

## LEGISLATIVE COUNCIL

Thursday 6 July 1995

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

### INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The **Hon. K.T. GRIFFIN (Attorney-General)**: I move:

That the sittings of the Council be not suspended during the continuation of the conference on the Bill.

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—Industrial and Commercial Training Act 1981—Plant Operators—Earthmoving.

By the Attorney-General, for the Minister for Transport (Hon. Diana Laidlaw)—

Local Government Act 1934—Rules—Local Government Superannuation Board—General.

### TOTALISATOR AGENCY BOARD

The **Hon. R.I. LUCAS (Minister for Education and Children's Services)**: I seek leave to table a copy of the ministerial statement made today by the Minister for Recreation, Sport and Racing on the subject of the Chairman of the TAB.

Leave granted.

## QUESTION TIME

### COMMERCIALISATION PLAN

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 the commercialisation plan.

Leave granted.

The **Hon. CAROLYN PICKLES**: I was interested to receive a copy of the first edition of the DECS Futures Forum Bulletin, called 'Start Now'. That bulletin says that DECS will be an organisation that matches words and action. I wondered, when I read that statement, whether it applied to the words said by the Minister before the election that he would maintain class sizes and increase spending on education. Those words certainly have not been matched by his actions as more teaching jobs and support staff go. The bulletin says that the department is preparing a series of action plans, including a technology plan, a plan for commercialisation, an early years plan, a local decision-making plan and an information policy and management plan. My questions are:

1. What issues will be addressed by the commercialisation plan? Is the Minister committed to running individual schools on a commercial basis?

2. Is this plan being developed to implement recommendation 12.3 of the Audit Commission Report that schools should be self-managing, and recommendation 12.5 that the full cost of all support services, including corporate services, asset management information technology and transport, should be charged to schools?

3. Who is developing the plan and who is being consulted?

The **Hon. R.I. LUCAS**: I have indicated on a number of occasions, and I take the opportunity to do so again, that the Government's vision of a world competitive education system in South Australia does not entail 700 completely independent self-governing Government schools within the public school system in South Australia. That remains the Government's position in relation to this whole issue of either devolution, as the former Labor Government called it (when it looked, under the Government Agency Review Group (GARG) scheme, which was quite a radical proposition that the previous Labor Government was trying to push on schools, at devolution of authority back onto schools), or shared responsibility, or local school management, the more preferred term in recent years. Certainly, the Government is not going down the path of off-loading all responsibilities to schools. We will not be going down a path of fully commercialising schools in the Government school system within South Australia so they are completely independent self-governing school authorities within that system.

In terms of the futures forum, that is really a collection of departmental officers, senior principals and parents who came together to talk about the future directions for education in South Australia. It is part of really sensible long-term planning involving consultation with the key parents and principals in South Australia, together with key officers of my department. It really is only the start of a long process. I suppose the first sessions were really sessions of brainstorming, getting together, looking at the future vision. Now we start the long task of trying to work through some of the ideas that were developed at that futures forum. Those details have not been finalised. We are in the early stages. Many of those ideas may well come to fruition. Others, when they finally come to me as Minister, may well not see the light of day. They may well not be approved. Nevertheless, there is to be some work done on a number of those ideas to see which ones can be beneficial in terms of quality education in South Australia, and we will make that judgment when we see all these plans.

The commercialisation plan will be considered in that light as well, together with all the other plans that might have been contemplated as part of that futures forum. So, we are a long way away from seeing the results of those individual plans. I have not seen any detail in relation to a commercialisation plan but, irrespective of what individual people out in the community might think, in the end it will still have to fit within the Government's proposed vision for Government schooling, and that is that we do not envisage completely independent commercial self-governing schools within the Government school system.

### HINDLEY STREET SECURITY

The **Hon. R.R. ROBERTS**: I seek leave to make a brief explanation before asking the Attorney-General a question about security and policing in Hindley Street.

Leave granted.

**The Hon. R.R. ROBERTS:** During the last election campaign, the then Liberal Opposition campaigned strongly on the basis of a law and order platform, and a strong plank of that platform was that there be 200 additional police on duty. Late today I received a phone call from a concerned constituent of mine who actually lives in the country and is not a police officer. The matters he has raised with me revolve around policing and security in the Hindley Street-Rundle Mall area.

I have been advised that the numbers of police on duty for the Hindley Street-Rundle Mall area have allegedly been consistently at dangerously low levels over recent times, even at weekends. I am told that a full contingent for this operation is normally 10 officers, but owing to new policy constraints allegedly imposed by the Government, officers who are ill, on short-term leave or at training sessions are not being replaced. It has been asserted to me that the contingent has been as low as two officers from time to time. I am also advised that Hindley Street traders and the city council have been anxious to improve the image and amenity of Hindley Street, and are having some success in that area, and we commend them on that.

Clearly, public security is a vital ingredient in the success of any such area of public entertainment. I am told that, in an effort to secure the safety of their patrons and to maintain crowd control, many night spots have employed security officers in-house. Members will be aware that recent legislative changes require that all security officers be registered and, one assumes, hold a registered number. It has been asserted to me that in a number of areas there have been problems in maintaining the identity of particular security officers and that an exchange of qualifications takes place from time to time. However, I am not in a position to confirm that with any strong evidence at the moment, although I will follow it up.

Despite the best diligence, from time to time incidents requiring intervention and control will occur in public places. Unfortunately, there are some over-zealous crowd controllers, and unwarranted and illegal 'bouncer bashing' occur. I am advised that when trouble arises undermanned police intervention can be hindered by not being able to identify who is and who is not a crowd controller. Another problem is that alleged victims of bouncer bashing cannot readily identify the alleged perpetrators.

I understand that the police, in addition to their distinctive uniform, must also carry and display their police number and thus are easily identified by security officers and members of the public. I apologise to the Attorney-General for not having the details but, without being gratuitous about it, when I have raised matters with the Attorney-General in the past he has acted very quickly, especially when law and order and public safety are involved. My questions are:

1. Will the Attorney-General seek the record of numbers on duty for the Hindley Street operation over the past two months and provide them to the House?

2. Will he, through Cabinet and in concert with the Minister for Emergency Services, introduce a system whereby all security officers must wear an easily identified registration number similar to the requirements under which the police must work?

**The Hon. K.T. GRIFFIN:** The honourable member has covered a lot of ground in that statement, and more, I suspect, than the questions might reflect. Let me make some observations which are not necessarily in answer directly to the questions but in response to some of the assertions made in

the explanatory statement. The first point that needs to be made is that in recent months there have been regular operations by the police, in conjunction with officers of the Liquor Licensing Inspectorate, designed to focus upon clubs and other licensed facilities with respect to conditions in those clubs which are unsatisfactory for patrons and to ensure that public safety is recognised and protected. I understand that orders have been made by the Liquor Licensing Commissioner requiring some premises to limit the number of patrons and to evacuate particular parts of the premises because they are unsatisfactory for patrons, especially in the disco context, and that there were inadequate exits and exits which were not properly marked as well as exits which were locked, all of which creates an unsafe environment.

My discussions with the Liquor Licensing Commissioner only a week ago indicate quite clearly that both the Liquor Licensing Commissioner and the police are conscious of the need to maintain a fairly strong surveillance of the way in which the liquor licensing and other laws are respected or otherwise and enforced in the city. Even outside the city centre there are regular checks by Liquor Licensing Commissioners as well as by police on licensed premises—particularly where complaints have been made about unruly or other conduct which has adversely affected the neighbourhood. The honourable member will know that, even in Port Pirie where he lives, there has been some fairly strong and decisive action taken by the Liquor Licensing Commissioner, by the Licensing Court and by police in relation to the conduct of patrons at particular licensed premises. It is not just focused on the city centre: it goes into the metropolitan area and into country areas of the State.

In relation to Hindley Street I have not had any cause for concern raised with me about the numbers of the contingent based in that precinct. I will obtain some information, if it is possible to do so, from my colleague the Minister for Correctional Services and bring back a reply with respect to that matter. One must recognise that, as I recollect it, the police operation is a 24-hour operation, seven days a week. It is not limited to particular hours of the day, and the contingent based at the Hindley Street police station is supplemented by other regular patrols. There is no doubt that the Hindley Street traders and the Adelaide City Council are trying to improve the image of Hindley Street. The perception of Hindley Street is unfortunate because, as I recollect, the statistics do not bear out the fact that it is any more dangerous than other parts of the city or parts of the State, recognising that, if you look at the bare statistics, they will not necessarily reflect the fact that there are larger numbers of people there, perhaps, than in other entertainment areas.

I looked at some statistics recently in relation to crime across South Australia, and if one looks at the bald statistics they can distort and misrepresent the position of, say, Hindley Street and Rundle Mall. Even though there may be a higher raw number of assaults in that area, it does not necessarily mean that it is any less safe to come to the city and shop or to go to entertainment facilities, because of the large numbers of people who come to those two parts of the city. That has to be weighed up when looking at the raw figures for criminal acts. I only make that reference in passing, because I think Hindley Street probably has an unfair reputation in light of all the matters that are taken into consideration: the high concentration of entertainment facilities and the large numbers of people who go to vicinities like Hindley Street, which in itself may result in a higher raw number of criminal

acts but proportionately may be no higher than other places which are not perceived to be so unsafe.

With respect to crowd control, the honourable member referred to the fact that security officers have to be registered, and I think he made some reference to recent legislation. That is not recent: the commercial and private inquiry agents legislation has been in operation for a number of years. It was amended under the previous Government and we certainly did not oppose that, but it has been in operation for quite a long period of time.

*The Hon. T.G. Roberts interjecting:*

**The Hon. K.T. GRIFFIN:** That is fine. I am not being critical; I am just making a reference to the fact that you said it was recent legislation. My recollection is that about 15 000 people are licensed under that legislation. Only about 690 are actually registered as crowd controllers, although those who are registered at other levels, such as security agents, may also be crowd controllers. My understanding is that there is a requirement for some identification to be worn, but I cannot answer that categorically. I will obtain some information about it and bring back some responses in relation to those matters. Another interesting thing about security agents and crowd controllers is that a Technical and Further Education course is now being developed and may be operational, where those who wish to be or are licensed and want to participate in things like crowd control can go along for a course of training. That is a marvellous development and is to be encouraged.

Periodically there are complaints about bouncers or crowd controllers, and the Government is not insensitive to those concerns. They were raised with the previous Government as well as this Government. Certainly we are anxious to ensure that problems with crowd controllers are kept to a minimum, and other initiatives will undoubtedly be taken in conjunction with the local business and professional policing community is if that action is warranted. I will refer the questions to my own officers to check whether any further information can be provided, and if it can I will bring that information back to the Council.

## PLASTIC RECYCLING

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking Minister for Education and Children's Services representing the Minister for Industry, Manufacturing, Small Business and Regional Development a question about plastic recycling.

Leave granted.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. T.G. ROBERTS:** The attempt to put me off my stride has not worked, Mr President. The problem I raise is in relation to plastic recycling process that has been put together by a small but enterprising group of individuals out at Wingfield, generally regarded as the graveyard of small business. In this case, if the Government does not get behind them it may be just that. The process itself is referred to in the *City Messenger* of 5 July. The journalist Megan Lloyd explains it better than I could if I paraphrased it. The article states:

An SA plastic recycling machine—which minces bank notes, disposable razors and polystyrene hamburger boxes together—has been stirring up interest among industry, government and local councils.

The article goes on to state that the machine is patented worldwide, that the company is understood to be selling a model to Singapore and that the standard kerbside recycling schemes used by most Adelaide councils can take only high grade plastic which must be cleaned and sorted, whereas this process takes a variety of plastic material which does not have to be cleaned and sorted as required by some other systems. Winemakers in the South-East to whom I have spoken have said that they are interested in some of the finished products that are being made out of this product. They are interested in the round poles which are now being used extensively in the wine industry but which are treated by chemical processes. However, this plastic is quite inert. It would be of immense environmental value and may even save vigneron's money if they change to using it. The article goes on to state:

Omnipole spokesman Randall Putz said that, despite the encouraging response, the company was still frustrated by the lack of reaction among most local councils and the State Government.

It goes on to say:

Mr Putz said that after little feedback from the office of Environment Minister David Wotton, Omnipole approached the office of Industry and Manufacturing Minister John Olsen and was referred to the Economic Development Authority.

They have been given the classic runaround. It continues:

The EDA passed them over to the Centre for Manufacturing which has apparently suggested involving the MFP.

In summary, it is a recycling process originally worked out by Mr Putz and his son of all grades of plastic, which can be fused together to make saleable objects that will reduce the problems associated with landfill. My questions are:

1. Does the Government believe that the recycling process that is designed and running out at Wingfield is deserving of support?
2. If so, what support can the Government give Omnipole to consolidate the process, the intellectual property rights and the manufacturing rights here in South Australia?
3. Will the Government look into this as a matter of urgency?

