skill developments and the labour that would be provided by people in the Elizabeth/Salisbury area, who sorely and desperately need work.

One is then able to match those labour requirements and skill development requirements with the education facilities that could be provided within the Elizabeth/Salisbury area and those educational requirements could match the skill levels and requirements of a developing industry that could then be taken into the Barossa Valley or the Clare Valley. Transport could be provided, rather than the other way around: the housing developments could match the employment requirements and we could look at a mixing of both.

The new Federal policy and program spells out a more flexible approach to the use of housing stock, and I guess you cannot argue against that position if you are starting off with greenfield sites or industry development areas over which you have control. I guess the acknowledgment is that both Federal and State Governments will not be getting into the position of market-driven responses for housing and that the industry development or job creation areas will be matched by mirrored housing developments of a nature that I have described; that is, private sector built, public sector managed or the housing stock publicly built and privately managed.

So, there are any number of permutations that can be used as long as the charter itself is amenable to those sorts of flexible workings and operations. I suspect, and other members in another place have argued, that the charter itself is not conducive to that sort of operation, although I am not as pessimistic that it cannot be made to work if the Government and the Opposition are able to work together to ensure that citizens are adequately housed in areas that are appropriately near the work that is required.

In the southern regions we have also had development of housing without employment opportunities. One would expect that with the next generation of work opportunities associated with development programs, perhaps put together by the motor vehicle and component industries or even some developments as a result of the MFP's successes in being able to attract some high tech industries, the southern regions would then be targeted for work opportunities for those people living there who have to travel long distances to find work and, once having secured work, have to travel long distances to maintain their job security. The other problem that needs to be addressed in the new structure is that it be responsive to job and investment changes that are happening far more rapidly now than perhaps in the period that I described under Sir Thomas Playford.

During Sir Thomas Playford's reign, most people could anticipate that they would go into an industry at the age of 15 or 16 after 10 years in primary and secondary school, would be able to maintain the one job for some 25 or 30 years and then retire. Unfortunately (or fortunately, depending on which way you see it; for planners it is much more difficult), what we have now is shorter working cycles, certainly longer periods in the education system, but an expectation that people will need to be trained and retrained some three or four times during their working life, and in some cases that will mean movement of employment. In some cases the training and retraining programs can take place inside that single investment industry or commerce but, in many cases, it will mean a lot of flexibility and movement required.

Under the old trust system a development was starting to take off to try to get some flexibility in housing stock. Some housing stock was being sold back to tenants so that more money could be made available for new tenants, and there does not appear to be that provision within the new charter.

The new charter does not appear to be based on rejuvenation of housing stock using rents or moneys financed from sales. The Federal Government's promise is to try to accommodate some of the problems that people in the market have in being able to secure private sector rental, to put food on the table and to look after a family, and it is the Deputy Prime Minister's intention to provide rental assistance to people in the private market because, over the years, as job opportunities have decreased, as people have aged and for all sorts of demographic reasons, we now have some 40 per cent of Housing Trust tenants on some form of rental assistance.

I understand that the Federal Government intends not only to be able to supply rental assistance to people in Government built and administered homes but to provide rental assistance to people in the private market. Many people, unfortunately, are unable to get Housing Trust homes but do need that family assistance for rental. Queensland does not have a lot of rental stock. New South Wales has some stock but South Australia has a high proportion (some 12 per cent) of its residents in public housing, and I think that South Australia has lived up to its responsibility to its residents. States such as Queensland do not have a good history of providing public housing, so you end up with an imbalance of transfer of payments using housing as an arm of welfare in one State where in another State it is not used as such, and tenants in the private market need that assistance.

Those adjustments have been made over the years recognising the differences in the States' position, but this Commonwealth initiative will mean that it will be far easier to administer the twin balancing acts of providing housing and providing rental assistance, which is to some extent a welfare provision. The big criticism of the housing rental market from private renters who are paying full market rent and from people on social security is that, as soon as there is an increase either in wages through the CPI adjustment or through provisions of extra social security, their rents increase and their standard of living does not change. I cannot see that there will be much change in that position, because the Government has already indicated an increase, if the *Advertiser* is anything to go by in its banner headline recently, and I suspect that some of the programs the Government is talking about in relation to the restructure will mean that the Government will be moving to market rents for the Housing Trust.

No-one on the other side of the Chamber is shaking their head, so I take that as an indication that trust rents will be increased at the next budget to full market rents and that the differential now between market prices and subsidised priced rent, which previous Governments have stood by, will disappear. The State Government under a Labor regime was moving towards market rents, but kept the differential down by about $25 to $30 between full market rents, Housing Trust and the market prices. The other thing the trust was able to do, as I said before, was to move a variation of stock through a variation of socioeconomic regions. There is some very nice South Australian Housing Trust stock in the metropolitan area and in other suburbs, so the demographic mix and social planning were able to be put together by the South Australian Housing Trust. That, I guess, will be matched in the new formation of housing and urban development by the trust's being able, through Commonwealth Government assistance, to purchase and lease housing stock in the private rental market.

The Bill has some critics, including members of the Opposition. The amendments that we will be moving try to make the new structure more responsive to the Minister and the Parliament, so that the initiatives, responses and responsibilities can be examined by Parliament and so that we are able to have a look at some of the arrangements that may be taken up by a new administrative regime with private sector participation.

Under the previous operation there was a number of joint ventures that people needed to see, and the community needed to be able to make sure that the taxpayers' dollar was being spent in the best possible way. There has been some criticism of some of those joint venture projects on the basis of administrative costs and some rehabilitation programs that needed to take place after the private sector had signed off from those arrangements. Only the other day questions were asked in this Chamber about the level of financial support that had to be supplied to the West Lakes project to make good some of the engineering faults that have developed over 20-odd years by the undermining of the foreshore.

If the figures that I have heard are accurate, that is, that it will take some $17 million to make good that project, that $17 million probably was not taken into account when that joint venture project was being put together, and I would say that that has somewhat soured the financial relationship between the joint venture partner and the Government. Certainly, if that is the figure to rehabilitate the foreshore, many trust houses could have been built for that $17 million.

In other cases questions have been asked about the joint venture development at Golden Grove in respect of the profits that will be derived by the private sector partner. As I am describing and illustrating, it does not matter what the system is, whether it is a public sector system purely run for building and housing tenants through the Housing Trust or whether it is a joint venture pact that has private sector-public sector participation, taxpayers must have some protection in those joint ventures to be able to establish whether those savings through those joint ventures are being passed back, particularly to first home buyers, to enable them to buy a house and land package at a reasonable price so that their mortgages do not land them in a position where they are housebound and forced into poverty or into a standard of living in which they struggle to put bread on the table during their first years of marriage and in the early growth stages of their families. So, there are a lot of responsibilities on joint venture programs. There are a lot of responsibilities on the Government to supply housing to its citizens at a reasonable price and, where people fall on bad times or become unemployed, there is a responsibility on Government to provide subsidised housing while those people adjust to their new circumstances.

The accountability question in relation to the new structure has some faults and under this legislation the corporation is established by simple notice in the *Government Gazette* and, as such, will be beyond the scrutiny of Parliament. As I said before, I will be moving amendments to make sure that the gazettal is not the way to go. The proposal that is being put before us with the restructuring appears to be, as I said, unnecessary since the trust itself had a good record. It was able to be responsive to the new regime. The checks and balances in the public housing provisions will be lost by the repeal of the Housing Trust Act and we are not sure what is going to take its place. We do anticipate that there will be raised market related rents and private management of trust properties. Rumours have been emanating for some time about those increases and even removing the security of tenure.

Some debate has taken place with regard to at what point the new administrative structure moves on what would be regarded as noisy or disruptive tenants. There is some nervousness about how that will be applied. It is very difficult at the moment for people to be evicted from publicly owned housing. There is a whole process that has to be gone through before people are able to be evicted, and I certainly would not want to see it made any easier in a lot of cases. There are in a very small percentage of cases some very difficult tenants but, having grown up in a three bedroom, timber-framed asbestos home in a street with 12 on one side and 11 on the other, I know that house parties can get very rowdy. In my days you only had a radiogram with which you were lucky to get perhaps 10 watt speakers and the beat was usually provided by people stomping their feet on the wooden floors. But nowadays, with amplifiers between 50 watts and up to 100 watts in domestic circumstances, noise does become an inter-related problem, and being able, by balancing and juggling, to achieve the right mix between young people's rights—being able to let their hair down and enjoy themselves—and older people's rights—being able to get to sleep at night—is the challenge.

The trust in the past has been able to do that very well. I certainly would not like to see people's tenancies being undermined by an authoritative regime—one strike or two strikes and you are out—on the basis that it is able to find new tenants and it will be able to increase rents by evicting the existing tenants. All that will do is create a social problem where those people will then find their way into the private rental market and the subsidies that the Commonwealth will have to pay through private rental assistance will be basically the same as was the subsidy for the public housing in the public sector, only there has been the disruption of people being moved out of their homes. I must say that I learnt all of the words to one of Reg Lindsay's cowboy songs as a kid trying to get to sleep when the neighbours next door put on one of their favourite songs—and if the needle jumped I had to concentrate to make sure that it went back in the same place so I could sing myself to sleep. Consequently, I do not listen to much country and western music any more. I do not mind it, but I am not a great fan of some of it.