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

## QUEEN ELIZABETH HOSPITAL

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the Minister representing the Minister for Health a question about the Queen Elizabeth Hospital switchboard.

Leave granted.

**The Hon. SANDRA KANCK:** I have been informed that proficient switchboard operators have been replaced by inexperienced orderlies to staff the switchboard at Queen Elizabeth Hospital overnight, including weekends. As these people are orderlies and therefore responsible for other tasks it means the switchboard is simply not staffed at all. I am further told that staff members of the Queen Elizabeth Hospital are very concerned at this cost-cutting decision and they do not rule out the prospect of a death should there be a patient emergency at the hospital overnight.

Orderlies are employed primarily to undertake general roustabout duties for hospital professionals. In contrast, switchboard operators are employed because of their proven qualities of initiative, self motivation and intuition and they continually acquire useful knowledge about the doctors and patients over the course of their employment. Working at the

hub of the hospital, switchboard operators have a deep and well rounded knowledge about illness and medical conditions. Moreover, they build up a strong rapport with doctors and other professional staff and thus they are in a prime position to assess whether or not a particular situation is likely to become an emergency and one which might result in their having to consult a doctor at home in the middle of the night.

Earlier this year a transplant operation almost did not occur because the relevant doctor did not have her pager with her and the orderlies did not know how to contact her. Switchboard operators know the names and mistakes people make about names when a patient rings and, therefore, they can work out which doctor is being spoken about. For example, doctors with Chinese names are sometimes confused by the public and this is further exacerbated in cases where there is more than one doctor with the same surname. My questions to the Minister are:

1. Is the Minister aware that the Queen Elizabeth Hospital has replaced full-time competent switchboard operators with orderlies at night who are not qualified for the job in a bid to cut costs?

2. Is the Minister aware of the concern of staff members, particularly those who work in the emergency section that death cannot be ruled out because of this cost-cutting measure? If so, what does he propose to do about it?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** Mr President, they are an unruly lot.

**The PRESIDENT:** I think you should look at yourself, first.

**The Hon. R.I. LUCAS:** It was three hours of flower farms last night, Mr President. With much pleasure I will refer the honourable member's question to the Minister and bring back a reply.

### SCHOOL DISCIPLINE

**The Hon. A.J. REDFORD:** I seek leave to make an explanation before asking the Minister for Education and Children's Services a question about school discipline.

Leave granted.

**The Hon. A.J. REDFORD:** In the edition of the Payneham Messenger on Wednesday 5 July last, an article appearing on the front page quoted the Hon. Michael Elliott extensively on the topic of school discipline—

**The Hon. M.J. Elliott:** There's a retraction in next week's paper.

**The PRESIDENT:** Order!

**The Hon. A.J. REDFORD:** —and, in particular, on an incident which occurred at Rostrevor College. I note that if you are going to retract you have to do a lot of retracting. The paper reported that two students had been expelled from Rostrevor College in relation to the students being caught with marijuana on school premises late last month. As a consequence, the principal asked the students to leave the school. No doubt members will appreciate the Hon. Michael Elliott's latest stunt in endeavouring to keep his name in the paper in relation to the support of the legalisation and distribution of marijuana in this State.

It was reported in a number of publications that the honourable member is likely to introduce legislation to legalise marijuana. I am not sure whether this was some

underhand attempt to breach the normal convention but information—

*Members interjecting:*

**The PRESIDENT:** Order! We have already had about four lots of opinion. I suggest that, as the honourable member reads his question, he eliminate the opinion.

**The Hon. A.J. REDFORD:** In any event, the Hon. Michael Elliott has obviously jumped the gun in relation to that report. I also note that channel 7 last night reported that an Aldgate mother of three was enraged because a letter was sent by the Hon. Michael Elliott to her teenage daughter pushing his position regarding the legalisation of marijuana. I have also been contacted by another mother who has expressed concern. I understand Michael Elliott says that 'the mail-out was not designed for under 18s'. In any event, consistent with that attitude, the Hon. Michael Elliott was quoted in the Messenger as saying there were inconsistent discipline rules in schools across South Australia, including some which demanded expulsion of any student found with drugs, even for a first offence.

He suggested that those schools should be brought into line. He further said that students should be punished through suspensions for breaking the rules but expulsion should be used as a last resort. It is also important to note that the SA Drug and Alcohol Services Council was reported to have spoken out in defence of Rostrevor College's expulsion of the two students. A further statement was:

Provided students were told what a school's drug policy was, schools have the right to punish students as prescribed in that policy. And:

Expulsion is a very serious outcome but from the school's point of view [drugs] are a very serious problem.

In the light of the honourable member's latest publicity stunt, his conduct in relation to the pushing of the marijuana issue and his comments reported in the publication in question, I ask the following questions:

1. Is there a State-wide policy on drug and alcohol use in schools under the control of the Minister?

2. If there is, what is the policy?

3. Should private schools be brought into the same regime as public schools in so far as discipline policies are concerned?

4. What specific policies apply to schools in relation to students and drugs?

5. Does the Leader have any comments on Mr Elliott's contradictory and opportunistic public statements on this serious topic?

**The PRESIDENT:** I implore the honourable member, when he is composing these questions, to eliminate opinion. Personal opinion appeared in that question and that is even worse. Please, when composing your question, in the interests of running this Parliament in a better fashion, do not include opinion.

**The Hon. R.I. LUCAS:** I must say that, when I saw that edition of the suburban Messenger, I was most concerned to see the statements attributed to the Hon. Mr Elliott.

**The Hon. M.J. Elliott:** Wrongly.

**The Hon. R.I. LUCAS:** I note the honourable member is now interjecting that they have been wrongly attributed to him and, I guess, to do him courtesy he will probably take the opportunity at some stage to place on the record the correct situation. I will temper my comments in the knowledge that he says some of those comments have been wrongly attributed to him. One would have to make a judgment. The

journalist may or may not come back with his or her version of what Mr Elliott said. To be fair to Mr Elliott, I will do him the courtesy of awaiting his judgment on that matter and, therefore, temper my response in the light of those possible clarifications. If I may respond generally to the questions that the Hon. Mr Redford has put, quite properly—

**The Hon. Anne Levy:** In 20 minutes?

**The Hon. R.I. LUCAS:** If the honourable member would like. As the Hon. Mr Redford and most members will know, the Government obviously controls the discipline policy and behaviour management code of Government schools. It certainly is not in a position, nor should it be, to control the behaviour management policies of non-government schools in South Australia. So, if that statement attributed to Mr Elliott is a fair reflection of what he said, it certainly would not be a policy that this Government would want to adopt. I would be very surprised if many other members in this Parliament—with the possible exception of people who might agree with the former shadow Minister for Education, the Hon. Chris Sumner, who wanted the Government to take control of the non-government system in South Australia—would support the view that the Government should interfere in and take control of issues that are rightly the province of non-government schools in South Australia.

In relation to Government schools, there is a behaviour management policy, and it is being reviewed at the moment. However, in relation to the broad issue of drug use or dealing within schools, I am advised that either suspension or exclusion—and exclusion could be for up to 10 weeks—could be the response from schools within the Government school system in South Australia. That decision is basically left to the discretion of local school behaviour management policy. The Government, with its anti drug use by young people attitude, obviously takes a different stance from that of the Hon. Mr Elliott in relation to the possible legalisation of drug use generally. I am talking now not about young people but about drug use generally within the community. It would not be unfair to describe Mr Elliott as more pro the usage of drugs within the community and support for a freeing up of legislation in that respect. He has been quite active in the past 24 hours, talking about a freeing up of drug laws within South Australia as a result of his recent deliberations. Perhaps he will respond to the outrage that has been expressed in the past 24 hours by the parents of teenage young men and women in relation to a letter that he sent to them. Given that he might respond to that, I will leave any further comment that I might have on that issue until after the Hon. Mr Elliott has perhaps clarified his view on the distribution of material to teenagers and his views on freeing up drug laws within South Australia.

In relation to the general Government response, it would be one of either suspension or exclusion, potentially up to a period of 10 weeks. If it extends to the more serious end of the spectrum where a young person is dealing in and distributing drugs and illegal substances within Government schools, it is more likely that a young person would be excluded perhaps for a lengthy period. Under the new provisions that the Government intends to introduce in the revision of the discipline policy and the behaviour management policy, if that young person is 15 years or over, a principal may believe that the offence is serious enough to warrant expulsion from the Government school system. Again, that would be a decision that the Government believes, in terms of shared responsibility, should be taken at the local school level by the education leader of the

school—the principal—obviously, consistent with a local behaviour management policy, which would have been arrived at in discussion with parents and staff at that local school.

In terms of the Government's overall behaviour management policy, I cannot add much more than that. However, I must say that I was inclined to say a few other things, but, as I have said, with due deference to the fact that Mr Elliott will clarify some of the statements that have been attributed to him over the past week in relation to the freeing up drug laws and the statements that were attributed to him in the Messenger, I will reserve further comment and await his clarification, perhaps, of some of those statements.

## JUSTICE STATEMENT

**The Hon. T. CROTHERS:** I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of access to the law by all South Australians and the fairly recent Federal Government pronouncement entitled the 'Justice Statement', in particular its reference to its 'access to the law' contents made recently by the Federal Attorney-General.

Leave granted.

**The Hon. T. CROTHERS:** On many occasions, much concern has been expressed in this State and in other States of Australia about the fact that cost factors were making it prohibitive for many South Australians and other Australians to afford the costs of services of the law, if ever they should need those services or, indeed, require legal representation in any legal matter at all. It has been said that those factors of affordability bear most heavily on the more underprivileged elements of our community.

Learned jurists such as our previous Chief Justice, Len King, have expressed disquiet even to the point of suggesting that inaccessibility to the law by a goodly number of South Australians could, in the longish short term, render our present system unworkable. Indeed, he is not the only senior member of our judiciary to assert that view. Sir Michael Kirby is yet another who readily springs to mind. It is thought by some that the contents for change, which were so recently announced by Mr Michael Lavarch, will go some of the way to alleviating the present unacceptable availability of legal advice to all our community. My questions are:

1. What, if any, changes will be required to our legal procedures in South Australia to complement the contents of Mr Lavarch's Justice Statement, and, if required to do so, is the Attorney-General prepared to do so? If not, why not?

2. Has the Government any plans of its own to render access to the law more available to all our citizens in South Australia? If that be the case, what steps does the Attorney-General envisage are necessary? Again, if not, why not?

3. Does the Attorney-General believe that the contents of the Federal Justice Statement, if implemented, would go some of the way to alleviating the present problems being experienced in respect of the availability of the law to all? Again, if not, why not?

**The Hon. K.T. GRIFFIN:** The answer to the third question is 'No.' The Federal Justice Statement is a superficial document. It does not address the real issues, although it purports to do so. In some respects, it throws money at particular problems, but when we analyse what it is doing the amount of money available around Australia is very small. The women's legal centre, to which I referred yesterday, is receiving \$250 000. That is double what the Commonwealth

is presently making available to establish community legal centres in other parts of the State and interstate which provide a broader range of services to the whole community and which are not limited, as the women's legal centre will be.

As for legal aid, a relatively small amount is coming to South Australia from the Commonwealth which is not required to be matched by the Commonwealth—less than \$500 000, which of course is not a significant amount if one seeks to broaden the range of services available through legal aid.

*The Hon. T. Crothers interjecting:*

**The Hon. K.T. GRIFFIN:** A penalty is being paid by South Australia for being efficient and effective, and that is an issue we have taken up with the Commonwealth Government. In other States of Australia their Legal Services Commissions are not efficient and not as well run, yet they seem to be creaming off a much larger amount of money and we are being penalised for being efficient and effective. That is a credit to the Legal Services Commission, which has very good board members, very good staff members and provides a good level of service.

The difficulty with the Federal justice statement is that it makes a few assertions which I do not think close examination will demonstrate are valid. For example, I think it makes some reference to the Federal Evidence Act, which has just been enacted. There is a whole range of criticism about the Federal Evidence Act, which suggests it will create injustice rather than justice and a greater level of access to the courts.

In this State, I have taken the view on the advice I have received that we will not be enacting legislation to adopt the Commonwealth Evidence Act because we do not believe that it will be of benefit to the community and particularly to litigants in the administration of justice. In fact, it will lead to a higher level of litigation and a greater level of injustice than the laws of evidence at the present time, remembering that, in relation to the law of evidence, a number of changes are already gradually occurring to overcome what we now perceive to be ill conceived developments in the law of evidence and which need to be remedied. Any number of pieces of legislation have been brought to this Parliament, both by the previous Attorney-General and by me, which relate to reforms, when they are demonstrated to be necessary to the law relating to evidence.