In relation to the reporting process I have to go back to what is proposed. The South Australian Housing Trust will change from a true traditional open public housing welfare support to a mobile middle-class reactive organisational structure. We will still have people on low incomes who will need to be housed and taken care of. Changes are envisaged by the Federal Government, and I suspect by the State Government, although the Federal Government has been much more open and it stated its intention in the *Australian* on Monday 20 March, but I cannot work out whether that is the program around which the State Government is building its new structure. In relation to the reporting process the Minister set huge savings targeted by Treasury, but we do not know how these will be achieved, although we suspect that the tenants will be those who have to pay for it. The Minister has received a series of reports and we are not quite sure what they contain, but the triennial review that was promised still has not been seen so it is difficult to make recommendations from a report that has not been tabled or seen. We can only assume that the State's program of restructuring housing and urban development is to accommodate the Federal Government's planned operation.

The starting point required for the transfer of assets is also a worry to me. I am sure that in answering questions at the end of the second reading debate the Minister can put my mind at rest. The starting point that is required to give a complete economic analysis, if we are going down the economic rationalist trail, needs to be clarified so that the starting point for the assets of the Housing Trust can be valued and (and I suspect this is a strange way of doing it), if it is the Government's intention to have dividends declared on the trust operation, we need to know the starting point for the asset base for the trust. I suspect that will be very difficult because of those joint venture operations that I referred to earlier where there were some problems in being able to identify and declare a starting point for an asset base so that an assessment of the Housing Trust assets can be gauged. I would like to know how the Government is going to do that.

A number of areas need to be declared as a starting point if the new provisions for an economic assessment are to be included and if a dividend is to be declared. Many accountants, at election time or even at budget time, will be able ecstatically to announce that they have declared a dividend for the Government of X cents in the dollar and that that shows what good economic rationalists they are, whereas under the old trust management there was a lot of cross-subsidisation from area to area to allow the objectives of the trust to be realised, that is, the provision of affordable community based housing for Social Security recipients as a form of welfare, putting together a good stock of housing of which any State would be proud, and, as I said, even setting standards for other countries to emulate.

I, and I think nearly all members of this Council, have toured trust stock. Bus tours have been put together of members of select committees or diligent hardworking members of Parliament to look at some of the stock and meet the tenants. After the buses had gone away, some of the tenants would say, 'We didn't know whether they were coming down here to pat us on the head and tell us what good tenants we were or whether they were going to stab us in the back and put up our rent.' That declaration did not ever get onto the record of any of the committees on which I served as a member, but Housing Trust tenants have been a little wary of the Government's intentions. I assure this Council and the people who read *Hansard* that select committees of which I was a member visited Housing Trust areas to look at the stock purely with constructive intentions and to make sure that the good work that the Housing Trust had been doing during that period continued.

I hope that the notice of gazettal includes a charter to continue that good work. As I said, there is a certain amount of nervousness out there because the structure is uncertain. The tenants feel that they may have to pay for any restructuring programs that take place and that their rent will increase to a market rent.

Country people also have concerns. They suspect that the new housing structure will be privatised much sooner than the housing program in the metropolitan area, because it would be easy to commission a land agent to sell off the housing stock in those areas. If we look at what happened in the UK during its period of privatisation, it will be seen that many tenants who were long-term renters were convinced by the authorities that it would be in their interests to buy their home, which they did diligently and with due care. However, the economy took a downturn and many of these people lost their ability to be fully employed. In many cases, they were evicted and lost much of the investment which they had put into their homes earlier.

Under the previous regime, even if those people fell on hard times, lost their employment or their hours of work were cut, the Housing Commission in Britain would hold them over until their circumstances changed, or they became eligible for welfare housing. I suspect that that sort of flexibility and responsiveness by Governments in those circumstances to people in country areas where we have a lot of housing stock that is reliant on single industry employers no longer exists.

I cite the case of Bordertown, which has a lot of Housing Trust stock and basically one major employer, the meatworks. I will not go over the recent history of that meatworks, but in many cases meatworks operate on a very thin line of profit and are susceptible to economic downturns and changes in the market. If, for instance, a meatworks or a single industry shut down in a country town, you would find that those people would be unable to move, because if they did they would move into another area of unemployment. So, they are left in Housing Trust homes, their rent is adjusted and their security of tenure remains with their rented accommodation. If they are put into the position of having to buy their own home, even if it is at a market structured price, and if that single industry closes, the responsibility lies with them and their debt with the bank. The bank is less likely to adopt a process of rental adjustment over a long period of time, so it is quite possible that people in country or regional areas will be put at a distinct disadvantage if they have bought their own home.

I hope that the Government takes note of those regional problems. I used Bordertown only as an illustration, but those problems exist also in respect of Housing Trust stock in Mount Gambier, Millicent and Penola in the South-East and Whyalla. The Hon. Ron Roberts would probably be able to prompt me about Peterborough, Port Pirie and even Port Augusta itself. So some sort of security needs to be built into that structured problem. If it is the State Government's intention to tap on the Federal Government's door and ask for rent assistance during those periods, I hope that someone will answer that question in reply to the second reading contributions.

Another problem that needs to be addressed in formulating the trust's base asset value will occur when the assets have to be dissolved to form the new structures. I hope that someone can advise me on how the basic asset formation and price structure are to be put together and how it is intended that the dividends will be struck and where they will be directed. Some questions ultimately will need to be answered in Committee.

In summary, some of the proposed restructuring of the department and its agencies has been foreshadowed by the Government, but some of the Government's agenda has not. We know that the checks and balances in the public housing provisions will be lost by the repeal of the Housing Trust Act but, as I said, we are not quite sure when that will take place. I hope that the Government's response will enable me more clearly to identify the new structure and how it will fit into the formation of the Federal Government's housing plan. It might put my mind at rest if someone could convince me in relation to those problems which I suspect may be a problem in other States and which exist in South Australia, where we have such a large housing stock. As I said, if it is intended to transfer that stock to the private sector, those problems that I raised would have to be taken into account.

The Hon. SANDRA KANCK: Whilst this Bill is essentially looking at administrative arrangements for the Housing and Urban Development portfolio, its outcomes will have a major impact on public housing policy in South Australia. The Democrats have three major areas of concern with this Bill: first, the level of ministerial powers; secondly, the fact that social objectives are not specified for the corporations; and, thirdly, the issue of the repeal of the Housing Trust Act. In examining the context into which this legislation has been introduced, a number of interrelated factors need to be considered: the increasing wealth gap and the importance of housing policy in regard to dealing with that wealth gap; State debt and other pressures on the South Australian Housing Trust; the importance of balancing social and commercial objectives; the Commonwealth-State Housing Agreement and the National Housing Strategy; and the consideration of alternative housing policies. I will look first at these matters and then speak more specifically about my concerns with the Bill.

I wonder how many times any of us have heard the old adage, 'The rich are getting richer and the poor are getting poorer.' Our local paper, the *Advertiser*, often reports on that increasing gap between the haves and have-nots when it publishes the latest Bureau of Statistics' figures. But such stories about wealth gaps do not have to be so explicit. Sometimes that gap can show up simply in the juxtaposition of completely different stories. Take, for instance, two front page stories in last Friday's *Advertiser*. One was headed 'Rise in trust rents looms', and the other one was '$19 million pay deal the real thing'. In the article about rises in trust rents it was reported that over the past 15 years the number of trust tenants eligible for rent rebates had increased from 35 per cent to 77.5 per cent, indicating an increase in the level of poor people in South Australia requiring Government support for housing.

The second story was about the former Managing Director of Coca-Cola Amatil who was paid a record $19 million golden handshake which, I might observe, is obscene and really contrasted those two levels and shows how the rich are getting richer and the poor are getting poorer. Whilst the State Government's housing policy will not turn around this trend in wealth differences, putting the responsibility of the debt burden onto those who are least able to afford it is not, in my view, an acceptable solution.

From my reading of the Bill in conjunction with the financial statement of May 1994, the Government intends to move away from a social equity focus to a commercial focus in the housing portfolio. The Audit Commission report lists three factors contributing to financial pressures on the South Australian Housing Trust. First, the client base has changed significantly over the past 15 years, resulting in the trust's annual rental income base being reduced by around $115 million per annum. Secondly, Commonwealth funding under the Commonwealth-State Housing Agreement has been reduced by around $223 million, or 70 per cent in real terms, over the eight year period from 1884-85 to 1992-93.

Thirdly, because of the severe reduction in Commonwealth funding, in the early to mid 1980s the Labor Government borrowed from SAFA to fund the State's funding share from the Commonwealth-State Housing Agreement program which was then a part of the concessional housing loan arrangement. As at 30 June 1993, the Housing Trust had a debt figure of around $1.3 billion, with about $1 billion being owed to the State Government.

So, in order to improve the efficiency and effectiveness of the housing portfolio the Government, in its May 1994 financial statement, stated that it would be considering four key recommendations made by the ministerial review of the Housing and Urban Development portfolio. The first of these was that the Government charge market rents wherever possible, and this would happen in two ways: first, market rents would be charged to the remaining 20 per cent of tenants who were not on social welfare benefits; and, secondly, those tenants, whether or not on low incomes, who are located in better quality trust property would pay up to 30 per cent of their income in housing so that market rents were received. The statement failed to recognise that that sort of rent increase on a low income family or a shift to a new and less desirable location would be unjust.

The second consideration was that the Government should reduce its direct involvement in land development, despite the fact that history shows that South Australians have enjoyed relatively cheap land prices because the Government has historically been involved in land development.

The third consideration was to create a special ministry to provide independent advice to the Government on such matters as strategic objectives, policy direction, allocation of resources and monitoring of performance. The aim was significantly to improve the performance of portfolio agencies. However, they failed to make any comment on the social objectives and outcomes of the ministry. One assumes that the social objectives and outcomes do not exist.

Fourthly, the functions of property and tenancy management in the Housing Trust should be separated into two distinct business units, and as we know this has happened. Once again the emphasis is made on leasing houses at market related rent to earn a commercial rate of return and make dividend payments to the Minister. Despite the auditor's emphasis on commercial rents, they say that the arrangement 'would provide a service more responsive to clients' needs with a clear welfare focus'. I cannot see how or on what basis they have come to that conclusion, as the two things are in competition.

There is no doubt that this Parliament has been left with the debt legacy created under the former Government, but I am convinced that the economic rationalist approach is not the correct one to tackle our debt problem. The expected inequitable social outcomes are simply not satisfactory from the Democrats' point of view. In fact, putting in cost cutting measures which have not been thought out properly can lead to more costs in other areas. I have seen a number of examples of wastage by this Government because of the single-mindedness of making cost cuts which have not been economically, let alone socially, just.

In following the recommendations of the auditors this State looks to lose a prime advantage in terms of its social outcomes. According to the Audit Commission, private housing rental values since 1989 have increased at a rate higher than inflation. However, South Australian Housing Trust rents have been relatively stable as inflation increases have been lower than private rental prices. The report states (page 309 of the Audit Report):

> The rental level has been largely stable in real dollar terms since 1989, reflecting the incremental CPI indexation approach adopted in the setting of fees and charges. This is estimated to be some 20 per cent less than comparable rents payable in the private housing sector of the market (albeit for different amenity and quality attributes).

Due to this State's build up of public housing stock the State has the advantage of already owning land and housing assets. Therefore, this Government has a prime opportunity to provide social services to those people who have obviously suffered over the past decade. If we were to follow the advice of the Audit Commission and sell public land to a private developer at rock bottom prices we would be giving away to the private sector this opportunity of making millions of dollars. In terms of social justice, why should not the poorer South Australians be able to take advantage of the lower prices of housing? Why should they be forced to pay higher rent prices beyond the level of inflation simply because house prices generally have increased in South Australia?

A Government that is serious about social objectives would be finding out why housing prices have increased so much over the past decade and perhaps even look at ways of keeping housing prices down. But what does this Government plan to do instead? Up the rents for those people whose incomes have decreased over the past decade.

There appear to be many opportunities for making money by the redevelopment of old, run down housing sites. The fact that the Government has chosen not to be directly involved in such development is the same as the Government giving handouts to private developers, just as they are handing over the opportunity to make money from development. The Democrats call this 'corporate welfare'. Once again, the Liberal Government's actions since forming Government have been a far cry from its election promise to 'provide ready access to appropriate, secure and affordable housing as a fundamental right of every South Australian'.

This Bill does not even talk about the social objectives of housing policy. It has merely put emphasis on the financial viability of the housing services as if the whole business of housing policy was merely a commercial decision. The Government has chosen to take the economic rationalist path of putting everything in commercial terms and totally disregarding social objectives. In other societies in other parts of the world, and even in some cities of Australia, there seems to be an acceptance of the obscene differences in lifestyle choices and life opportunities between the rich and the poor. However, there is enough wealth and knowledge in this country for even the poorest Australian to live in comfort and dignity. The provision of affordable housing, financed through the public sector, is one way the Government can go toward closing the wealth gap.

The Council of Australian Governments has been meeting with an aim of working towards a national housing policy. Two major goals have been, first, to establish the roles and responsibilities between State and Federal Governments and, secondly, to undertake microeconomic reforms. Reforms such as introducing separate accounting of property and tenancy management functions and having a separate arrangement for service delivery from other functions and outsourcing of non-core functions are in this Bill.

To deal with my concerns with the Bill, the level of ministerial powers was the first thing I mentioned. For even the most well intentioned Minister, it is unwise to have laws wherein so much power and responsibility is vested in one person. Therefore, I will be amending the Bill to give Parliament a greater chance to examine Government proposals. Rather than simply gazetting information after the event, as this Bill proposes, Parliament will rightly have an opportunity to scrutinise any major proposal put forward by the Government.

If we have learnt any lessons from the costly State Bank catastrophe, it should surely be that Parliament should play an important role in scrutinising areas of Government

responsibility, particularly when large amounts of Government money are involved. I will also put up amendments to effect greater community consultation. This Bill has too strong a focus on commercial objectives. Thus, by consulting the community, the Government can be more informed on what is happening out there in the community.

One area of ministerial power the Democrats are particularly concerned about is with regard to the formation of statutory corporations in clause 9. The role and function of these new corporations are not explicitly defined. Instead, if we refer back to clause 5(a), we can see that the whole way this portfolio will be handled is 'in accordance with the policies and determinations of the Government'. Therefore, for all intents and purposes, the management of these corporations will be at the whim of the Minister or his advisers. They will come up with something and take it to Cabinet, which in turn will be guided by the Minister. Therefore, as the Bill stands, the role and functions of the corporations will be in the control of one person. So, the Democrats will be deleting the words in clause 5(a) 'in accordance with the policies and determinations of the Government'.

The second matter I mentioned in my concerns was the lack of information about social objectives in regard to corporations. The Bill makes no allowance for the concept of a charter with the establishment of these corporations and, in the light of what else is in the Bill, the Democrats fear that the corporations will consider only commercial objectives. I will therefore amend the Bill to the effect that each corporation will be required to establish a charter outlining its social objectives as well as other objectives. This will therefore alleviate the need for the whole package to be done at the whim of the Minister as the charter will spell it out.

I refer now to clause 27 of the Bill relating to dividends. Whilst it may be appropriate to use accounting processes and commercial terms within administration of the Housing Trust, section 27 refers to the paying out of dividends. I ask whether it is ever appropriate for an entity such as the Housing Trust to make a profit. Should not any monies gained through redevelopment projects be channelled back into the trust to either reduce its debt or increase the level of housing stock to meet the escalating demand for public housing? The Democrats are concerned that the real agenda of this Bill is found in clause 5(h) of the Bill, which states that one of the functions of the Minister is to manage property and to protect the value of assets within the Minister's portfolio and to enhance the financial resources of Government. Once again, a high priority has been placed on commercial outcomes and social outcomes have been disregarded.

Clause 5(j) refers to cooperation between the public and private sectors, stating that one of the functions of the Minister is to promote a high level of cooperation between the public and private sectors in respect of housing and urban development within the State and to encourage initiative and achievement within the department. What does this clause mean? We have already developed a high level of cooperation between the public and private sectors. For example, take a look at the lucrative benefits gained by Delfin in its involvement with the Golden Grove development. What more does the private sector want?

Clause 38 refers to regulations and I ask for clarification on something here in that it says that the Governor may make regulations that are contemplated by or necessary or expedient for the purposes of this Act. Frankly, I do not understand what that means. If a regulation is contemplated, it is either introduced or not introduced. It seems to be nonsensical wording.

The third major concern I have is the repeal of the Housing Trust Act. I am strongly opposed to that occurring. I remain unconvinced that there is a need to have the Housing Trust as we know it dissolved and a similar structure established within the proposed new corporations in this Act, without being named, of course. An argument has been advanced that the Housing Trust Act has to be repealed and its functions transferred into a larger housing department because of the need to bring all associated Acts together under the Minister's control.

When I was given a briefing by ministerial officers about this Bill, it was argued that the Housing Trust needs to be under ministerial control (as if it is not) and they referred to the current South Australian Housing Trust Act, in particular section 382 of the Act, which I admit is quite astounding. For the benefit of people reading *Hansard*, section 382 of the Housing Trust Act says:

> Where any direction given in pursuance of subsection (1) of this section adversely affects the accounts of the trust, the Chairman shall notify the Minister and the amount of any loss occasioned by any such direction shall, if certified by the Auditor-General, be paid to the trust out of moneys to be provided by Parliament.

Certainly that sort of wording does not fit in with the type of drafting of legislation in this day and age and there may be some reason for concern. If there is, I suggest that the Minister do something about amending that section of the Housing Trust Act. The question of bringing assorted Acts under the Minister's control was the other reason given in the briefing to me, but it seems that Ministers in all portfolios have always had a wide range of Acts to administer and these Acts have stood independently from each other. I had a quick count through the health portfolio and found that the Health Minister has, if I am correct, 29 different Acts to administer. I cannot see anything special about the housing portfolio that requires the Minister to have just one Act to administer.

Whilst I am aware that some changes are necessary so that South Australia can work with the national housing strategy, I can see no reason why this cannot be done by amending the Housing Trust Act. The Democrats would be pleased to debate a rewrite of the Housing Trust Act and we encourage the Government to introduce such legislation. The dangers of dismantling the trust and the risk of losing the fine tradition that has been built up over the years are great, not least of which is the loss of South Australia's reputation as the leader in this country in public housing, but the real danger is to social justice in this State. There is nothing in this Bill that gives me any confidence to believe that the strength of the trust—that is, its tradition of highlighting social objectives—will not be altered. I accept that changes have already been made in separating the service sector from the commercial side; however, to meld the assets of the trust with the other housing and urban development areas could be detrimental to the level of public housing stock.