In relation to the model criminal code, which is being worked on by Commonwealth and State officers through the Model Criminal Code Officers Committee, a committee of the Standing Committee of Attorneys-General, there are mixed feelings about the appropriateness of adopting all the provisions of the Commonwealth proposed codification of the law. The honourable member will recognise from newspaper reports the controversy which has accompanied the pushing through the Queensland Parliament of a so-called new criminal code which, in fact, creates injustice as much as it provides a basis for affording justice to those who are charged with criminal offences. I have made it clear again that the Government and I are not rashly and hastily moving to adopt the Commonwealth model criminal code. We will pick out of it those parts which we believe are in the best interests of the people of this State.

The Commonwealth justice statement makes a significant play of the fact that the Commonwealth has done all these grand things; it is now time for the States to come on board. That is utter nonsense. The fact is that the States will enact what they believe is in the best interests of the citizens of

their State. The fact that there are differences across State borders in relation to aspects of the criminal law really does not matter one jot to the citizens of one State or the other. The fact is that we have introduced laws relating to domestic violence.

**The Hon. Anne Levy:** Is this going to take 20 minutes?

**The Hon. K.T. GRIFFIN:** If you ask a comprehensive question as the Hon. Mr Crothers asks, you will get a comprehensive answer. I do not want to talk for a long time about the justice statement. The justice statement is 188 pages long, and the honourable member has raised a legitimate question on a range of issues about access to the law and affordability. I am just endeavouring to pick up several examples which indicate that it is not the deep and meaningful document that it is being portrayed to be, or that it will in fact provide a greater level of access to justice. There is a major problem in this country at the present time with everyone parroting on about access to justice being denied to many citizens.

*The Hon. T. Crothers interjecting:*

**The Hon. K.T. GRIFFIN:** Access to justice is being denied. The fact is that only a very small proportion of the community ends up in courts or tribunals. There has been, in this State in particular, a significant trend towards making it easier for people to get into the courts of this State. The law of evidence is no longer applied strictly in relation to small claims and in relation to some other areas of dispute. There is a much greater availability of community legal centres, legal aid centres, mediation centres, conciliation and arbitration. Even within the courts, the costs are being diminished significantly by the fact that the courts are taking a greater measure of control over the conduct of litigation and are endeavouring more and more at an earlier stage to bring the parties together to identify the issues in dispute in order to focus upon those, rather than letting the legal profession and parties who may be better off than other parties run the agenda within the courts.

Many changes are taking place in the area of access to justice which do not match up to the big publicity push and the criticism being made, frequently for political purposes, about access to justice. All I can say in respect of the honourable member's first question is that we are constantly making changes to procedures. We are encouraging conciliation, arbitration, mediation and alternative dispute resolution and, even as a result of this Commonwealth access to justice statement, there is not a need for a significant range of changes to be made in this State to the framework of the law to enable better access.

The fact is also that the Commonwealth had no consultation with the States in relation to the whole statement, whether it related to the issues I have just referred to or the issues which were raised in relation to tackling crime and crime prevention. They seek to impose something on States and Territories without drawing upon the wide range of experience that is available in the various States and Territories. I need only repeat what I have said on a previous occasion in the public arena in relation to crime prevention: I have given credit to the previous Government for its initiative on crime prevention and we are building on it, even though we are changing some aspects of its direction.

There is a lot of expertise in this State, yet the Commonwealth, in preparing the justice statement, did not at any stage seek to consult with South Australia or to build upon the information, research and experience which is available in this State. I do not think that the Commonwealth statement

is, in fact, a blueprint for action by any of the States or Territories in relation to justice matters relating to the legal profession.

*The Hon. T. Crothers interjecting:*

**The Hon. K.T. GRIFFIN:** It is not a blueprint, but I have already made observations that in this State the legal profession is not encumbered by the anti-competitive constraints which have been evident in the legal profession in other States. I hope that has answered all the questions of the honourable member and put it in proper context.

**The Hon. R.I. Lucas:** I think there was one missing!

**The Hon. K.T. GRIFFIN:** Probably the second question, because it was related to any plan to render the law more accessible, but I think that has been overwhelmed by the general statement I have made trying to put the Commonwealth statement into a better context.

### TUNA FARMS

**The Hon. ANNE LEVY:** I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about tuna farm nets.

Leave granted.

**The Hon. ANNE LEVY:** On 7 March this year I asked a question relating to the nets being used by South Australian tuna farms, which result in a high mortality rate among dolphins and seals which become entangled in the nets and drown as a result. I quoted figures showing that from one such licensed area alone there was an average of one death per month of a marine mammal through being drowned after entanglement in the tuna farm nets. The suggestion had been made that a change to a different type of net and stretching the net more tightly would mean that the mammals would not become entangled and so die. The reply that I received from the Minister for Primary Industries stated:

As any industry develops it needs to adjust its operations in accordance with new knowledge based on sound monitoring results.

The reply further indicated that the number of entanglements reported suggested that further investigation was needed and that it would appear that different netting should be used to overcome the apparent problem. The Minister further stated:

The matter will be pursued through the Aquaculture Management Committee, the body responsible for overall management of fish farming activities.

That reply was received at the end of March and it is now 3½ months later. The reply that I have quoted from the Minister showed that he concurred that different netting should be used to overcome the apparent problem. My questions are as follows:

1. Will the Minister give a report on the progress of the pursuit of this matter through the Aquaculture Management Committee?
2. How many dolphins and seals have been reported to have drowned in tuna farm nets since I raised the question of the netting in early March this year?
3. Will the Government be regulating the size and nature of the nets, given that it obviously accepts that different netting will overcome the problem of dolphins and seals becoming entangled and drowning?

**The Hon. K.T. GRIFFIN:** I will refer those questions to my colleague in another place and bring back a reply.

### QUESTIONS ON NOTICE

**The Hon. BARBARA WIESE:** I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, in his capacity as Leader of the Government, a question about questions on notice.

Leave granted.

**The Hon. BARBARA WIESE:** Early in his period in government, I recall the Leader of the Government in this place suggesting that this Government would be very quick in responding to members' questions. I remind him that currently on the Notice Paper there are 131 questions unanswered dating back to 16 November last year. Despite the fact that the Minister's early enthusiasm for answering questions quickly seems to have waned, will he assure the Council that the questions currently on notice will be responded to before the end of this session?

**The Hon. R.I. LUCAS:** Ministers will do so as expeditiously as possible, as always. A large number of those questions have been put on in the past couple of weeks. Those that have been outstanding I will take up with my colleagues and endeavour to get a reply back as soon as possible.

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### MEMBER'S REMARKS

**The Hon. M.J. ELLIOTT:** I seek leave to make a personal explanation.

Leave granted.

**The Hon. M.J. ELLIOTT:** I wish to respond to some comments that were made during Question Time. In fact, there was a whole series of comments which, in my view, were a gross misrepresentation of the truth. There are four issues. The first relates to a Messenger article; the second relates to a letter sent to teenagers; the third relates to my attitude towards drug use; and the fourth relates to the select committee. I will tackle the latter two issues more in later debate, but I want to answer the first two now. The Payneham Messenger had a front-page article this week, but before talking about what is in it I will give some background.

**The PRESIDENT:** Order! I remind the honourable member that he cannot debate a personal explanation. He can explain his misrepresentation.

**The Hon. M.J. ELLIOTT:** I intend to do that, Mr President. I received a phone call last week from a reporter from the Payneham Messenger, saying that students from a local high school—that terminology was used—had been expelled for using marijuana and what did I think about it. My response was, 'I don't know the school, I don't know the circumstances, and I can't comment on those expulsions.' The reporter persisted and asked, 'Do you have a general view about these sorts of things?' I said, 'I have a general view, but it cannot be related to this incident.'

The general view which has been reported is fairly accurate, but the context in which it has been put has made it highly misleading. The article is headed:

Rostrevor students caught with drugs expelled:  
School punishment too harsh: Elliott.

I made no comment about Rostrevor or any school at all; I made some comments about what I thought should happen in the system. As the reporter had said 'high school', I was giving a view about the public system. I put the view, 'I

would hate to think that a student who had been otherwise well behaved, on the basis of one mistake could be punished for the rest of their life.' I said that I hoped we had a sensitive policy and that it would be useful if there were a State-wide policy to tackle not only marijuana but alcohol and other drugs. That was the view I put. Of course, the article came out with the heading:

Rostrevor students caught with drugs expelled.  
School punishment too harsh: Elliott.

That was not my position. The first paragraph reads:

A drug discovery in a local high school has prompted a call. . .

She called me: she asked me for a comment; I did not make any calls of any sort whatsoever. Another sentence in the article reads:

Mr Elliott said a blanket policy which expelled students for a first offence, such as that at Rostrevor, was extreme.

Any person reading that might believe that it was a quotation. It was not in quotation marks, but the reading of it made it sound as though I was commenting on a particular incident, which I was not. I was absolutely appalled.

**The Hon. A.J. Redford:** Did you say that there were inconsistent policies in schools in South Australia?

**The Hon. M.J. ELLIOTT:** Yes, I did.

**The Hon. A.J. Redford:** That is the only thing I quoted. If you said that, you are not explaining anything.

**The Hon. M.J. ELLIOTT:** I have spoken with Brother McLaughlin, the Principal of that school, and he has relayed to me that the story is wrong, because nobody was expelled. The students left, after discussion with the parents, and have gone to another Catholic school. In many ways, they handled the situation in the way that I was suggesting it should be handled in the State system. That is the first matter. I understand that in the next edition the Payneham Messenger will be publishing an apology not only to me but also to the school for that article.

The second matter which was raised very briefly related to a letter sent to teenagers. The letter being referred to is a letter that was sent to a list of names supplied to me by a group who had collected a petition which will be presented to Parliament. The information they gave me was that it had been signed by people who wanted a change in the law and that they had sought further information: that was the information given to me. I had a clear understanding that the people were adults and that the people had expressed a very clear opinion one way. It has turned out—and I am extremely annoyed by this—that in fact the integrity of that list was not as I had been told. So, I was caught in a very embarrassing situation—

*The Hon. A.J. Redford interjecting:*

**The Hon. M.J. ELLIOTT:** Mr President, I was caught in an embarrassing situation and I am quite—

*The Hon. A.J. Redford interjecting:*

**The PRESIDENT:** Order! I ask the honourable member not to interject while there is an explanation.

**The Hon. M.J. ELLIOTT:** It is a pity he did not ask me the question direct. I have already spoken to several parents. The vast majority of those I have spoken to—when I say 'the vast majority' there has been only about six or seven—have accepted that explanation: I think all of them accepted it was a mistake. I think two of them remained upset regardless but I could do nothing more than apologise. It shows that even after 9½ years in Parliament you still continue to learn lessons.

I was also accused of having a soft attitude on legalisation and perhaps not being anti-drug. That is not the case. I am fervently anti-drug and I am not pro-legalisation. That is an issue which I will touch on when we get our chance to debate it later. Finally, comments were made about the select committee and reflections upon what I did in relation to that select committee. I will touch on that during later debate, too, since that matter has been raised, and I will address that and other matters later.

## RETAIL SHOP TENANCIES

**The Hon. K.T. GRIFFIN (Attorney-General):** I move:

I. That a Joint Committee be appointed to inquire into retail shop leasing issues relevant to retail shop tenancies, including the following matters—

- (a) rights and obligations of parties at the end of lease;
- (b) allegations of harsh and unreasonable rental terms; and
- (c) rights and obligations of parties on relocations and refits.

II. That in the event of a Joint Committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council Members necessary to be present at all sittings of the Committee.

III. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

IV. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

This proposal for a joint select committee arises out of the negotiations with occurred in relation to the extension of shop trading hours. Members will remember that several weeks ago there was significant debate about whether shops in the city centre should open on Sundays and also what the fate would be of extended shopping hours in other parts of the State. The Government was, of course, determined to get through the provision which allowed at least in the city centre extended trading on Sundays, and because of that it had to negotiate some concessions, particularly with the Hon. Mr Elliott and his colleague the Hon. Sandra Kanck. The Labor Party had indicated it was opposing the Bill.

The Government was anxious to ensure that there was some satisfactory resolution to the issue and therefore undertook a number of negotiations with various parties. The Small Retailers Association in conjunction with the Hon. Michael Elliott negotiated with the Minister for Industrial Affairs. I was involved to a limited extent but as a result of those negotiations it was finally agreed that the Government Bill should pass and that we should be able to have Sunday trading in the city centre. But in the context of that agreement which has been embodied in a letter which I have already read into *Hansard*, at the conclusion of the debate of the Shop Trading Hours (Miscellaneous) Amendment Bill the Government agreed that it would move to establish a Parliamentary select committee to look at a number of issues causing concern to some retail tenants and also to some members of Parliament.

One of the areas of commitment which the Government made was to bring forward the date of proclamation of the Retail Shop Leases Act of 1995 to 30 June—that occurred even though it involved a significant amount of work within Government to try to get the regulations in order, extensive consultation with those involved in the industry and finally putting that in place. That was some two months before the Government had originally intended that it would come into operation. Officers of Government undertook a very intensive program for which I commend them. There was some



concern, particularly from landlords, about the agreements which had been reached with representatives of retail tenants, and there was also concern amongst some retail tenancy organisations about the extent of the involvement of the shop leases issue in the issue of shop trading hours. That is something that that industry will have to endeavour to sort out.