I also note the following from the Industry Commission's report on public housing. It states (page 74):

> Property should be managed commercially but not to the detriment of people in public housing. The New Zealand approach. . . allows the commercial imperatives to dominate. The purpose of making the commercial function explicit is not to make a profit—there is no profit to be made in subsidised public housing—but to make sure that resources are used efficiently.

Should the Housing Trust be brought into the general housing portfolio, the Bill currently allows for the sale of the assets

with no guarantee that proceeds would be channelled back into the public housing stock.

I am aware that there is an outstanding debt within the Housing Trust in the order of $1.3 billion. Therefore, the potential moneys to be earned through the redevelopment of old, rundown properties should go back to the trust, either into debt repayment or for reinvesting in more stock. This Bill does not guarantee that any trust profit would stay with the trust; indeed, it could be transferred back into general revenue. There is no evidence to suggest that the wealth gap in this country will start to close; indeed, the evidence is to the contrary. Therefore, the Government can expect to see an increasing demand for public housing. I applaud the progressive initiatives such as cooperative housing that Governments all over Australia, and especially in South Australia, are currently undertaking. However, these new organisations cannot ever expect to replace the role that public housing has, but only relieve some of the pressure for Government assistance for housing.

I think policy makers should be prepared for the worst. The Federal Government's insistence on using interest rate policy to dampen demand will continue to increase the cost of housing. This, together with constantly high levels of unemployment, means that more and more people will find that the great Australian dream is out of their reach. It is of interest to note that the policy makers putting together the housing policy for the Labor Government did not envisage the sudden increase in trust tenants being on social security. If these presumably well-educated and well-meaning policy makers got it so drastically wrong 15 years ago, one does have to consider today that the level of people on social benefits in 15 years from now could be even larger than it is today. We should be acting responsibly now and ensuring that the safety nets are in place for the situation 15 years on, not leaving all decisions of this very important social service to the whim of one Minister. The Democrats support the second reading.

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

PHYLLOXERA AND GRAPE INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 1560.)

The Hon. R.R. ROBERTS: The Opposition supports the second reading of this Bill. The Phylloxera and Grape Industry Bill is an important adjunct to the continuing success and expansion of the wine industry and the table grape industry in South Australia. This Bill has had a fairly long history. It purports to change the composition of the Phylloxera Board. It also seeks to introduce a selection system for membership of the board and it will clearly outline the functions of the board. In the past the Phylloxera Board has looked only at the control of the phylloxera disease itself. The expanded phylloxera Bill will provide for ongoing monitoring and the development of plans for the future of phylloxera control and other matters associated with the grape industry.

This Bill came to the Council some weeks ago in a form that was obviously not to the liking of the industry. I think it is a credit to the Minister that he has engaged in extensive negotiations with the Wine and Brandy Producers Association and the South Australian Farmers Federation to try to correct the anomalies. As a result of those discussions, we have come back with a series of amendments. I have been briefed by the South Australian Farmers Federation and the Wine and Brandy Producers Association. One of the proposals that the Minister has put forward is to remove two dedicated positions from the reconstructed board: the position nominated by the South Australian Farmers Federation and the position nominated by the Wine and Brandy Producers Association.

It is proposed within this Bill that both of those organisations be represented on the selection committee, which comprises the people who will actually select the members of the contracted board on the basis of proven experience, knowledge and commitment to the improvement of the State's grape growing and wine industries and their protection from disease. I have no argument with the premise that all persons on the board should have those qualifications. However, I do subscribe to the theory that there should be a dedicated person from the South Australian Farmers Federation and one from the Wine and Brandy Producers Association. It has been put forward that a number of other groups within industry could claim a position on the board. Given the fact that agreement has been reached for a reduction in the size of the board, I am of the view that there is no organisation to my knowledge that could not fall under the umbrella of the South Australian Farmers Federation or the Wine and Brandy Producers Association.

In support of my position, I point out to the Council that all the discussions and negotiations in relation to the reconstruction of this Bill have taken place with the South Australian Farmers Federation and the Wine and Brandy Producers Association of South Australia. When the Minister seeks to have those two dedicated positions removed from the Bill it is our intention to oppose that and include the expanded definition of the members of the board.

This Bill is timely in that fortunately we are experiencing in South Australia a rapid expansion in the wine industry and people are moving quickly to try to obtain root stock. I am advised that root stock is coming from interstate. We are fortunate in South Australia to be declared phylloxera free and that has been a great adjunct to the efforts of people in the wine industry in promoting sales of our products overseas. However, in this rapid expansion phase the possibility exists that, with the best intentions in the world, phylloxera, which is contained basically in the root stock, could be transported into South Australia. In the very unfortunate circumstance of finding that we have an outbreak, we need programs and planning in place so that the matter can be addressed quite quickly.

This Bill also encompasses and envisages the setting up of local regional committees, which is an important step and one that gives the ownership of the industry the control of phylloxera in South Australia. I think that will augur well for a strong and viable wine producing industry in this State. With those few qualifications I indicate that we will be supporting the Bill in general. I am taking advice from the Wine and Brandy Producers' Association and from the Farmers' Federation. It is our intention to engage in the Committee stage of this Bill on a day other than today.

The Hon. J.F. STEFANI secured the adjournment of the debate.

[Sitting suspended from 5.46 to 8 p.m.]

SOUTH AUSTRALIAN HOUSING TRUST (WATER RATES) AMENDMENT BILL

In Committee.

(Continued from 16 March. Page 1562.)

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

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

No. 1. Page 1, line 25 (clause 3)—Leave out '18' and insert '16'.

No. 2. Page 4, line 9 (clause 7)—Leave out '18' and insert '16'.

No. 3. Page 4, line 31 (clause 8)—Leave out '18' and insert '16'.

No. 4. Page 5, line 5 (clause 8)—After 'unless' insert 'he or she is of or'.

No. 5. Page 6, lines 21 to 31 and page 7, lines 1 to 18 (clause 10)—Leave out the clause.

No. 6. Page 9, lines 1 to 17 (clause 14)—Leave out the clause.

No. 7. Page 11, line 8 (clause 18)—After 'administration' insert 'or omission'.

No. 8. Page 11, line 9 (clause 18)—Leave out 'the person to whom the treatment is administered' and insert 'a person'.

No. 9. Page 16, line 8 (Schedule 3, clause 4)—Leave out '(being of or over 18 years of age)'.

Amendment No. 1:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 1 be agreed to.

The purpose of this amendment is to fix at 16 years the age at which a person can make anticipatory decisions about medical treatment. It links with a later amendment to clause 7. The issue is one both of principle and consistency, and I moved a similar amendment in this place when the Bill was before us. A person of 16 years of age is mature enough to make decisions about their own medical treatment, and that point has been recognised, it is reflected in the Bill and it has been accepted by both places. It follows then that 16 years ought also to be the age at which a person can make an advanced directive and appoint a medical agent. This latter matter will be dealt with in a later amendment.

A person of 16 years can, by means of their driving licence, indicate their wish to donate their organs. In effect, this is a form of advanced directive: it is directly related to a medical matter. If at 16 one can indicate on their driver's licence that they can donate their organs, surely they should be seen as sufficiently responsible by all members in this place as being able to indicate that they would like to appoint a person who could make a medical directive on their behalf.

That, essentially, sums up the argument. Perhaps to reiterate a little, we, in this place, despite my wishes, moved that 18 years should be the appropriate age when the Bill was last before this place. It returned to the House of Assembly, and it has suggested that 16 be the age inserted in the Bill, and that is what I am moving.

The Hon. K.T. GRIFFIN: I do not believe that we should be agreeing with the amendment made by the House of Assembly. We have quite exhaustively debated this on a previous occasion. I have a very strong view that 18 ought to be the age at which an anticipatory grant and the appointment of an agent could be made. Other than a general law, power of attorney may be made by any person who is or above the age of 18. It seems to me that it is desirable to maintain that consistency of approach in this legislation, which seeks to achieve a similar result, although in a different context, as an ordinary power of attorney in relation to one's other affairs.

I hold the view that 18 is an appropriate age. It is always a matter of judgment as to whether a person at 15, 16, 17, 18 or even 21 years has the necessary capacity to make a decision such as this. That decision obviously is one of some difficulty, and capacity is determined not necessarily only by the physical age but also by the comprehension of the decision which has to be made and its consequences. I certainly do not agree that we should be acceding to the amendment moved by the House of Assembly.

The Hon. SANDRA KANCK: I was quite delighted to see this Bill in the form that it has come back from the other place. Today I have spent some time revisiting the arguments that were advanced throughout the debate in October or November last year. It has been rather interesting to look at them and test their validity. It has been interesting in that time that the Government spokesperson on youth affairs has advocated the right of 16 year olds to vote. Some of the views about what is adult and what is not adult are clearly changing in a very short space of time. I do not want to revisit any of the old arguments, but I simply wanted to introduce that new factor in it: that the Government, through one of its Ministers, is advocating 16 years as the age at which a young person should be able to vote. It seems to me that, if a person should be able to vote, they surely should be able to decide what they want to do with their own bodies.

The Hon. M.J. ELLIOTT: I argued previously and I would argue again that there seems to be a logical inconsistency where one would say that a 16 year old today can say they know what treatment they want but what treatment they want tomorrow they cannot say, because that is what honourable members will be saying if they do not accept the amendment which has been inserted by the House of Assembly. It is an inconsistency. The fact is that the only 16 year olds likely to make advanced directives are those who are already suffering from some illness and they will have thought things through very carefully. Most 16 year olds think that they are indestructible and simply will not be making advanced directives.

The Hon. R.D. LAWSON: I oppose the amendment proposed by the House of Assembly. A person under the age of 18 cannot make a will and, as the Attorney-General has said, cannot give an ordinary power of attorney, cannot vote in an election, cannot appoint an agent and cannot enter into any contract whatsoever, however trivial. Against that background, it seems to me inappropriate and anomalous for a minor to be able to give something as potentially significant as an anticipatory grant or refusal of consent to medical treatment. As I said on the last occasion, if Parliament is going to reduce the age of majority we ought to do it in an appropriate measure after examining all of the evidence. We should not allow the age of majority to be, as it were, whittled away by a side wind.

The Hon. Michael Elliott says that there is a logical inconsistency between the 18 years for advanced direction or anticipatory directions and the 16 years for informed consent to any form of medical treatment. I submit that there is no logical inconsistency in that matter. An anticipatory direction is something quite different in nature from an ordinary consent to medical treatment. An anticipatory direction requires more foresight and more maturity than a mere consent to medical treatment, be it the removal of a splinter or the setting of a broken bone.

The Hon. ANNE LEVY: I support the House of Assembly's amendments. I, too, have revisited some of the arguments that were put forward in this place when the Bill was first debated. I do not agree with the Hon. Robert Lawson that there is no inconsistency. It seems to me that both situations are identical in that they refer to making decisions about medical treatment. Medical treatment involves not only the removal of a splinter or the setting of a broken leg: it can involve all sorts of things such as chemotherapy and treatment for severe conditions. If 16 year olds are capable of making an informed judgment regarding appropriate treatment for a severe condition, I see no reason why they should not be able to make a decision regarding what they want to happen in the next few days or weeks. An anticipatory directive merely extends their power to make a decision today regarding their treatment to making a decision about their treatment for next week or next month. I agree with the Hon. Mr Elliott that most 16 year olds will not think of such things, it will be the last thing on their mind.

The Hon. Diana Laidlaw: They are going to live for ever.

The Hon. ANNE LEVY: Yes, most 16 year olds think that they will live for ever, but the individuals to whom it will really matter are those who are suffering from a terminal illness. Luckily, there are not many such people in our society, but there are some. If at 16 they can make a decision about matters such as chemotherapy or difficult surgery regarding what is to happen to them today, they should be able to make a similar decision about what should happen to them tomorrow or next week. That is what an anticipatory declaration does. It will apply only to the very few teenagers who are suffering from a severe condition such as cancer who will be interested in making such an anticipatory declaration. I think we must consider the feelings of those very few who find themselves in such a tragic situation.

Earlier, there was talk about parental rights and roles in these situations. One hopes that most 16-year-olds, particularly where a terminal condition is involved, would have a good relationship with their parents, be able to discuss things with them and, presumably, be able to give them the power of medical attorney. However, we must realise that not all families are ideal. There are broken or reconstituted families where there may be a parent and step-parent, both of whom are involved with the teenager and both of whom feel responsibility. There may be considerable friction between a parent and a step-parent regarding the best thing to do for a child.

In these situations, if the 16 year old is able to make an anticipatory declaration, they will be able to indicate their own view. The person whom they appoint as their medical attorney will be the one whose views most closely approach their own. If there is friction between a non-custodial parent and a step-parent, for instance, they will be able to indicate by way of a medical power of attorney which of perhaps two competing parents they wish to undertake the responsibility that goes with that medical power of attorney.

The Hon. Mr Lawson talks about things in law which a 16 year old can do. There are things which 16 year olds can do. We do not and have never kept 18 as the age at which suddenly an individual acquires all the rights of an adult. A learner's permit can be obtained at the age of 16; donation of organs can be done at the age of 16; sexual intercourse can occur at the age of 16—these matters are not kept to the age of 18. Becoming an adult is a gradual process, not something which suddenly flashes upon one on one's eighteenth birthday.

The Hon. A.J. Redford: Or sixteenth.

The Hon. ANNE LEVY: I agree completely, but there are serious matters which already 16 year olds can decide for themselves. It would not be anomalous to add a further one to that list. As a society, it is quite clear that already our law recognises different ages for different levels of responsibility. This would not be an anomaly; it would fit into the pattern which exists in our law at the moment, namely, that one achieves adulthood in stages with different responsibilities occurring at different ages.

I hope members will consider this matter carefully, given that the considered decision of the House of Assembly is that at 16 years individuals are capable of making decisions regarding their medical treatment. Given that there was a clear majority in the other House, those who opposed it in this Council need to consider carefully why they do not accept that 16 year olds can make decisions about today but not tomorrow.

The Hon. BERNICE PFITZNER: I support the House of Assembly's amendment. I am not terribly familiar with the dusty legal books that tell me whether 16 or 18 is the correct age, but I have been out in the real world and met 16 year olds. I went to the Mount Barker High School and met a group of 16 year olds who recently were elected as student representatives on their council. They were very sophisticated, mature and clear thinking. I think back to my medical days when children had to decide on medical treatment in relation to as the removal of their tonsils. They could decide to have a damaged cartilage removed; they could make decisions regarding many intricate medical treatments; and they were very mature in reaching a logical conclusion. During my time in family planning, 14 and 15 year olds were able to think clearly and well regarding various matters that we in this Council believe we cannot leave to 16 year olds.

Finally, as we all know, in child development, which is a new area, 16 year olds are considered to be adults in all ways, certainly as regards maturity and sophistication. I therefore support 16 as the age at which they are able to be responsible for their own decisions.

The Hon. T. CROTHERS: I want to take some issue with respect to the Hon. Robert Lawson's contribution which had as its crux the fact that if we support the amendment which has been placed before us by our colleagues in another place—and I rise to support the House of Assembly's amendment—it will be anomalous in the extreme. I dispute that. Any changes with respect to the age of majority that have occurred in the English speaking world have not been brought into play overnight. Rather, those changes have occurred because society has deemed it wise and prudent that they should happen. Society cannot stand still. Today's society is changing ever more quickly, and to say that it is anomalous begs a series of questions that anyone with an historical perspective will comprehend with respect to the age of majority.

When the age of majority was 21, it did not stop the nations that were involved in the allied side in the Great War, including Australia, from sending tens of thousands of their sons who had only turned 18 years to be slaughtered in the trenches in Flanders. It did not stop us when our need was sore up in the Pacific theatres of war, including in New Guinea, to call up people, mostly males, for national service and send them to defend the nation at 18 years when the age of majority was in fact 21 years. When the need has been there, as a society we have reacted. I am not being critical of people being called up for national service at 18, but I am

being critical of anyone who says that the present position is anomalous. It is no more anomalous than what was the position I have just outlined as late as 1941-42 in Australia. That, to me, is just some cant that I cannot grapple with.

It seems to me that if you are 16 years old and suffering from a complaint which is terminal you will feel every bit as much pain and suffering and be mature enough to know that you are suffering terminally as if you are 18 years. Not that long ago in this State—and long-serving members in this Parliament would recall this—the age of majority was reduced from 21 years to 18, but during that time we were calling up national service people for Vietnam at the age of 18. In fact, the first national service man killed in Vietnam was Private Errol Noack, who I think at that time was only 19, a member of the 5th Battalion of the Australian Imperial Forces which served in Vietnam.

I respect the Hon. Mr Lawson's contribution and those of the Hon. Mr Griffin and the Hon. Mr Redford—the legal troika who sit on the Government benches, whose contributions are generally logical and succinct. But on this occasion it is my humble view, as an ordinary layman who never got much beyond primary school, that it is not anomalous at all for us to support the amendment, and nor should we feel that, which has been moved by our colleagues in another place.

As I said, when one looks at giving the vote to 50 per cent of the human race—the suffragettes—that was not won without a struggle. It was not won to get the full enfranchisement of the Legislative Council in this State without a struggle. It was not, if you like, totally a convergence of events that led to the 18 year old being given the right of majority in this State when it first happened in recent times, nor is it any wonder to me that my colleagues in the other place passed this amendment.

As I said, when we needed conscripts to fight, when we needed national service people to fight in the Second World War in particular, because Australia was then affected, the need was there and I do not cavil at that. I put it to those people who might be wavering in this debate, given that it is a conscience issue, that the need is there again with respect to the support that we ought to be giving this amendment. I would ask members to consider that position before they make up their minds as to how they will vote.

The Hon. A.J. REDFORD: I take the same position as my two legal colleagues on this issue, for a number of reasons.

The Hon. Anne Levy interjecting:

The Hon. A.J. REDFORD: The Hon. Anne Levy feels, for the first time, that she is a bit outnumbered by the intellectual capacity of three lawyers; I have no sympathy for her.

The Hon. Barbara Wiese interjecting:

The Hon. A.J. REDFORD: The Hon. Barbara Wiese says that she is suspicious. First, I will deal with what the Hon. Trevor Crothers said. He said that he did not understand what the anomaly was in relation to the age of 16 being brought into this debate. Perhaps if I can put it in a slightly different way so that the honourable member may understand. What the Hon. Robert Lawson said—and it is quite true—is that people have the right and only have the right to make a will to shift property when they turn 18. What the House of Assembly seeks to do is to give a 16 year old a right to have far greater responsibility in relation to medical treatment in regard to human life.

The Hon. Barbara Wiese interjecting:

The Hon. A.J. REDFORD: Their own life, and they can grant to people of under of 18 years, too.

Members interjecting:

The CHAIRMAN: Order! The night is going to be long and I suggest that members get on with it. The Hon. Angus Redford.