In the context of the commitment which the Government then gave we are looking to establish the select committee within several weeks, and then to get on with the task. If it passes the Legislative Council the week after next it will also be considered by the House of Assembly in that week, and we could begin to move on those issues which are causing concern—although the issues are not limited only for those in respect of which examples have been given. It may be that some of the issues are insoluble but it may also be that we can reach some resolution on at least processes by which the tensions between landlords and tenants, particularly at the end of a lease, can be more readily resolved.

However, in an act of good faith the Government has agreed that it will establish the select committee with a view to conscientiously working through the issues that have been raised. I remind members that the Retail Shop Leases Act came about as a result of an initiative which I took to review all legislation within the consumer affairs portion of my portfolio, following extensive consultation among all interests in the retail industry—tenants on the one hand, land owners and investors on the other. Notwithstanding that 95 per cent of the Retail Shop Leases Act was agreed, the Government had to take some policy decisions, some of which suited landlords and some of which suited tenants but none of which suited all the parties in those areas where agreement could not be reached.

Notwithstanding the observations about lack of consultation with landlords and investors in relation to the shop trading hours issue, particularly in relation to the resolution of the disagreements, it is my intention to continue to meet with the forum which I established to work through the area of retail shop leases, and that will be established on a more formal basis as an advisory committee under the Retail Shop Leases Act. A meeting has been called which I think is scheduled for next week. I would hope that, notwithstanding areas of disagreement, we will find that a particularly productive forum, as we did with the informal forum addressing issues relating to retail shop leases.

It is likely to be a difficult select committee, but notwithstanding that it is an important forum for those who have some concerns one way or the other in respect of retail shop leases to be able to have their views heard by a joint parliamentary committee. I must say that I would have preferred to see the Retail Shop Leases Act come into operation and be operational for about six months so that we could determine what problems there were with that and remaining problems in the retail industry in relation to tenancies, but that was not to be. It just means that we will bring forward the consideration of issues but we will not necessarily have the benefit of the implementation phase of this legislation by the committee reports. I commend the motion for the select committee to members.

**The Hon. M.J. ELLIOTT:** I rise to support the motion. As noted by the Attorney-General, this is part of an agreement that was reached on the passage of the Sunday trading hours legislation. At that time I had formed the view that the Government had other mechanisms which it would have used

inside 12 months, and having formed that view I felt it was important that so far as we could we should alleviate the burden which was being placed on people. If we could not alleviate it directly, in terms of the days and hours they worked, if we could alleviate it in other ways it would at least be a part compensation for Sunday trading, because I had and continue to have the view that Sunday trading is a bad thing in the current climate.

When the Retail Shop Leasing Bill passed through this Parliament most members would have been aware that I was still unhappy with aspects of it. The retail industry generally was unhappy with it, and it was not just small retailers who were unhappy. The retail traders and most of the other members of the forum speaking with me expressed dissatisfaction with that legislation, but they expressed the view before I went into conference that they would rather see the Bill proceed with some of the bonuses it had than for it to fail totally. On that basis it passed through the Parliament. Matters of great importance were not addressed by that Bill, now the Act. In fact, to many retailers these were some of the most fundamentally important issues, on which consensus was never likely to be reached between the retailers and the building owners. Working towards consensus wherever possible is a good thing, but there was always going to be fundamental disagreement on certain issues, and ultimately a decision was going to have to be made by Parliament. I am pleased that there is now an opportunity to explore those retail shop leasing issues further.

One important aspect about it being a select committee is that an awful lot of retailers out there have never been game to stick up their head publicly, because of the threat of non-renewal of lease. I have talked with literally hundreds of small retailers by now who give quite horrific stories but who will not speak publicly in any forum. They will not talk to the media or go anywhere where there is any possibility of their identity becoming known, because they know they could lose their business and everything in the process. This committee can offer them protection. Many of the members who go onto this committee will be simply stunned by some of the personal experiences that are presented as to the way many small retailers are abused—not only small retailers, but large companies as well, although at least the larger companies at least have the economic muscle to bear a loss in one shop due to the fact that they own a chain.

I believe that this committee will be very valuable. We have set ourselves a time frame of six months in which to report, and for that reason I am disappointed that we will not enact the motion this week. That will mean we lose two weeks out of the six months, and effectively we may lose some of that non-sitting time, which is when we could have done an awful lot of work. I am disappointed. I understand that the reason is that an honourable member who wished to make a contribution to the debate is absent from the Parliament. I am sorry that what he wanted to say could not have been handled in some other way, but I hope the Government commitment that it will go through in a fortnight is kept. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

## PUBLIC TRUSTEE BILL

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

No. 1. Clause 43, page 21, line 3—Insert new clause 43 as follows:

## PART 7

## FINANCIAL AND OTHER PROVISIONS

## 43. Expenditure of money on land

- (1) The Public Trustee may, with the consent of the Minister
- (a) acquire an interest in land (either improved or unimproved) for use in carrying out the Public Trustee's operations; and
  - (b) erect a building on the land or alter an existing building; and
  - (c) provide plant, fixtures, fittings or furniture in connection with any such building.
- (2) The Public Trustee may
- (a) lease, or grant rights of occupation in relation to, part of any land or building acquired or built under this section; or
  - (b) otherwise deal with any such land or building in a manner approved by the Minister.
- (3) The Public Trustee may apply money from a common fund for the purposes of subsection (1).
- (4) Subject to subsection (5), the interest to be paid on money so applied and the terms on which it is to be repaid to a common fund are to be as determined by the Minister.
- (5) The rate of interest to be paid on the principal from time to time outstanding is to be not less than the long term bond rate.
- (6) In this section
- 'the long term bond rate' means a rate of interest payable in respect of a Commonwealth Public Loan having a currency exceeding five years being raised in Australia at the time the money is applied from the particular common fund, or if no such loan is then being raised, in respect of the Commonwealth Public Loan having a currency exceeding five years last raised in Australia prior to the application of money from the particular common fund.

No. 2. Clause 46, page 22, line 29—Insert new clause 46 as follows:

## 46. Bank accounts, investment and overdraft

- (1) The Public Trustee may establish and maintain accounts at a bank, building society or credit union.
- (2) The Public Trustee may
- (a) pay into the accounts money deducted or raised by way of commission, fees, costs or expenses and any other income of the Public Trustee; and
  - (b) apply the money towards the Public Trustee's operating costs and expenses and in making any other payments required or authorised to be made by the Public Trustee; and
  - (c) invest any of the money that is not immediately required for those purposes in a manner approved by the Treasurer.
- (3) The Public Trustee may, with the approval of the Minister
- (a) borrow money on overdraft; and
  - (b) deposit as security for the overdraft any securities representing money invested in a common fund.
- (4) An approval under subsection (3) may be given subject to such conditions as the Minister thinks fit.

No. 3 Clause 47, page 23, line 9—Insert new clause 47 as follows:

## 47. Tax and other liabilities of Public Trustee

- (1) Except as otherwise determined by the Treasurer, the Public Trustee is liable to all such rates (other than rates that would be payable to a council), duties, taxes and imposts and has all such other liabilities and duties as would apply under the law of the State if the Public Trustee were not an instrumentality of the Crown.
- (2) Except as otherwise determined by the Treasurer, the Public Trustee is liable to pay to the Treasurer, for the credit of the Consolidated Account, such amounts as the Treasurer from time to time determines to be equivalent to
- (a) income tax and any other taxes or imposts that the Public Trustee does not pay to the Commonwealth but would be liable to pay under the law of the Commonwealth if it were constituted and organised in such manner as the Treasurer determines to be appropriate for the purposes of this subsection as a public company or group of public companies carrying on the business carried on by the Public Trustee; and

(b) rates that the Public Trustee would be liable to pay to a council if the Public Trustee were not an instrumentality of the Crown.

(3) Amounts determined by the Treasurer to be payable under subsection (2) must be paid by the Public Trustee at the times and in the manner determined by the Treasurer.

(4) This section does not affect any liability that the Public Trustee would have apart from this section to pay rates to a council.

**The Hon. K.T. GRIFFIN:** I move:

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

The amendments come from the House of Assembly because they are money clauses and we could not consider them when we were considering the Bill introduced into this Chamber. I point out that there have been one or two minor amendments in the clauses which were in erased type in our House but which relate to broadening out the description of 'bank accounts' to include accounts at a bank, a building society or a credit union. Representations were made to the Government after the Bill had been introduced, particularly from credit unions, and we took the view that there should be no reason why the Public Trustee ought not to have the power to open bank accounts as well as accounts at building societies and credit unions.

So, I do not think there is any issue of significance for us to be concerned about there. In fact, with the way in which we have recently amended the Trustee Act and the sorts of changes which are occurring through the financial supervision of building societies and credit unions, they are more than adequately supervised as banks are. Although they have a different legal framework they nevertheless provide a reasonable basis upon which accounts may be opened. The Public Trustee is an experienced investor and I would not have thought there was any particular difficulty with the way in which those minor amendments have been incorporated into the clauses now before us.

**The Hon. ANNE LEVY:** I have a number of questions which I hope the Attorney can respond to with regard to the clauses before us. As to the first amendment, clause 43 gives the Public Trustee capacity to acquire an interest in land and erect buildings on land, etc. The money for this may come from the common fund. Of course, the common fund consists of moneys for which the Public Trustee is trustee. It belongs to estates and other people for whom the trustee is guardian of their moneys. Subclause (1) provides:

The Public Trustee may, with the consent of the Minister—  
 . . . acquire an interest in land . . . for use in carrying out the Public Trustee's operations;

From this I presume that the Public Trustee's operations do not include solely the building in which the Public Trustee happens to operate but would mean that the Public Trustee has the power to invest in land from the common fund as it does in shares and equities with the moneys in the common fund. While I appreciate that the consent of the Minister is required before any investment in land can occur, I hope that this does not mean that the Public Trustee is intending to buy its own building with the moneys from investors from the common fund and that my interpretation of 'operations' is broader than just the premises where the Public Trustee happens to operate.

**The Hon. K.T. GRIFFIN:** I will just outline why this is in the Bill. The Public Trustee acting as a trustee cannot use funds in respect of which it is the trustee for its own purposes. It must act diligently as a trustee. Clause 5 provides:

Subject to this Act, the Public Trustee has the powers of a natural person.

That means that the Public Trustee can invest widely but under the law relating to trustees it cannot use trust property for its own benefit. So, it can invest in land if it is land for which it is not for the Public Trustee's own personal benefit. This clause is specifically directed towards using trust money where the Public Trustee needs a building. For example, the one it has at present in Franklin Street has been paid for through investments made with the Public Trustee as trustee and, if it wants to buy a strata title in one of the regional centres, for example, and locate its premises there rather than in rented premises, it could not do that unless it had this power for its own operations. It can certainly buy flats and office blocks and all those other things for people to rent out as an investment for the purpose—

**The Hon. Anne Levy:** Could it be a 333 Collins Street?

**The Hon. K.T. GRIFFIN:** Hopefully not. Under the Trustee Act the Public Trustee already has power to do that, so there is no problem with that. This is to deal with that specific situation to which I have referred.

**The Hon. ANNE LEVY:** Furthermore, subclause (4) indicates that the interest to be paid on such money to the common fund is as to be determined by the Minister but cannot be less than the long term bond rate. Of course, the long term bond rate is the lowest interest available, in that there is no risk whatsoever. A Commonwealth public loan is guaranteed by the Government of Australia and the risk is zero. The principle of investment is that the higher the risk, the higher the interest rate. While the interest rate is to be determined by the Minister, I hope that the Minister would feel that the rate of interest should be greater than the long term bond rate. As I say, the long term bond rate is the rate paid where the risk to the money is zero. So far as I am aware the Public Trustee is not guaranteed by the Government, so there is an element of risk in any money invested with the Public Trustee. It may be a very slight risk. I am not suggesting it is a high risk strategy to have money invested on one's behalf by the Public Trustee, but the risk is not zero unless it is guaranteed by the State Government.

In consequence, it would seem to me the interest should be higher—perhaps only marginally—than the long-term bond rate from the Commonwealth. Would the Minister intend that the interest rate be greater than that of the long-term bond rate, reflecting the fact that the money in the common fund is not guaranteed by the Government and so an element of risk is involved?

**The Hon. K.T. GRIFFIN:** I do not know what interest rate will be there. I draw the honourable member's attention to the fact that section 118A of the Administration and Probate Act is in identical terms. It has been there since 1978 and was amended in 1986. What we are really doing is reflecting what is already in the existing Act, presumably because that was necessary to enable the Public Trustee to buy its own property in Franklin Street. The reference to the long-term bond rate in the existing section 118A means that there is a guarantee of a minimum return.