The Hon. Diana Laidlaw interjecting:

The CHAIRMAN: Order!

The Hon. A.J. REDFORD: One would have thought that the principles in relation to property would not be as high as principles in relation to dealing with one's own life. The really pertinent point—and the Hon. Anne Levy touched on it—was the question of parental rights. What the House of Assembly is seeking to do, and perhaps not deliberately, is to diminish the right of a parent to have control of what their child should do until they turn 18. You may laugh, but I suggest to any member here who has had any involvement with young adults aged between 16 and 17 years that there is, on occasions, a lack of maturity. That is why parents have that right.

I can imagine all sorts of tragic situations where advanced medical directives may be given by a child aged 16 or 17 years to some complete stranger to the family at large on the spur of the moment and a parent in that situation would be excluded from any decision making process in relation to that child's treatment. Quite frankly, I am not prepared to allow parents' rights to be thrown away or washed down the drain as simply as that. Given the time that we have had to consider this, I am surprised that the proponents of age 16 have not at least come along with some examples and real situations as to why 16 and 17 year olds—

The Hon. Barbara Wiese: Ring up Canteen.

The Hon. A.J. REDFORD: I have spoken to Canteen—16 and 17 year olds who have found themselves in that position, and at the same time, have had parents with neither the capacity nor the responsibility to exercise that right. It is all very well and easy for the Hon. Anne Levy to say that we have broken families and that parents on occasions are not appropriate to deal with these issues, but because that happens on some occasions will we sit here and throw away all parents rights for all good and responsible parents who, I suggest, make up the substantial part of our community? Will we throw away those rights under those circumstances?

Members interjecting:

The Hon. A.J. REDFORD: I did hear most of you in silence and I am expressing my view and I think I am entitled to do that in this place.

The CHAIRMAN: Order!

The Hon. Anne Levy interjecting:

The CHAIRMAN: Order! Are you deaf? The Hon. Angus Redford.

The Hon. A.J. REDFORD: This matter is important to my conscience and I would expect to be heard in silence as I will hear others in silence and, during the course of the debate this evening, have heard others in silence. It is a grave step to throw away parents' rights so easily and flippantly as some members would suggest. I had a phone call last night from a proponent of the age 16 viewpoint and the comment made to me was that parents' rights are a fallacy, that it is an old fashioned notion, something that is not relevant to the late twentieth century and going into the twenty-first century. I am a parent: I will take the responsibility of a being a parent and I expect that society will afford me the opportunity to exercise my right to bring up my children in the way that I

see fit and not have those rights or those responsibilities excluded.

The Hon. R.R. ROBERTS: Someone spoke earlier in the debate and referred to those who are wavering on this issue. I am certainly not wavering. I am reinforced in the position that I expounded before. The Hon. Angus Redford covered some of the areas I raised the first time in the debate about the rights of children. People say children have rights and I agree with that. We have instigated those rights in this Bill as being 16 years. We have been persuaded that informed consent can be given by 16 year olds. It satisfies the arguments of those people, particularly in the feminist movement, who have a particular penchant about the rights of women to make decisions about medical things as they go through life. They have won that argument—I have been persuaded that 16 year olds with informed consent can make decisions about their personal health when they are competent to do so. What we are also talking about is the right of parents up until a child is 18 years of age.

Most of the proponents of this Bill are the same people I hear regularly talking about the rights of youth. I am certain that if the situation arises, these people always say that if somebody names somebody who might have stolen a tin of fruit out of K-Mart and got pinched for it, they demand that their name not be put in the paper. We cannot let people know that they have stolen a tin of jam because they are only children or juveniles. We talk about juvenile justice. People talk about the Army. The entry age for the Army has been enacted by Acts of Parliament and considerations have been made, not dissimilar to the considerations we are making here. People are saying to me that at 16 years they are adults, but are they advocating that 16 year olds who get involved in a serious crime ought to go into the adult jail system? No, they are not. Morally they jump up and down and say that they are only children. They want to have their cake and eat it too.

The Hon. Mr Lawson is absolutely right. It is all right to selectively take out of legislation what you want to in order to support your argument and we all do it, but the facts of life are that when it comes to making a contract—and I think the contract about life and death is a fairly serious one—the law is specific. They do not have the right to do these things. The other point that has clearly been put to me on numerous occasions all over the State in discussion on this Bill is that politicians are always worrying about the rights of the children and that there are no rights for the parents. There is some truth in that matter. We are not taking away the rights of children in a whole range of things, but we are saying that, if the child makes a decision that will end his life, the person responsible for the medical expenses will be the next of kin because he is still a juvenile. Therefore, the responsibility comes back to the parents. It is a fallacy to believe that all parents do not want to make these decisions in respect of the children.

The other argument put to me as late as 7 o'clock tonight is that some families are split; they are dysfunctional families, de facto relationships and so on. Again, most of the people who argue say that these relationships are a normal part of society today and those rights should not be inhibited because somebody is not married or because there is a break-up in the family. As far as most people are concerned, the parents in this exercise do have some rights, and when the child turns 18, as in all other decisions, he can make any decision he likes. People have said that they do not immediately become an adult at 18, 17, 16 or 15 years of age. But in all law we make decisions based on the knowledge we have from time to time.

I make this comment in conclusion: once this Bill passes it will not be a time when the first 16 or 18 year old will die. Most of the proponents of this debate are people who believe not only in palliative care and consent to medical treatment but also in euthanasia as well. They can have that opinion and that is fine with me, but most of the people who argue on this case normally talk about statistics. I have not seen mountains of instances where there has been a problem. People have been dying for hundreds of years. For 200 years people have been dying in this State and in this argument not one statistic has been produced to show where there has been a problem. How many cases have there been per year, per month or in the last decade? There are none.

If this Bill passes it will make no difference but it will entrench the rights of parents in our community to demonstrate the care and affection they have for their families. I trust parents to make the right decision on behalf of their children. If the child is going to die and is still *compos mentis*, I accept an argument that he ought to be able to make a decision with regard to his own health during that time. We are talking about giving that right to somebody else. If the right is to be taken away from the child, the first claim on that is from the parent. Until such time as that child turns 18 years, the parent is responsible. Parents out there want the responsibility and I will vote to give it to them.

The Hon. G. WEATHERILL: I have heard all of the arguments put today. I also heard the trouble we got into today with the three lawyers. I thought it was magnificent. I never thought that in my lifetime I would see three lawyers agreeing.

The Hon. A.J. Redford interjecting:

The Hon. G. WEATHERILL: And he did the same thing? Then we have the fourtrella. One thing sticks in my mind when we are talking about 16-year-olds. When a person is 16 years old he suffers just as does an 18-year-old. I think that many of us—and particularly those who are a little older—have been conditioned over the years to believe that 18 is the significant date. It is the date at which you can vote, go into the army or do other things. We are actually conditioned to have this idea. If a person is ill in hospital when they are 12, 13 or 14 years old, never mind 16 years old, he grows up very quickly when he is dealing with life and death.

The Hon. BARBARA WIESE: I support the amendment passed by the House of Assembly. It was a position that I supported when the matter was last before us. Two contributions in particular made me want to speak in this debate. I did not intend to speak because we have been through these issues so many times. One was made by my colleague the Hon. Mr Roberts—

Members interjecting:

The Hon. BARBARA WIESE: No I didn't—who trotted out so many old prejudices during the course of his speech that they really ought not to be allowed to go unchallenged. First, he indicated that the sort of people who would support this measure are feminists.

An honourable member interjecting:

The CHAIRMAN: Order!

The Hon. BARBARA WIESE: I think that he will find that there are large numbers of people in our community who would not call themselves feminists who nevertheless would support this measure. They would support this measure for very good reasons and for the very same reasons as the honourable member himself is prepared to support the

measure that has been law since the mid 1980s that allows people of the age of 16 to make decisions about medical treatment. This is nothing more than a logical extension of the existing law in that it enables young people who are already able to make decisions about quite complicated matters relating to their own medical treatment also to make decisions about their future, particularly in those cases where they may be suffering from a terminal illness.

I agree with the comments made earlier by Hon. Mr Elliott and the Hon. Ms Levy that the only young people who are likely to take any interest in this matter whatsoever are those in that category; they will be young people who are dying of cancer or some other terminal disease and who will be interested in appointing someone to carry through their wishes should they be unable to make the decisions for themselves. I for one believe that they have every right in the world to make such decisions and to appoint a medical power of attorney to carry out those wishes. If that is a feminist viewpoint then I am happy to be identified with it and I am sure others will be as well. I suggest that it is not only a feminist viewpoint: it is a humanitarian viewpoint, one that is shared by many.

The Hon. Mr Roberts suggests that the sort of people who would be in favour of this idea are also people in favour of euthanasia. I think that that is a gross overstatement as well. There will be some who are in favour of euthanasia and some who are not. It is unfortunate that the honourable member should allow his prejudices in these areas to colour his contribution to the debate. The only prejudice that he seems to have left out is the old hoary 'reds under the bed' nonsense, but I suppose if the debate goes on much longer we might hear some of that as well.

There were the debates about children's rights as opposed to parents' rights. I think that in the real world, in by far the majority of instances, we will find that children's rights and parents' rights are likely to coincide in these matters. There will be very few occasions where children are likely to want to appoint a person with rights of medical power of attorney who are not their parents. However, on the occasions where they believe that a parent is not likely to be the person most likely to carry out their wishes then they ought to have the right to appoint that person, particularly in view of the fact that we already have laws that enable people of the age of 16 years to make decisions about their own medical treatment.

It was suggested that this view about granting rights to people under the age of 18 years is somehow a rarity and that we do not treat people under the age of 18 as adults in other areas. I would like to remind the Committee that, under the juvenile justice laws that now exist, people under the age of 18 who are tried for murder or rape are in fact tried in the adult courts and are treated as adult for those purposes. I can see absolutely no reason why we should not also grant young people the right to make decisions about their own health and their own future should they be suffering from a terminal disease.

At one point it seemed that the debate about anticipatory grants was being confused with another provision in the Bill that relates to the age at which a person can be appointed as a power of medical attorney. I want to deal with that so that those two issues do not become confused. It seems to me that it is quite possible for people conscientiously to have a different point of view on those two matters. It is a logical extension to enable someone to make decisions about their own future at the age of 16 years since they already have the right to make decisions about medical treatment. However, it may be that some would take a different view about the age at which a person should be entitled to act on behalf of another. I personally do not have that problem but others may feel that it is important that people should be 18 years old or over before they can have the power of attorney in these issues.

The point I really want to make is that they are separate issues and they should be treated separately when members are making decisions on these matters. I certainly support the view of the House of Assembly and I believe that the view expressed by the other place is also the view of the majority of people in our community, and members of Parliament should be influenced by that.

The Hon. CAROLYN PICKLES: I just wish to speak briefly in relation to this amendment. The issue of the problems of a blended family was raised by the Hon. Anne Levy. We recognise that our society today has many families—I am unsure of the percentage, but it is very high—in that situation. I have a blended family. I have two sons and three stepsons, all of whom I have brought up for many years now, and I have a very close relationship with my stepsons. If their mother had a different viewpoint from mine on this issue, then clearly she would want to express that, but it is very important that the 16 year old be able to make that decision for himself or herself about whether or not they want somebody else to have the right to make a decision for them if they were unable to do so. I believe they should have that right.

I do not think that 16 year olds are stupid. I think 16 year olds, particularly those who are unfortunately about to die, are very mature indeed. It is very sad, but enlightening and uplifting, to have had contact with the young people from CanTeen, all of whom are suffering a terminal illness, and all of whom are faced with the day-to-day realities of having to give consent to very invasive and painful kinds of treatment, and perhaps having to make the decision at some stage that enough is enough if life becomes intolerable. Obviously most young people would want to make that decision in agreement with their parents, but sometimes that is not possible because of the dynamics of some families.

I think there should be this option. It is not a compulsory option. We are not making anyone do it. It is voluntary. Very few people may take up this option, but I do believe it should be there. I would also reiterate the comments made by the Hon. Barbara Wiese in relation to the kinds of people who support the sentiments contained in this amendment. Some of us are feminists. Not all of us are feminists, but there is nothing wrong with being a feminist. Those of us who are feminists are very proud to be so. There is nothing unusual about that these days. I do believe it is not a view that is common necessarily amongst all feminists. Some feminists would hold very different views about this issue. Very many men would hold the same views as I do and would not necessarily call themselves feminists.

I know that all the male members in this Chamber would probably call themselves 'born again feminists', but I do not think we should use that term in a derogatory sense. It is a term that those of us who have fought for the rights of women should be proud of. I am disappointed that the Hon. Mr Roberts should use it in that way. This is a very serious issue. I believe it is a very emotional one, but I do believe that 16 year old people who are faced with the prospect of death should have the right to make their own decisions.

The Hon. DIANA LAIDLAW: I just wanted to clarify what we are actually voting on here, because this is referring

to persons of or over the age of 18 years, and I am suggesting we insist on the 16 years limit, which is proposed by the House of Assembly, to make anticipatory decisions about medical treatment. I wish to clarify that matter because the debate has been wide ranging in this issue. I want to make one final comment, and do not want to start the debate again, but there was one interjection that I thought was unfortunate and rather silly from the Hon. Mr Redford. He suggested, in defence of the personal opinion put by Mr Ron Roberts, that Mr Roberts held the view because he was a father and a parent. I certainly hold the view that 16 years is the appropriate age. I am certainly not a parent, but the majority of members in the House of Assembly would be parents. They have voted for 16 years. The Hon. Carolyn Pickles, the Hon. George Weatherill, the Hon. Anne Levy, the Hon. Trevor Crothers, the Hon. Bernice Pfitzner, the Hon. Sandra Kanck, the Hon. Mike Elliott and the Hon. Terry Roberts are all parents and have all reached the conclusion, notwithstanding the fact they are a parent, that 16 years is the right age. Once you look around, you see how silly was the comment by the Hon. Mr Redford. It is only the Hon. Barbara Wiese and I who are not in that category, but it does not make us any less caring or thinking about the issue.

The Hon. A.J. REDFORD: I take issue with what the Minister just said in the sense that—

The Hon. Diana Laidlaw: You do not deny that you said it?

The Hon. A.J. REDFORD: I do not deny that I said it and I do not resile from what I said. I did not intend to say at any stage that anyone who was not a parent did not understand. Certainly the Hon. Mr Ron Roberts is a parent and he was giving his point of view and, despite the fact he was giving his point of view from a position of conscience, and that during the course of my contribution I was giving it from a point of conscience, I was subjected to a fair amount of interjection, as was the Hon. Mr Roberts. The fact is that our opinions are just as valid in this place as those of anybody else.

Members interjecting:

The CHAIRMAN: Order! I do not think this is helpful.

The Hon. R.R. ROBERTS: During my contribution, I did refer to people associated with feminists—and some of them have declared their pride to be feminist—and I am happy about that, but I was referring to the point of view that 16 year olds ought to be able to make informed decisions about their personal health. If members remember the history of this debate, when it first came through this Chamber, it was 18 for all purposes of the debate. I was then lobbied by people who have now confirmed my view that they are proud to be feminists, and they pointed out to me that 16 year olds ought to be able to make decisions with respect to their health, and they gave me a whole range of reasons which I am not prepared to put in *Hansard* tonight.

The point I was making is I have taken their point of view on board and I have agreed that 16 year olds should be able to make decisions about their personal health, when they are fully aware of the facts. As far as 18 year olds are concerned, that is a separate argument. If people want to attack me, feminist that I am, they ought to be precise as to why they are attacking me!

The Committee divided on the motion:

AYES (9)

Crothers, T.	Elliott, M. J.
Laidlaw, D. V. (teller)	Levy, J. A. W.
Pfitzner, B. S. L.	Pickles, C. A.
Roberts, T. G.	Weatherill, G.
Wiese, B. J.	

AYES (cont.)

NOES (10)

Cameron, T. G.	Davis, L. H.
Feleppa, M. S.	Griffin, K. T. (teller)
Irwin, J. C.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Roberts, R. R.	Stefani, J. F.

Majority of 1 for the Noes.

Motion thus negatived.

Amendment No. 2:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 2 be agreed to.

This amendment is consequential. We just had a division, and I suspect the numbers would be the same. It is not worth debating it further or putting the matter to the test, unless other members would like to follow some of the debates that we have just pursued.

Motion negatived.

Amendment No. 3:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 3 be agreed to.

This amendment is consequential.

Motion negatived.

Amendment No. 4:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 4 be agreed to.

This amendment is essentially a drafting matter.

Motion carried.

Amendment No. 5:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 5 be agreed to.

This amendment relates to a review of a medical agent's decision. There was much debate when this Bill was last before this place whether there should be review rights and, if there should be (and many did not agree with that proposition), whether it should be by the Guardianship Board or the Supreme Court. Clause 10 essentially provided for review of a medical agent's decision in certain circumstances.

Honourable members may recall that the select committee rejected the notion of any form of review or appeal of a medical agent's decision. The committee believed that just as a decision in relation to treatment which one makes when one has full capacity is not subject to review or appeal, nor should the decision of one's agent be subject to review.

However, after further consultation and receipt of submissions a limited form of review by the Guardianship Board was ultimately incorporated into the Bill in this place, and that was subsequently further amended so that it went to the other place with the Supreme Court as the reviewing body. The other place has now reverted to the select committee's original position of no review or appeal.

The Hon. R.D. LAWSON: I support the inclusion in the Bill of the clause which gives to the Supreme Court power to give directions on the applications of medical practitioners or any person who, in the opinion of the court, has a proper interest in the exercise of the powers. Although it is true, as the Minister has said, that the select committee did not recommend any review by an outside body, the Supreme Court does have an inherent jurisdiction to grant declaratory relief in a wide range of issues, especially where it involves the interests of a person who is not of full capacities.

In England the jurisdiction has been exercised by the High Court on a number of occasions. However, it does seem to me important not to leave this to the general jurisdiction of the court to make a declaration in circumstances where it seems to the court appropriate but for this Parliament to indicate and to give some guidance to and to place some limitations upon the power of the court to intervene.

It must be remembered that these medical powers of attorney and medical directions may not follow the standard form that is given in the Act. They may be handwritten documents. They may be documents which will create some confusion in the mind of the medical practitioner or of the medical agent because they might be overtaken by technology and the question will arise whether or not the treatment now proposed is that which the patient had in mind when the direction was granted. Just as in relation to wills the court has a jurisdiction to give advice and directions to trustees, the court also ought to be given this jurisdiction to give advice and direction to medical practitioners who might be in difficulty and doubt.