For example, you cannot have a trustee, such as Public Trustee, fixing what it will pay to its common fund for moneys which are drawn from the common fund and used by Public Trustee to fund a building which it will occupy. The long-term bond rate is a safety net so that the common fund is at least protected. Remember that common funds are generally invested in a variety of investments. I cannot tell the honourable member in what the Public Trustee's common funds are invested but some measure of the funds are long term. There is, in a sense, a long-term bond rate figure

already being applied by way of return to Public Trustee through those longer-term investments.

I presume the reason for including the Minister, with which I agree, is that someone independent of Public Trustee must make the decision whether it is to be a higher return than the long-term bond rate, but I cannot tell the honourable member what rate is currently being paid, if at all. Certainly the building in Franklin Street is fully tenanted, as far as I can recollect, by Public Trustee. My recollection is that there is no money owed to common funds, but I must say that I am not sure what the position really is.

**The Hon. ANNE LEVY:** I wonder if the Attorney could undertake to find out what is the interest rate currently being paid, if there is interest being paid, to the common fund, though if there are no such debts the question does not arise at the moment. I reiterate: would the Minister expect the interest rate to be somewhat above the long-term bond rate as he will have to determine it?

**The Hon. K.T. GRIFFIN:** I have no expectation as to what the rate will be because I have not considered the issue. I have no recollection, as Minister in the past 18 months, of having approved a particular rate. If money is being used by Public Trustee under the present section 118A, I presume the rate would have been fixed by a previous Minister. All I can say is that I will obtain information in respect of the questions asked by the honourable member and let her have replies in due course.

**The Hon. ANNE LEVY:** With regard to new clause 47 I have a number of questions. Subclause (1) states what has always been the situation, that the Public Trustee, as a Government instrumentality, does not pay rates to a local council. We have the principle that Governments do not tax each other and so councils do not pay payroll tax to the State Government, for instance, and Government instrumentalities do not pay rates to local councils. Subclause (2) provides that the Public Trustee will be liable to pay to the Treasurer the equivalent of taxes that it would pay both to Commonwealth and local government if it were not a State Government instrumentality.

**The Hon. K.T. Griffin:** That was also the position under the Labor Government. The Public Trustee was paying tax and dividends, as I recollect, to the previous Labor Government.

**The Hon. ANNE LEVY:** The Public Trustee was certainly paying the equivalent of income tax and other Commonwealth imposts, but I am not aware that it was paying the equivalent of council rates. In my view—and I may be wrong and I am happy to be corrected if I am—there has not been a situation before where the Public Trustee or any Government instrumentality has paid the equivalent of council rates to the State Treasury. It seems to me this is a very important departure from what has applied in the past, and I would certainly like information on this.

I presume that the section has been put in because the Public Trustee in some respects, though certainly not all, is in competition with executor trustee companies and, in the name of level playing fields and other such phrases which are bandied about today, if the companies with which it is in competition pay council rates then the Public Trustee should be expected to be liable for the equivalent sum—not to the local council but to the Treasury. This would be a justification for this clause being put in. I do think it is a departure from the normal procedure and I would certainly welcome any information on that.

It does say, 'except as otherwise determined by the Treasurer', so it is possible for the Treasurer to waive the payment of the equivalent of council rates to Treasury, but I would certainly welcome information from the Attorney as to whether this is a completely new departure, or whether any precedents exist for it because I am unaware of any such precedents.

**The Hon. K.T. GRIFFIN:** All Government trading enterprises are moving to a full tax equivalent regime and that is, as I recollect it, very largely because of the move by the Council of Australian Governments, that all statutory bodies, particularly those carrying on business enterprises, should pay all of the imposts at State and Federal level which they would otherwise pay if they were not a statutory corporation. My recollection—although I do not have it at my fingertips now that we have this new system in place where we do not have Bills that have been passed—is that it was a provision with SA Water and the ETSA Corporation (two recently corporatised bodies), which we considered in this Parliament.

My recollection is that it was not just tax equivalents which were being paid by the Public Trustee but all State and Federal imposts or State and Federal equivalent imposts as well as council rates. I do not have the information at my fingertips. If it would satisfy the honourable member, I would be happy to let her have a reply in due course.

If we are looking at the principle, it must surely be that, if there is a body seeking to compete with private sector agencies, it is consistent with the Commonwealth requirements that all State, Federal and local imposts or their equivalents should be paid by that organisation to endeavour to level the so-called playing field. That is what was required by the Commonwealth of the previous Government in relation to the State Bank corporatisation. The State Bank had to be corporatised and moved to a tax equivalent regime and then into the Federal tax system, even when it was a statutory corporation, in order to satisfy those principles of proper competition. If it satisfied the honourable member's requirement, I would be prepared to inquire into that matter and bring back an answer.

**The Hon. ANNE LEVY:** I thank the Attorney-General and certainly welcome any indication of whether this is a new precedent. I agree with him regarding corporate bodies and State instrumentalities paying the equivalent of all Federal and State imposts. That has applied for a considerable time. It is the local government matter which seems to be a precedent, and I would welcome the Attorney-General's advice on it. New clause 47(4) provides:

This proposed section does not affect any liability that the Public Trustee would have apart from this proposed section to pay rates to a council.

**The Hon. K.T. Griffin:** That is where it is acting as a trustee that holds land for an estate. It continues to pay rates. On trust property which it holds as trustee it is not exempted, by that provision, from paying those rates.

**The Hon. ANNE LEVY:** I fully understand the desirability of having such a clause, but it raises the question whether, in the rewriting of the Local Government Act, which is probably still being undertaken—it certainly started a couple of years ago, and I believe that work is continuing, even though nothing has yet surfaced in Parliament—it is intended that State instrumentalities will become liable for council rates. Under new clause 47, that would mean that the Public Trustee would pay council rates twice—once to the council and once to the Treasurer—unless the Treasurer determined otherwise, as I presume he would in such a case, so that the

Public Trustee would not have to pay the equivalent of rates twice.

Subclause (4) is an indication that State instrumentalities, under the revised Local Government Act, may be liable for council rates, which raises extremely important points of principle regarding Governments taxing each other. I would strongly oppose instrumentalities paying rates to local councils, even if the *quid pro quo* applied that local government then became eligible to pay all State taxes such as payroll tax, full vehicle registration and so on, whereas they currently enjoy remissions or complete non-payment of those taxes.

**The Hon. K.T. GRIFFIN:** There is certainly no intention to double deal. If, by some curious drafting provision, the Public Trustee ended up in a position in which it would otherwise have to pay twice, that would not be a level playing field. I must confess to being unfamiliar with what is presently happening with the Local Government Act and any rewriting, but this is not intended to indicate any change in the Government's position in respect of the payment of council rates by statutory authorities.

It is intended to recognise that the Public Trustee is in a peculiar position. It can operate in its own right as Public Trustee but, in exercising its powers and functions, it may also act as trustee. If it holds a piece of land for the XYZ trust, there is no reason why that trust should be exempt from paying council rates merely by virtue of the fact that the Public Trustee itself is exempt. The drafting is intended to ensure that, on the one hand, the Public Trustee itself does not pay council rates and that, on the other hand, where it holds property as trustee, the trust property does not escape the normal taxing and rating regimes.

Motion carried.

#### **HISTORY TRUST OF SOUTH AUSTRALIA (LEASING OF PROPERTY) AMENDMENT BILL**

Adjourned debate on second reading.  
(Continued from 8 June. Page 2156.)

**The Hon. ANNE LEVY:** The Opposition opposes this legislation and feels it should be defeated at the second reading stage. The very fact that the Bill is before us is a further indication of how this Government acts hastily and without thinking through the consequences of actions it is taking. In May, the Minister announced that Old Parliament House Museum was to close. She pretended that it was because the Parliament needed the premises. The consequences of this decision had not been thought through. She had no answers at the time as to what was to happen to the contents of Old Parliament House, where the people were to go, what was to happen to them—and obviously was totally unaware that what she was proposing was in fact illegal!

Under the History Trust Act, the History Trust has the care, control and management of the building now known as Old Parliament House—although known as the Constitutional Museum at the time the legislation was enacted—but does not have the power to lease it to the Parliament or anyone else. So, now we have the Bill before us to cobble up what should have been realised before the action was undertaken. The closure of Old Parliament House Museum and transfer of the building to Parliament cannot occur unless we pass this Bill.

The whole matter of closing Old Parliament House Museum is an exercise purely to save money. It has nothing whatsoever to do with the needs of the Parliament. It has

nothing to do with organising parliamentary committees. It has nothing whatsoever to do with the museums and exhibitions in this State, or the education of students in this State. It is purely a cost-cutting exercise to the detriment of the cultural heritage of this State.

Many articles can be quoted from the *Advertiser*, and I remind members, if they have forgotten—although I am sure no-one with any interest in this matter can forget the immortal words that have appeared in editorials of the *Advertiser*—of Tony Baker's column in which he declared that this was a decision which was 'sad, stupid and short-sighted'. The *Advertiser* editorial has said it is a decision which is '... as extraordinary as it is bad'. Another *Advertiser* editorial spoke of 'the destruction of such an admirable institution as Old Parliament House Museum'. It is a cost-cutting measure, purely and simply, and any attempt to pretend it is otherwise is a distortion of the facts.

This Bill was introduced so that the Parliament will be able to use the facilities of Old Parliament House. Currently, six parliamentary standing committees are housed in the Riverside building, with staff and committee rooms, and a considerable sum of money has been spent to convert the facilities to those suitable for the committees and their staff. I am not sure of the actual sum which has been spent, because it was done originally when there were four standing committees, and further alterations had to be made when this Parliament increased the number of standing committees to six. I am sure that the expenditure on the Riverside building has been somewhere between \$100 000 and \$250 000—

*An honourable member interjecting:*

**The Hon. ANNE LEVY:** It is suggested that \$300 000 is the total sum which has been expended for the standing committees in the Riverside building. That money is now to be thrown away, representing a gross waste of taxpayers' money if the committees are to leave the Riverside building. It is no secret that there was no consultation whatsoever with the committees or with the Chairs of the standing committees before the decision regarding relocation of the committees was made. It has been suggested that such lack of consultation was contrary to the Parliamentary Committees Act. Only now, after the parliamentary committees have raised the matter, not with the Minister but with the Premier, is any sensible investigation being made of this matter. The Premier had to step in and try to clean up the mess that had been created by the Minister, and he has, in effect, put on hold the decision on the future location of the committees. The matter is back in the melting pot. The Premier has established a committee, which includes one of the six Chairs of the standing committees. This committee has so far met only once and it is to continue its meetings. They are going back to square one to determine the accommodation needs of the committees. No such investigation and consultation had been undertaken before the Minister made her hasty decision without thinking through the consequences of this cultural vandalism in closing Old Parliament House.

Furthermore, there is the question of accommodation for the Democrats. It has been suggested to me that the Democrats have been blackmailed into voting for this legislation and that unless they do they will not be able to have accommodation in the refurbished Parliament House. I hope that the Democrats will comment on this rumour in their contribution. It is a strong rumour that—

**The Hon. Diana Laidlaw:** So is most of your speech to date.

**The Hon. ANNE LEVY:** Mr Acting President, the Minister suggests that most of what I have said so far is rumour. It is not rumour. I insist that it is not rumour that the Premier has put on hold the whole question of accommodation for parliamentary committees.

**The Hon. Diana Laidlaw:** I'm a member of the committee; I actually know.

**The Hon. ANNE LEVY:** It is not rumour that a committee has been formed.

**The Hon. Diana Laidlaw:** Are you a member of the committee?

**The Hon. ANNE LEVY:** I am not a member of the committee.

**The Hon. Diana Laidlaw:** I am.

**The Hon. ANNE LEVY:** There should be an Opposition member on this committee. There is one representative only of the standing committees of this Parliament, and that person is not a member of the Opposition. I think the Opposition should be represented on a committee which is investigating the accommodation requirements of the standing committees of this Parliament. That is not rumour; I have heard from a number of people that this is what is occurring. I defy the Minister to say that is an incorrect rumour.

**The Hon. Diana Laidlaw:** That's right.

**The Hon. ANNE LEVY:** The strong suggestion that is going around—certainly not started by me—is that the parliamentary committees are to leave the Riverside building and go to Old Parliament House, whether that meets their requirements or not. They may have a stop somewhere else on the way because Old Parliament House will not be ready to accommodate them for a considerable period and their present accommodation is apparently to be given to the Festival.

Sa Harris, in her article in the paper yesterday, said that the Festival Centre Trust was to take the accommodation in the Riverside building. My understanding is that it is the Festival itself, not the trust. The Festival organisation, or sections of it, will leave the Festival Centre and go to the Riverside building; it is not that the trust itself is taking up other accommodation. I agree that there is pressure on accommodation in the Festival Centre; there is no argument there. If the Festival organisation, or parts of it, is to leave that accommodation, it could move anywhere. There is no shortage of vacant property in the city of Adelaide, including areas close to the Festival Centre. In fact, I would support any move of the Festival organisation, or parts of it, out of the Festival Centre. That would leave more room for the Festival Centre Trust and its activities and may even enable adequate space to be provided for the performing arts collection. It need not then be away from the performing arts centre of this city. It would enjoy the same relationship with the major performing arts centre of this city as its counterparts in every other State of Australia, except Tasmania.

The article in yesterday's *Advertiser* by Sa Harris showed very clearly the round robin of Government money which is pretended to be savings when in fact it is taxpayers' money moving from one line of Government to another line, starting out from Treasury, going to point A, from there to point B and then to point C and back to the Treasury. It is not any saving of taxpayers' money at all; it is merely a way of inflating the accounts.

The ultimate insult, we are told, is that if the Parliament makes use of Old Parliament House, which it can if this Bill is passed, the \$150 000, which the Parliament is to pay to the History Trust for the use of the building, is for one year only.

In subsequent years the \$150 000 rent paid by the Parliament would go not to the History Trust but to the Department of Arts and Cultural Development, which would not then be reallocating the money to the History Trust; in other words, it would be a further cut of \$150 000.

**The Hon. Diana Laidlaw:** Where did you pick up this rumour, or did you just make this one up?

**The Hon. ANNE LEVY:** This is not a rumour.

**The Hon. Diana Laidlaw:** You have made it up.

**The Hon. ANNE LEVY:** It is not something that I have made up; it comes from documents in the History Trust itself.

**The Hon. Diana Laidlaw:** I have made that decision and it is going to happen.

**The Hon. ANNE LEVY:** It is in documents of the History Trust.

**The Hon. Diana Laidlaw:** Will you show me the documents, or will you table the documents?

**The Hon. ANNE LEVY:** No, I will not table the documents.

**The Hon. Diana Laidlaw:** I didn't think you would.

**The Hon. ANNE LEVY:** I am happy to show them to the Minister, but I will not table them because they contain other matters which it would not be fair to the History Trust to have tabled for the public to see.

**The Hon. Diana Laidlaw:** Will you show them to me before the debate finishes?

**The Hon. ANNE LEVY:** I am happy to show the document to the Minister which clearly indicates that the \$150 000 rent will benefit the History Trust for only one year and that in subsequent years it will be paid to the department and, in effect, result in a further cut of \$150 000 to the History Trust's allocation.

The question of Old Parliament House is also tied up with the further use of Edmund Wright House. Edmund Wright House has now been emptied of all Government agencies and is closed to the public. It has been suggested that the History Trust move to Edmund Wright House. This basically is the directorate of the History Trust which is currently located in the Institute Building. I acknowledge that the State Library, which owns the Institute Building, has for a long time wanted the History Trust to leave that accommodation. If the History Trust moves from the Institute Building to Edmund Wright House it can then be joined by the staff of the State History Centre which has previously been located in Old Parliament House, and that would be a much better location for them than tucked away in the Armoury Building or some such location well away from the front of North Terrace.

In Edmund Wright House they would be much more easily located. It would be much easier for people with an interest in history to have contact with them than in the Armoury Building. But I stress: it is no easier to go to Edmund Wright House than it is to Old Parliament House for people who wish to have contact with the State History Centre. The History Trust's moving from the Institute Building to Edmund Wright House is not incompatible with the Australian Society of Keyboard Music using Edmund Wright House. It would be office requirements that the History Trust and the State History Centre would need in Edmund Wright House. They would not be requiring the main, old banking chamber, which is the only section of Edmund Wright House which the Keyboard Music Society is interested in and where its Steinway grands are accommodated.

Likewise, should the directorate of the History Trust move from the Institute Building to Edmund Wright House there

is no incompatibility there either with the continuation of Old Parliament House Museum: one does not depend on the other. The location of the History Trust directorate does not depend on whether there is a museum in Old Parliament House or whether the parliamentary committees are relocated into Old Parliament House.

Let us look at Old Parliament House Museum itself. This pride and joy located next to us has existed for 17 years. Until a couple of months ago it had bipartisan support and was supported not only by the two major political Parties but by all sections of the South Australian community. The Minister must enjoy the *Advertiser* calling her the 'Minister for Closing Things' and 'the museum crusher'. I would not rejoice in such epithets myself. The Old Parliament House Museum has won national and international acclaim. There are many testimonies to the influence and high standards which that museum has had ever since it was first opened.

It has been a trailblazer and now there are imitations of it occurring all around Australia. The Museum of Sydney opened six weeks ago and similar institutions are planned for Melbourne and Perth. Having trailblazed in this way we now close it. At the time when everyone else is catching up with us, instead of enhancing our museum and ensuring that it is pre-eminent of all such museums in Australia what do we do? We close it.

**The Hon. Barbara Wiese:** The Minister said, 'Things move on.'

**The Hon. ANNE LEVY:** Yes, the Minister says, 'Things move on.' I do not know whether she has expectations that in 17 years time the Museum of Sydney may also move on. It is one of the most callous and indiscriminating remarks the Minister has ever let drop. Old Parliament House Museum in its history has had one million visitors, of whom a quarter of a million have been school children who have gained enormously from learning of the political and social history of their State. The Minister for Closing Things is getting attracted to the idea of closing things.

There has been huge community support for Old Parliament House Museum, and there is great concern in many sections of the community about its closure. There has been a stream of letters to the *Advertiser* which have been published. There have been many other letters written to the *Advertiser* which have not been published on the topic but which I would be happy to show the Minister if she is so keen on all the documentation relating to this. It is not rumour. Many people have written letters to the *Advertiser*—not all of which have been published—but I am happy to show the Minister copies of those which have not been published. Objections include objection from such responsible and eminent bodies as the Historical Society of South Australia. It is worth quoting some of the comments of the President of the Historical Society.

**The Hon. Diana Laidlaw:** What is his name?

**The Hon. ANNE LEVY:** Dr Robert Nichol. He writes as President and with the support of the Historical Society. It was not written as an individual. It was written on behalf of the historical society. He states:

When it was established, the museum was at the forefront of a national revival of interest in museums and recognition of their great significance in both cultural development and cultural tourism. It remains as South Australia's only general history museum and has maintained a national reputation for excellence. . . it has been the envy of other States. . .

Now, for the claimed short-term gain of a few rental dollars, the valuable infrastructure developed over a decade and a half is to be pushed aside or downgraded at the very time when the Government

continues to promote the value of Adelaide in general, and North Terrace in particular, as significant cultural centres.

I hope the Minister never again talks about the glory of North Terrace when she has decapitated or amputated part of the cultural value of North Terrace.

Support has also come from the History Teachers Association. I will not take up the time of the Council reading its letters, but it reiterates the enormous educational value which the Old Parliament House museum has had for the students of this State in terms of their political, civic and social education. One letter from an individual deserves quoting, as follows:

One measure of a civilisation is its level of cultural pursuit. How is South Australia measuring up, Minister?

That was meant ironically. The History Centre is having its budget cut by \$240 000 as part of the penny-pinching cultural approach of this Government; that is, 44 per cent of its total Government grant is being removed. It has fared far worse than community radio, once it had 75 per cent of its money restored to it. The History Centre is left with only 56 per cent of its Government grant. This does not take into account a further loss of between \$65 000 and \$70 000 which it received from admission fees, the shop proceeds and the restaurant lease so, in effect, the cut to it is over \$300 000.

Since the announcement there has been an avalanche of comment within Old Parliament House itself from visitors who were appalled that this museum was to be closed at the time; it is now closed—defunct. I quote some unsolicited comments from visitors who have gone around the museum. One says, 'What a backward step to take away such a valuable community resource.' Another says, 'This museum is terrific; should be kept open for future generations.' Another says, 'This museum has been my first introduction to Adelaide, its history and what makes it different and special. It would be a great loss if the city closes this lovely, educational museum, and an equal loss if the historic, beautiful building were not accessible to the public.' Another visitor commented, 'The museum is part of our culture. Please leave it alone and place the offices somewhere else. Offices can be anywhere, but this museum is an intrinsic part of our heritage as a State and its people.' I endorse the comments from those visitors to Old Parliament House. They speak for the majority of people in this State who deplore the action of she whom the *Advertiser* calls the Museum Crusher.

A petition has been presented to the other Chamber, with thousands of signatures against the closing of Old Parliament House. When the closure was announced, Old Parliament House decided to charge no admission on a Sunday and it has had a flood of visitors—even more than it could cope with. It had to call in numerous volunteers to assist it, because there were so many people that it just could not cope with the numbers who wanted to visit. The educational value of Old Parliament House for the programs run in our schools is enormous. Many teachers and students now wonder how they can adequately prepare for the SACE exams, given that so much of their education in SACE subjects came from visiting Old Parliament House and making use of the resources there. It is a penalty to the education of students in this State.

The Minister has talked about access to the public. I cannot understand what she is talking about in this respect. If parliamentary committee staff are to work in Old Parliament House they must be able to work in offices which are private and must not have people walking in and peering at them as they work. It is impossible for the public to have

access to all parts of the building when staff are working there. Large areas of Old Parliament House which are currently accessible to the public will no longer be accessible. 'Accessible' does not just mean the ability to stick your head in and see whether a parliamentary committee is meeting. Accessibility as it applies now is a lot more than an uninformed peering around and then exit from a particular room. Currently, access involves explanation, information, assistance from guides, assistance from displays and so on. One cannot have guides talking to groups who come into a parliamentary committee meeting. That is just not possible. As a member of a parliamentary committee I would object most strongly if people started talking in the background when we were trying to have a meeting, be it deliberative or listening to witnesses. It would be totally impossible. So, the place will not be accessible, as it has been.

We still have no information whether it will be accessible at weekends, as it was until 30 June, when the Minister's vandalism closed it. This building is not accessible at weekends. If the two buildings are to be part of the same institution, that is, Parliament, one presumes that the other building will also not be accessible at weekends. It is weekends when South Australians in particular have visited Old Parliament House. A high proportion, although not a majority, of the people who visited the museum during the week tended to be tourists from interstate and overseas, but visitors at weekends were overwhelmingly South Australian. If Old Parliament House is no longer to be accessible at weekends—and I strongly suspect that it will not be—this will deprive a very large number of our own citizens of their own history.

We have also had the sad story of the banner prepared by Old Parliament House saying, 'We are history, visit us while you can', which the Minister felt should not be shown, and the A frame placed outside Old Parliament House in the interests of documenting the history of the closure, where comments, copies of letters and editorials and so on were displayed so that people could know what was going on.

Again, the Minister did not like this and applied pressure so that they were removed. I realise that the Minister is understandably very sensitive on this matter. She probably does not like cost cutting in this way. It has probably been forced on her by the Cabinet but she is the one who has made these decisions; she has to wear the criticism. I feel she should resist any temptations to interfere and stifle legitimate criticism of her actions.

I remind the Council of the exhibitions and facilities which were previously in the Old Parliament House museum. There was the audio visual tape, which had been prepared in Japanese for the benefit of all our Japanese tourists and there was one in German which had been proposed for the benefit of German tourism. We have heard nothing at all from the Minister about replacing that anywhere, despite her comments about cultural tourism and we are not going to cater for our Japanese and German tourists any longer. We still have no information about where the Duryea panorama is to be sited. In fact, when I first raised the matter in Parliament I do not think the Minister knew what I was talking about. She seemed to suggest that the Duryea panorama needed attention and was becoming worn. Not at all: she was confusing it with the audio visual panorama. The Duryea panorama is in perfect condition and I hope the Minister has seen it and appreciated its historic value. We do not know where it is going to go; we do not know where the Tale of One City display is to go; and we still do not know where Speakers'

Corner is to go, nor do we know when new bookings will be accepted from Speakers' Corner from the many community groups which have benefited so much from it and wish it to continue.

The *Advertiser* is suggesting:

Speakers' Corner is another of the Minister's quandaries. To kill it off would be to slap in the face the fundamental democratic principle of freedom of speech. But I am sure she would like to see it silenced.

I do not know what the *Advertiser* knows that I do not know. Perhaps it has been told that Speakers' Corner is not going to continue other than the current bookings, that there will be no future bookings.

**The Hon. Diana Laidlaw:** The press release said right from the start that it is a critical part of the—

**The Hon. ANNE LEVY:** You have said so for the past two months but you still will not tell us where Speakers' Corner is going and when new bookings will be accepted. I fail to see what this Bill has to do with that. Speakers' Corner is part of the History Trust: it can stay in Old Parliament House without this Bill going through. The only thing this Bill will do will allow the Parliament to go into Old Parliament House and displace Speakers' Corner perhaps, but Speakers' Corner can certainly stay there if that is what the Minister wishes. She can announce it any time, but two months after her disastrous announcement we still do not know. It is so typical of making decisions without thinking through the consequences, without having a plan, without having worked out how the matter is to be handled and without consultation or thought. It is just so typical.