The circumstances when medical practitioners might be in doubt are many. After all, this Bill exempts from civil or criminal liability a medical practitioner who acts in accordance with it. He will get legal advice from the Health Commission, or from a private solicitor who may say, 'On the one hand, we think you might be covered; on the other hand, it may not be possible, but the appropriate thing is to apply to the court for a direction.'

This clause facilitates and limits the power of the court. If we do not include this clause, the court will have no direction whatsoever; it will simply come in, willy nilly, and intervene in such circumstances as the court thinks fit, of its own volition without any direction at all from the Parliament. I think it appropriate that the Parliament give direction to the court about the manner and circumstances in which this power shall be exercised and the person upon whose application it can be exercised.

If we do not include a provision of this kind we could get all sorts of busybody applications being made to the court by people who have no appropriate standing in the case. A former spouse, busybody relatives or even a religious organisation could make an application.

The Hon. T. Crothers interjecting:

The Hon. R.D. LAWSON: Indeed, he probably will. Some of the proponents of this Bill see this clause as opening the way for the Supreme Court to intervene where it ought not intervene. I said on the last occasion and I say again tonight that the court already has the power. If we want to allow the court to intervene in some way over which this Parliament has absolutely no control we ought get rid of this clause. If, however, we take the view, as I do, that the court's power ought to be limited, we should support the inclusion of this clause.

It is true that subclause (2) provides that the court may not review a decision by a medical agent to discontinue treatment in circumstances where the grantor is in the terminal phase of a terminal illness and the effect of treatment would be merely to prolong life in a moribund state without any real prospect of recovery. The purpose of that provision is to prevent what I have perhaps unkindly called busybody applications in circumstances where there is a clear direction and the medical practitioner is prepared to act in accordance with it. Subclause (3) specifies the purpose of this review so that the court is given guidance as to what exercise it undertakes. Without that guidance from Parliament, the court and judges are entitled to take some sort of idiosyncratic view of what the jurisdiction is. It is mentioned specifically that the court must conduct a review under this provision as expeditiously as possible. In the absence of a provision of this kind, the court might well take the view that this action can take its place in a queue of cases. Again, that is a direction which it seems to me is entirely appropriate for the Parliament to give to the court. The inclusion of this provision on the last occasion, as I read the *Hansard*, was supported in this Council by 14 votes to six, and the Council ought adhere to that position.

The Hon. A.J. REDFORD: I will be very brief.

The Hon. T.G. Cameron: Don't talk us out of it, Angus.

The Hon. A.J. REDFORD: If the honourable member could just lean over and muzzle his colleague, I would be very brief. I support what the Hon. Robert Lawson says. I must say that when one reads the debate in the House of Assembly it is disappointing in the sense that the reason given by the mover is that this provision would restrict as much as possible the right of appeal. The only lawyer in the other place then stood up and said quite frankly that he would support it because it expanded the right of appeal. Another member then stood up and quoted from Halsbury, which is a very influential legal authority, saying that it would expand the right of appeal and cited the reason for which it was moved, that is, to restrict the right of appeal. I agree with the Hon. Robert Lawson that it might expand it in such a way that it would be unhealthy. I think we ought support it so that people know where they stand and what their position is. The standard of debate in the other place is probably a great example of why we have an Upper House—a Legislative Council.

The Hon. K.T. Griffin interjecting:

The Hon. A.J. REDFORD: The Hon. Trevor Griffin says, 'Wait until my colleagues downstairs read this.' I am sure that the Hon. Trevor Griffin knows that people downstairs have always made comments about this place, but not often do they give us the opportunity to respond—such was the quality of the debate on this clause. I point out also that they did not even bother to call for a division on the topic. I am at a loss to understand why they did this and who voted in what way and for what reason. I support the Hon. Robert Lawson's comments.

Motion negatived.

Amendment No. 6:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 6 be agreed to.

This amendment relates to the register. This clause requires the Minister to establish a register of advance directives and medical powers of attorney and to assign a public servant as Registrar. It is proposed that it be a voluntary matter as to whether a person seeks to have their directive or power of attorney entered on the register. While that may seem reasonable, it is an unnecessary piece of bureaucracy. It poses a number of questions which have never been answered by the proponents of this register, as follows: would the register be available 24 hours a day for searching; who would have access to it; what about privacy considerations; would medical practitioners come to rely on the register as a source of evidence that an advance directive or medical power of attorney existed when in fact it was voluntary for a person to lodge such instruments with the Registrar? For instance, if I did not choose to put my name on the register, I hope that no-one would assume that I had not made such an advance

directive or granted a medical power of attorney. So, what status does the register have?

There is also a cost implication which no person who has advocated this register has chosen to consider at this stage. At some stage in the future, a register may be developed. It may be that a voluntary organisation with experience in handling information about medical conditions or medically related matters takes on the task if experience indicates that a register is desirable, or it may be that a specially designed plastic card would be a more effective way to go, and that the card be carried in a wallet or a purse indicating that the holder had made an advance directive or granted a medical power of attorney.

Following the passage of this legislation a good deal of attention will be focused on the education of the public with regard to its provisions and intentions. To constrain the Minister to set up another form of bureaucracy from day one, bearing in mind that all the provisions of the Act are to come into force simultaneously, would create considerable and unnecessary burdens.

As I indicated, there are major policy questions to be answered. It may be that those who are advocating the register want there to be long debate on these policy issues and also the matter of funding, knowing that all provisions of the Act will have to come into force simultaneously. I would not want to imply such motives, but it is possible that they are there. It is something which, in my view, would be very irresponsible for a Minister of the day to establish without having the funds, and perhaps the Legislative Council is in such an irresponsible mode. But, let us wait and see. In the mean time, I would argue for the responsible role which the Hon. Mr Redford a few moments ago suggested the Legislative Council ought play in these matters, and such a responsible course of action in this case would be to agree to the amendment made by the House of Assembly.

The Hon. ANNE LEVY: I indicate my opposition to the amendment made by the House of Assembly and to the arguments presented by the Minister. If we are to have anticipatory declarations and medical powers of attorney, it seems to me that to not have a register is to make them almost useless. One of the great defects of the Natural Death Act, which was passed by this Parliament many years ago, is that there is no register of the forms signed by people and it is not possible to determine in a particular case whether or not an individual has signed a form under that Act. I know of people who carry a natural death form on them at all times, and it has become a very battered and scruffy piece of paper as a consequence, because they fear that in an emergency there would be no indication that they had signed a form under the Natural Death Act.

To make this legislation work I think that we need a register of medical powers of attorney—voluntary, of course. If people do not wish to register their medical power of attorney I do not suggest for a minute that they should have to do so. I think it is quite incorrect for the Minister to say who will have access to it and to raise the question of privacy. The legislation quite clearly sets out who will have access to it: access is by the medical practitioner who is responsible for the treatment of the person by whom a registered direction or power of attorney has been given—in other words, the medical practitioner who is responsible for the care of that patient or any other person with a proper interest.

That is exactly the wording which has just been accepted with regard to who can appeal to the Supreme Court: it can be either a medical practitioner or someone with a proper interest. There is obviously no difficulty in the mind of the majority in the Legislative Council as to who has a proper interest and the medical practitioner concerned. Either of those people can appeal to the Supreme Court and either of them has the power to see whether there is a power of attorney on the register. No-one else has that right. In the amendment before us there is no question of privacy: it is exactly the same people who have the right to appeal to the Supreme Court, and these people will be able to see whether there is anything on the register.

Without a register it will not work properly. It is erroneous for the Minister to suggest that those who want a register are behaving irresponsibly in a financial sense. I think it shows a lack of principle on the part of the Minister to want to make a piece of legislation unworkable because it might cost a few dollars to make it workable. It will not be an extensive register; it will not even be a full-time job for one person to keep such a register. It will be allocated as a duty to a public servant who has plenty of other duties and who will have it computerised so that anyone with a proper interest or the medical practitioner can make an inquiry and receive an answer in a very few minutes. It will not be expensive to maintain a register. To want to spoil this legislation merely to save a few dollars I think is most unprincipled on the part of the Minister.

As I said, without a register this will not work. If people cannot determine whether an advanced direction has been given we will again have the situation, as occurs now with forms under the Natural Death Act, in relation to which people will not move without carrying them for fear that they should be needed, and that certainly occurs. I have met many people who tell me that they carry their Natural Death Act form with them at all times, and they will also have to carry this medical power of attorney with them at all times. A register will make the Bill workable and will make the world of difference to the peace of mind of people who wish to give a medical power of attorney.

Motion negatived.

Amendment No. 7:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 7 be agreed to.

This amendment was moved by the member for Spence and provides consistency and clarity. It was accepted in the other place and I suggest that it be accepted here.

Motion carried.

Amendment No. 8:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 8 be agreed to.

This amendment was also moved by the member for Spence and is consequential on amendment No. 7.

Motion carried.

Amendment No. 9:

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendment No. 9 be agreed to.

This amendment is consequential on the amendment to enable a person of 16 years to appoint a medical agent.

Motion negatived.

The following reason for disagreement was adopted:

Because there is considerable disagreement in the Legislative Council.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The House of Assembly intimated that it had agreed to amendments Nos 2, 3, 5 and 7 to 9 without any amendment, had agreed to amendments Nos 1 and 6 with the amendments indicated by the annexed schedule, and had disagreed to amendments Nos 4 and 10 as indicated by the annexed schedule.

ADJOURNMENT

At 9.42 p.m. the Council adjourned until Wednesday 22 March at 2.15 p.m.