We had the same last year with the Film and Video Centre, decisions made and then solutions or patch up have to be worked out for months afterwards. We see it repeated this year about the Old Parliament House museum and we wonder what it will apply to next year. It is very sad that, with the closing of the museum, there have been seven full-time equivalent jobs lost. Again, according to the *Advertiser* one of these people has been offered a job in Whyalla, regardless of family considerations and told: 'You can either go on the dole or you can go to Whyalla.' What a choice to give someone. Another has been offered a job as a school cleaner in a southern suburb. Further comment is unnecessary.

The Minister talks about the State History Centre but ignores or does not deign to tell us that we had no State Historian: the position has been vacant for over 12 months. Since the distinguished last incumbent left South Australia, there has been no replacement State Historian. Is this another position which, like the Director of Carrick Hill, is not to be filled? We are just whittling away these important cultural positions by attrition, making no replacements and allowing their important functions to just vanish and wither. I note that the Minister does not interject when I make such comments.

**The Hon. Diana Laidlaw:** I have a right of reply.

**The Hon. ANNE LEVY:** The Minister says she has a right of reply but that has not stopped her trying to interject right through my speech, so I hope she will not object if I interject during her right of reply, which I certainly expect I will do to the same extent that she has had the discourtesy to do to me.

The staff of Old Parliament House, while it still existed, were very constructive and put forward proposals for keeping Old Parliament House museum, its important functions and in fact enhancing them. They suggested that a grant of \$1.2 million should be provided over three years: \$600 000

in the first year and \$300 000 in each of the next two years. This would enable Old Parliament House to set up two new displays specifically linked to the curriculum, to the changing curriculum, on Australian and South Australian history and politics, to add to the sound and light Parliament debates in the old House of Assembly, which does need maintenance, to maintain the 23 minute history of South Australia, known as 'The SA Story', and to fill the State Historian's position so that we would finally have a State Historian again.

This would enable the museum to compete on equal terms with other museums on North Terrace. It would enable it to continue its function both as an educational resource for students with an added emphasis on civics education and as a tourist attraction. It is appalling that, when someone has finally convinced the Federal Government of the value of civics education so that it is now prepared to support it throughout the country, the one and only State where civics education has been taken seriously, where there have been materials, exhibitions, teaching displays and assistance for civics education, is now closing it.

It is so retrograde that one is left gasping for words to describe the enormity of the situation. Also, the question of the education services is met with no replies from the Minister except, 'further negotiations are occurring'. She must spend a great deal of time negotiating: it is a pity she does not do it before making these drastic announcements instead of after. Currently, this building has a half-time education officer; Old Parliament House a full-time education officer. A tour by school children of this Parliament building takes one hour of the education officer's time. A tour of the Old Parliament House by the education officer takes 1½ hours time.

If there is to be the same access to Old Parliament House that the Minister talks about—although no-one believes it—that would mean that the two buildings would require 2½ hours of an education officer's time, if there is to be the same educational value from visiting the two buildings as there has been up to the present. How a half-time education officer can do the work of 1½ education officers is totally incomprehensible, and no-one believes for one minute that it can occur. There is no way that one half-time officer can do adequately the work currently undertaken by 1½ education officers.

We do not even know the future of the education officers, be it in Old Parliament House or anywhere else. They form part of the outreach services provided by the Minister for Education and Children's Services, which is again 'under negotiation' or 'under review'. We do not know what will happen or even when we will be told what will happen in this regard. We oppose this Bill most sincerely. Parliament, as an institution, does not need Old Parliament House. About \$13 million is being spent on renovations in this building, which will enable it to function far more adequately than it has up till now. It does not need the committees to move into Old Parliament House.

I gather the current idea is that if the committees move into Old Parliament House three of the committees will still have to meet in this building, with the staff having to cart great trolley loads of documents backwards and forwards for each meeting—a totally unsatisfactory situation from the staff point of view. Because there is room for only three of the standing committees to meet in Old Parliament House, the other three will be grossly inconvenienced. They are not inconvenienced at the moment. It is not difficult for members of Parliament to walk from here down to the Riverside building. It is quite a pleasant stroll, and I have never heard



any member of Parliament objecting to having to walk that distance.

The renovations to Old Parliament House will cost \$600 000, we are informed by the Minister in the other place, before the Parliament could use it. Add that amount to the \$300 000 which has already been spent in the Riverside building and that is \$900 000. If that \$900 000 had been made available to the History Trust it would have enabled Old Parliament House to stay open for the next three years without the waste of taxpayers' money that the Government is proposing to expend on preparing Old Parliament House for occupation by the committees. I repeat: Parliament does not need that Old Parliament House building to enable the Parliament to function.

It may well be that the museum has closed. It is closed now and it is sad to walk past it every day, as many of us do, and see the doors closed. But if it is to be closed at least let us keep the building inviolate so that, at a future time, it can be reopened as Old Parliament House Museum. If it is not to be a museum at the moment, at least let us keep it so that it can be a museum in the future, and not let the Parliament in there making alterations, using it as offices and committee rooms. I strongly oppose the second reading of this Bill.

**The Hon. SANDRA KANCK:** It is not with any great joy that I rise to support the second reading of this Bill. This Bill will allow the History Trust of South Australia to lease Old Parliament House to the Parliament and, as most members would know, Old Parliament House had its final day of operation as a museum last Friday. The only direct lobbying I have received on this Bill has been asking me to do what I can to stop it occurring, although I have made inquiries of other people who are affected by the decision and its consequences—some negative and some positive. Those who stand to gain from the decision are not making a loud noise to support their case at this stage.

At the present time budget cuts mean there is no money for exhibitions at Old Parliament House and money for staff has also been reduced, which would have severely constrained further activities on site. I was pleased to discover that the proposed new premises of the History Trust would be Edmund Wright House, thus ensuring a most appropriate use of that building, the future of which had been a matter of concern to members in this place. This will allow the directorate of the History Trust and the State History Centre to be located in one building instead of the two blocks apart they have been. I understand that the board of the History Trust welcomes this.

I am hopeful that the beautiful surrounds of Edmund Wright House will be conducive to holding exhibitions at some time in the future when later Governments might decide that money is again available for what is apparently a luxury. The Libraries Board is one body which comes out on the positive side of the outcomes of this decision. It is keen to have back the space currently occupied by the History Trust Directorate. Another group of winners out of the decision will be *Hansard* staff. As the recorders of evidence being heard by parliamentary committees, they have to walk backwards and forwards between Parliament House and the Riverside building rain, hail or shine, and I am aware of the dissatisfaction that some of them feel about this.

I have some sympathy for their position, given that they are always carrying with them, at the very least, their shorthand recording machines. Locating the committees in Old Parliament House with the reconstruction of a walkway

between the two buildings—a similar walkway having existed there quite some years ago—will make it much easier for the *Hansard* staff to get to and from the committees. I further understand that another advantage in this great reshuffle will be that the staff of the Adelaide Festival will be able to move into the Riverside building, thus giving them the space to expand as the 1996 festival draws nearer and using the lease of the Riverside building to advantage.

The staff of the Adelaide Festival are currently located at the Festival Centre in very cramped conditions, and this results in over-crowding problems for all staff at the Festival Centre, with even artists' dressing rooms being used for accommodation. A move by the Adelaide Festival to the Riverside premises currently used by committees would be a great boost to the Festival of the Arts. The biggest problem for the Adelaide Festival may be the speed, or lack of it, at which the changes are able to be made.

Another problem being dealt with in this process is the overcrowding in the Centre Hall of Parliament House when school groups arrive for a visit. The education services of this Parliament, limited as they are, will be relocated to the original library in Old Parliament House, which will mean that school groups will assemble there instead of in Centre Hall, thus reducing some pressure on parliamentary staff and making it easier for members of Parliament to meet constituents and lobbyists who arrive for appointments.

With the demise of Old Parliament House as a history centre, it is important to pay tribute to the magnificent work that the History Trust has done on the site for many years. Our other museums in Adelaide do not deal with the constitutional history of this State and our schools will be the poorer for not having that resource. I hope that the Minister for Education and Children's Services will be able, somewhere along the line, to pick up that issue. I have enjoyed many displays and exhibitions at Old Parliament House over the years. I have been particularly impressed by the displays in Speaker's Corner. I have not always agreed with their content but they have always been stimulating, and I praise the History Trust for its role in displaying the views of so many groups.

The Hon. Ms Levy alleged that the Democrats have been blackmailed into supporting the Bill. That is not the case. If I had been Minister for the Arts, I would have kept Old Parliament House operating as a museum, but I am not the Minister for the Arts and I have no control of the purse strings.

*Members interjecting:*

**The Hon. SANDRA KANCK:** It is a pointless exercise. It is closed now and it might as well be used to good purpose. I am saddened that the capacity of the History Trust to mount exhibitions has been curtailed, but I have weighed up all the pros and cons of the Bill. Given that I can have no say in the budget cuts that have been applied to the History Trust, and given the advantages that accrue to the State Library, the Adelaide Festival and to the *Hansard* staff, among others, I have come out marginally in favour of supporting the Bill.

**The Hon. CAROLYN PICKLES:** I support the second reading and I will be very brief. The points that I want to make have already been covered by the Hon. Ms Levy. The closure of the museum is an act of cultural vandalism, the like of which we have never seen before in South Australia, and I hope that we never see it again. The museum has provided a very valuable resource for every South Australian and for every visitor to South Australia. It has been highly praised by

people from all over the State and from interstate and overseas. I cannot speak too highly of the museum's activities.

I want to refer briefly to the complete lack of consultation with the parliamentary committees and, indeed, with members of Parliament. When previous renovations, extensions, alterations, etc have been carried out, there has always been a tripartisan and inclusive committee set up so that everybody could have a say in what was happening. This act by the Minister has occurred overnight—a whim; something that she dreamt up, no doubt, while trying to find ways to save her budget.

Under the previous Labor Government, when extensions to Parliament House were built, there was a committee on which I, the Hon. Mr Lucas and the Hon. Mr Gilfillan served. Clerks, members of the catering staff and others who served on the committee looked at the required facilities and considered how we could amend the size and structure of a heritage building. Did that occur this time? No. The parliamentary committees had this proposal dropped upon them. Most Chairmen are absolutely outraged. It was a complete and utter breach of the Parliamentary Committees Act. It is outrageous and should be condemned by every member of Parliament.

Nevertheless, the museum is now closed, and what are we going to do with it? One may well ask. I hope that the parliamentary committees will not be treated as a part of moving history for visitors to the State. That is not a very suitable arrangement for parliamentary committees. Parliamentary committees should be open to the public—people who are actually interested in what is taking place, not just to come and have a bit of a gawk at what is going on in the building. That is not an appropriate use of parliamentary committees.

*An honourable member interjecting:*

**The Hon. CAROLYN PICKLES:** You may say that they do both, but you have never been on a parliamentary standing committee, so how would you know?

*An honourable member interjecting:*

**The Hon. CAROLYN PICKLES:** It is different from the others. You would not know, you have not been on one. You did not consult the Chairs of your standing committees before you went ahead. You did not consult any of the Secretaries to the committees. You did not consult anybody, and it was not the advice of—

**The ACTING PRESIDENT (Hon. Caroline Schaefer):** Order! I remind the honourable member that she must address the Chair.

**The Hon. CAROLYN PICKLES:** I will certainly address the Chair, but it is very tempting to address these questions to the Minister, because she and she alone is responsible for this act of vandalism. I will not say any more; the Minister wants to push the matter to a vote. The Opposition absolutely and utterly opposes this act of vandalism and hopes that it never sees its like again.

**The Hon. DIANA LAIDLAW:** I thank members for their contribution to this Bill. I share their sadness. In the *Adelaide Review* of July 1995, Don Dunstan wrote:

I am sad that the exhibitions will move from Old Parliament House, but can understand that there are some exhibitions which simply cannot be fitted into that building and can be fitted into Edmund Wright House much more easily. It would seem also that the Australian Society for Keyboard Music are likely to be able to continue to hold their concerts and recitals there.

I have spoken to Mr Dunstan at length about this matter, as I have spoken to members of the Society for Keyboard Music, the Historical Society and history groups in this State. The Hon. Ms Levy mentioned Dr Robert Nichol. I met him and others, and he, although sad at these steps, would support my efforts in relation to Edmund Wright House. History teachers and the like all support the move.

*Members interjecting:*

**The Hon. DIANA LAIDLAW:** They are not jumping for joy, nor am I, about Old Parliament House, but they understand that South Australia has various problems to confront at the moment. They understand that the options that have been outlined in terms of Edmund Wright House look extraordinarily promising and that I am fighting tooth and nail. I apologise to honourable members that I have not been able to resolve this matter within the time frame that I had wished for, but we will all—

*Members interjecting:*

**The Hon. DIANA LAIDLAW:** I had to wait for a building audit. I am not the Minister responsible for the Department of Building Management. If I had been, it would have been done a little more quickly, but it has been completed and will be considered almost immediately. My preference would have been that it be considered by now. Nobody is unsympathetic with the grand plan that has been outlined. My sadness is that I cannot confirm it without qualification today. I repeat that the building is not being demolished. It is still publicly owned. In the process, we have also ensured that Edmund Wright House is publicly owned and will be used for the cultural benefit of the State.

Old Parliament House has not lost its historical significance to the State. It has not lost its heritage character. It is certainly not lost to history. I think it is exciting that, after 56 years, the building built for parliamentary purposes will again be used for direct parliamentary purposes.

The Hon. Ms Levy suggested that the sole motivation was to save money. She said any suggestion otherwise was a distortion of the facts. She then went on with a whole range of rumours which, if I had more time, I would qualify and put in perspective. I am able to confirm that, in terms of the jigsawing of arrangements, it is true, as the Hon. Ms Levy indicated, that I inherited a whole lot of accommodation pressures. I have sought to address those in terms of the Festival Centre Trust, the festival, the State Library and the History Trust, and I believe we will be able to formally announce that, in each of those respects, this move satisfies the needs of the variety of institutions.

I am a member of a committee set up by the Premier to look in some detail at the allocation of space within Old Parliament House. It is not a fact that the investigation has been taken whether or not the committees move, but it is to confirm the allocation of space. What is exciting to the committees—and the honourable member would appreciate this—in terms of the value that members opposite have placed on committees, the committees will gain 200 square metres in space. In terms of the History Trust's rent and the accusation that the Parliament would be paying this rent for only one year, I have not yet seen the papers to which the Hon. Ms Levy refers, but I can assure her that that would not be part of the lease arrangements which, as this Bill confirms, I must approve.

As to the proposals in relation to Old Parliament House developed by the staff, I have written to both Gordon Bilney and Senator Crowley who have written to me on this matter and I have indicated their support in gaining Federal funds for

such purposes would be strongly supported by me, and I would welcome their participation.

*The Hon. Anne Levy interjecting:*

**The Hon. DIANA LAIDLAW:** If that same money can be used, we would welcome it most strongly in terms of Old Parliament House. As I have indicated, there will be an interpretation of the constitutional history of the State. There will also be a pictorial focus on the significance of the building. While referring to the fact that members opposite got so excited about the committees and their value, yesterday was a fairly cold day, and I was interested to see some of the women from *Hansard*, running down to service the committees, wearing gloves and coats, not impressed about being out in the cold, whilst the Hon. Ms Levy and other members were sitting in the committees warm, comfortable and content.

*Members interjecting:*

**The Hon. DIANA LAIDLAW:** Members of the *Hansard* staff are very pleased about the change, so we actually do take an interest in the staff of this Parliament.

*Members interjecting:*

**The Hon. DIANA LAIDLAW:** You just go and speak with them, as I did yesterday.

**The Hon. Anne Levy:** How do you think I get there?

**The Hon. DIANA LAIDLAW:** You do not have to run back and forth for all those hours doing all the work. The honourable member suggested that this had been done on a whim, and that I had not thought through the consequences. I am sorry that she sought to run that line. I have been thinking about the issues that I inherited in terms of accommodation pressures all over the arts portfolio. This matter has been considered and it does address a whole range of problems which I inherited.

If I am actually able to achieve the outcome that Don Dunstan and others have endorsed—and I have no doubt that I ultimately will—then the History Trust will be well served, and that is noted already in board minutes. I would like to thank the board and management of the History Trust, as well as the staff. I appreciate that this has not been easy. It has not been easy personally. They have conducted themselves with great professionalism for—

*Members interjecting:*

**The Hon. DIANA LAIDLAW:** I could go on until 6 o'clock, but you all want to leave at 5.30, so I will cut my remarks short. I could go on for as long as the Hon. Ms Levy did. Finally, it is a considered action, not one that I have taken lightly or with a great deal of joy, but it is one that meets a lot of inherited problems and ultimately will do a great deal for the history and exhibitions in South Australia in terms of display purposes in the future.

The Council divided on the second reading:

AYES (9)

Elliott, M. J.	Griffin, K. T.
Irwin, J. C.	Kanck, S. M.
Laidlaw, D. V.(teller)	Lucas, R. I.
Redford, A. J.	Schaefer, C. V.
Stefani, J. F.	

NOES (6)

Cameron, T. G.	Crothers, T.
Levy, J. A. W. (teller)	Pickles, C. A.
Roberts, R. R.	Wiese, B. J.

PAIRS

Davis, L. H.	Feleppa, M. S.
Lawson, R. D.	Roberts, T. G.
Pfitzner, B. S. L.	Weatherill, G.

Majority of 3 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—‘The constitutional museum and other historic premises.’

**The Hon. ANNE LEVY:** The clause provides:

... the Trust may, with the consent of the Minister, make the constitutional museum available for the purposes of the Parliament, on terms and conditions approved by the Minister.

Will the Minister indicate what terms and conditions she is expecting to insist on; and will she reiterate that one of the terms and conditions will be that the money paid by the Parliament for the lease will go to the History Trust in perpetuity and that an equivalent amount will not be deducted from the budget of the History Trust to remain in the department?

**The Hon. DIANA LAIDLAW:** What we are organising at this stage, which is yet to be confirmed, is a rental arrangement for Edmund Wright House, and the trust will be required to pay rental for that building. At present it does not pay rental for the building that it owns. There are negotiations with respect to the rental between the Parliament and the History Trust, if the Bill goes through, and the History Trust and the Department for Building Management. It is in the interests of both the Government and the History Trust to have a long-term rental for Edmund Wright House. While there is occupancy of that, the trust will require basic funding for the rental and exhibition purposes that it plans.

Quite a number of organisations are lobbying for Speakers' Corner. The initial plans that I have seen, drawn up by the Department for Building Management, move Speakers' Corner from where it was squashed in a little hallway and a teeny room back to where it was originally located and which became a shop. That is a much better facility, and that is in the initial plans drawn up by the Department for Building Management. The State Library is keen to get it, and there is a nice relationship between a library facility and Speakers' Corner.

Consideration has also been given to the possibility of having Speakers' Corner in Edmund Wright House. So there are those three options. There is no way that there will be no Speakers' Corner. It is one of the exciting, unique and important community activities in South Australia, and it will continue. It will continue at one of those three sites.

**The Hon. ANNE LEVY:** If Speakers' Corner is to remain in the Old Parliament House building, will there be staff who are able and qualified to assist the many groups who put up displays in Speakers' Corner? Will they also be in Old Parliament House? Does that cut down the space available for parliamentary use?

**The Hon. DIANA LAIDLAW:** The latest plan I have seen provides the committees with 200 square meters space additional to that which they have at Riverside. It provides for an education officer either to be located at or adjacent to Speakers' Corner or in the original old library on the first floor, adjacent to the Legislative Council Chamber. As I indicated earlier, this matter will have to be negotiated with the committees and others in the next few weeks so that the Department of Building Management can get on with its plans quickly. That is important because of this jigsaw of accommodation needs. It would have to have the same explanation, both in written terms about the exhibitions and access to the education officer, as is the case now. Those matters are all part of the negotiations among the History

Trust, the museum and the Department of Building Management.

**The Hon. ANNE LEVY:** The Minister has not elaborated on the terms and conditions he is going to insist on other than the payment of rent and the possibility that there will be a Speakers' Corner. Is a term and condition that a full-time education officer or 1.5 education officers be available as currently applies for the two buildings considered together?

**The Hon. DIANA LAIDLAW:** The honourable member would know that, since this announcement was made, I have learned, as we all have, that the Education Department is looking at its arrangement in terms of outposting education officers. There are 13 outposted education officers who play an important role in the arts institutions of South Australia, whether it be in migration—

*The Hon. Anne Levy interjecting:*

**The Hon. DIANA LAIDLAW:** Yes, but of all the outposted officers, we have about 11 or 13, I cannot remember which. There are two at the museum and one at the Art Gallery, Adelaide Festival Centre Trust, Old Parliament House and the Migration Museum. They are a very important part of individual development and the cultural development of the State. I have spoken with the Minister for Education. I can guarantee that the position will remain full-time within the Parliament and Old Parliament House. I cannot guarantee that there will be 1.5 positions as is now, because there will not be temporary exhibitions other than potentially Speakers' Corner at Old Parliament House; there will not be the same responsibility and duty in terms of any education officer at Old Parliament House in future.

There may well be the argument that we need to develop in terms of Edmund Wright House, and the exhibitions and other functions we would plan to be there in future. That is to be sorted out in terms of the needs of the History Trust and arrangements with the Parliament, and the terms and conditions approved by me. I need to know what the History Trust wants in all these respects and what the Parliament needs as well. My specific conditions relate to the length of the lease and the terms of funds paid to the History Trust. I am adamant that there be an interpretation of our constitutional history: that is extremely important.

**The Hon. ANNE LEVY:** What will the term of the lease be?

**The Hon. DIANA LAIDLAW:** I have initially wished it to be a 99 year lease: that is still my preferred option. It depends on what the Department for Building Management will accept as the maximum term of lease of Edmund Wright House. That has to be developed further at this stage. It would be very good if the two reflected each other in terms of continuity and security.

**The Hon. ANNE LEVY:** Will the Minister guarantee that 1½ education officers will be replaced by one education officer?

**The Hon. DIANA LAIDLAW:** At this stage that is the minimum I can guarantee.

**The Hon. ANNE LEVY:** Is that one of the terms and conditions which will be written into the lease?

**The Hon. DIANA LAIDLAW:** I do not think it is appropriate for it to be written into the lease: it is actually an arrangement between the Parliament and the Minister for Education and Children's Services. It is one that I have taken an interest in and, having taken that interest, I asked the Minister who confirmed that we would have that one officer position. After the Parliament has been spoken to, it will depend on what it needs in terms of the role of the education

officer position. I will not pre-empt those discussions. I have indicated that there would be one officer, and that has been important at a time when the Minister is overviewing the whole of the arrangements in terms of these education officers being outposted. There will at least be this one retained.

**The CHAIRMAN:** The education officer is paid by the Department of Education and Children's Services—not by us.

**The Hon. ANNE LEVY:** I appreciate that, Mr Chair, but the Minister said there will be no diminution of educational facilities. She also claims that there will be an improvement; so she is obviously concerned about the matter. It is therefore appropriate for me to ask her questions on it under this clause. Are there any other terms and conditions which the Minister is expected to insist on for the lease?

**The Hon. DIANA LAIDLAW:** I have gone through the main ones. The other further and important one is the access issue. I said right from the start that public access is important both to the old Legislative Council chamber and to the old library area, because that is where the walkway will be. That library area is a large room. As the honourable member would know, in the past it has housed women's suffrage exhibitions and the like. It is a good sized room. It will continue to have photographic uses and be used for other interpretation purposes. The access issue is important and will be a matter I will insist upon in respect of the terms and conditions. We will negotiate with the History Trust and the Parliament in terms of opening hours on weekends. Any negotiations would have to take into account that, since Labor introduced fees for entry on any day of the week, attendance on Saturdays fell to an average of 40, which is low by any museum's standards. On Sundays it had fallen to 52. I know that when it returned as a free basis of entry—

**The Hon. Anne Levy:** 582

**The Hon. DIANA LAIDLAW:** That is right, but I did not introduce the fees: the matter had to be taken into account by me and the History Trust in relation to where we were going in the future in terms of all the museums and also what was in the long term interests of the History Trust in relation to temporary exhibitions on a range of subjects. As the Hon. Ms Kanck knows, it has been collecting a whole range of items over a long period of time, and there has been nowhere to display them.

The History Trust is excited about the possibilities of Edmund Wright House being available for the display of its own collections and possibly for touring collections. That would be open seven days a week, and Edmund Wright House is not open seven days a week at present, so if Old Parliament House is not open seven days a week there would be this trade off in terms of those hours.

**The Hon. R.R. ROBERTS:** When the buildings come under the care of the parliamentary system, will the caretakers from Parliament House be in charge of them or will there be any labour adjustment to take in the extra area for care, given that there is the break between the two buildings and considering the security for the caretakers? Has any thought been given to that to your knowledge?

**The Hon. DIANA LAIDLAW:** I will not discuss any security arrangements publicly, but I can assure the honourable member that that matter will certainly be considered by the Parliament and those responsible in the Parliament for security arrangements. The building would still be owned by the History Trust, and it would have to take those interests into account.

**The Hon. T. CROTHERS:** The JPSC had a meeting this morning and, without saying anything further, this matter was considered and will be under continuing consideration.

Clause passed.

Title passed.

Bill read a third time and passed.

**RESIDENTIAL TENANCIES BILL**

Returned from the House of Assembly with amendments.

**ADJOURNMENT**

At 5.50 p.m. the Council adjourned until Tuesday 18 July at 2.15 p.m.