LEGISLATIVE COUNCIL

Tuesday 2 July 1996

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

PAPERS TABLED

The following papers were laid on the table:

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

Vocational Education, Employment and Training Board—Report 1995
South Australian Water Corporation—Corporation Charter
Regulations under the following Acts—
Public Corporations Act 1993—Fire Equipment Services
Travel Agents Act 1986—Deed of Trust and Fees
Response by Minister for Infrastructure to the Statutory Authorities Review Committee Report on ETSA Corporation Energy Exploration and Research

By the Attorney-General (Hon. K.T. Griffin)—

Regulations under the following Acts—
Fisheries Act 1982—
Abalone Fisheries—Licence Fees
General—
Fishing Activities
Licence Fees
Lakes and Coorong Fishery—
Licence Fees
Management
Marine Scalefish Fisheries—
Licence Fees
Management
Miscellaneous Fishery—Licence Fee
Prawn Fisheries—Licence Fees
River Fishery—Licence Fees
Rock Lobster Fisheries—
Licence Fees
Management
Legal Practitioners Act 1981—Trust Account Statements
Legal Practitioners Act 1981—Rules—The Secretary
Racing Act 1986—Rules—Harness Racing Board—
Australian Rules Not Applicable
Driving in Unacceptable Manner
Incompetent and Careless Driving
Rules of Court—
Juries—Juries Act 1927—Principle
Supreme Court—Supreme Court Act 1935—Pleadings

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulation under the following Act—
Liquor Licensing Act 1985—Dry Areas—Coober Pedy

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

Development Act 1993—Report on the Interim Operation of the City of Unley Local Heritage Places (Built Heritage) Plan Amendment Report
Regulations under the following Acts—
Harbors and Navigation Act 1993—Restricted Areas—Goolwa and Port Elliot
Public Corporations Act 1993—SA Health Commission
South Australian Health Commission Act 1976—Variation of Schedule
District Council By-laws—Victor Harbor—No. 2—Signs

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

Carclew Youth Arts Centre—Report 1995.

ADELAIDE FESTIVAL

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement on the subject of the Adelaide Festival.

Leave granted.

The Hon. DIANA LAIDLAW: On 21 March 1996 the Legislative Council passed the following motion:

That this Council recognise the brilliant success—artistically, culturally and economically—of both the 1996 Telstra Adelaide Festival and the Adelaide Fringe and congratulate all associated with both events for their outstanding efforts in reaffirming Adelaide as the premier festival State.

This same sentiment echoed critical reviews of the Festival by the *Advertiser* and most of our local media, but particularly interstate, national and international media, whose response has been consistent with the Adelaide Festival's having regained its national pre-eminence and international reputation. For example, Rupert Christiansen of the *Spectator* in the United Kingdom wrote:

. . . buzzing with all the originality and eclecticism that our festivals seem to have lost: Adelaide makes even Edinburgh look staid and obvious.

And last weekend, in a feature article in the *Weekend Australian* entitled 'What Shall We Do About Adelaide?', Mike Safe wrote:

. . . the Festival of Arts, during March, proved to be an outstanding success both critically and commercially, by far the best of its kind in the country and ranking with the world's elite cultural events.

The 1996 Festival did achieve great things:

- It created an enormous public acceptance of the Festival's intrinsic worth, plus a sense of community ownership, pride and participation that probably has not existed since the early 1960s.
- It set a new standard of excellence, diversity and influence for art festivals with challenging, exciting projections by DV8, Hotel Pro Forma, Handspring Theatre, Batsheva Dance Company and many more, mixed with a greater number of events exclusive to Adelaide, such as the Whirling Dervishes.
- It provided outstanding opportunities for local companies—State Theatre, State Opera, the Adelaide Symphony Orchestra, the Adelaide Chamber Orchestra, Meryl Tankard Australian Dance Theatre, Leigh Warren Dancers and Red Shed—to be showcased with the world's best.
- It reinstated free family oriented outdoor programming with Symphony Under The Stars, Skyshow and Red Square.
- It attracted an enormous number of young, new theatre-goers who enthusiastically responded to the new ideas and creativity on stage; and
- It won a stronger commitment and trust from the corporate sector and tourism industry at large, with consequent economic benefits.

And the Festival continues to be a success. I cite four examples:

1. The Department for Foreign Affairs and Trade has commissioned the Adelaide Festival Incorporated to produce the performing arts component at the Australian Cultural promotion in India in October this year;

2. The Adelaide Festival represented the Confederation of Australian International Arts Festivals in a marketing promotion in London last month;

3. Also last month, a National Council for the Adelaide Festival was established comprising an influential group of

advocates—Mr Graham Kraehe, Chief Executive of Southcorp Holdings; Mr John Patten, Managing Director of Davids Limited; Mr Denis Horgan FCA, Founder of the Leeuwin Estate Wine Company; Mr Donald McDonald AO, General Manager of the Australian Opera; Ms Ita Buttrose AO, OBE; Ms Robyn Nevin AM, Artistic Director of the Queensland Theatre Company; Mr Phillip Adams AO; Mr John Uhrig AO, Westpac Chairman; Mr Marc Besen AO, Executive Chair of the Sussan Corporation; Ms Mary Vallentine AO, Managing Director of the Sydney Symphony Orchestra; theatre director, Mr Carrillo Gantner; and Mr Tim McFarlane, Managing Director of the Really Useful Company Australia.

4. The Festival, together with other South Australian arts organisations, is now finding that the business community here and interstate is far more receptive to sponsorship proposals.

All these highlights are all the more remarkable considering the 1996 Festival's damaged base inherited following the Festival two years earlier, and the short timetable for recovery. But they have also come at a cost. Subject to audit, the Festival's budget outcome as at 30 June 1996 indicates a budget overrun of approximately $610 000. Unlike the last Festival however, the board has not sought to call on additional funds from Government to meet this overrun. In fact, the board has given the Government an assurance that the overruns will be managed within proposed recurrent grant allocations, generated income and administrative savings between now and the year 2000. This will be so as part of the Festival's five year business and marketing development plan adopted in 1995.

Other arts organisations in South Australia (and I emphasis this critical point) will not lose any funding to assist this Festival. Most importantly, the overruns will not inhibit the artistic program now being planned by Artistic Director, Robyn Archer, for the 1988 and 2000 Festivals. Any new special event will be considered on merit for special funding. In considering the budget outcome, all members should be aware that almost two thirds of the budget overrun—$400 000—arises from a decision by the Festival Board and management to invest in the 1998 and 2000 Festivals through the adoption of a long term sponsorship strategy. While this action has now made the Festival's 1995-96 budget look vulnerable, I consider the strategy is more than vindicated by a 400 per cent increase in corporate income, with a strong investment base already established for the 1988 and 2000 Festivals.

Members should be aware that more than half the 1996 sponsors have secured the first right to sponsorship positions for the 1998 and 2000 Festivals, a position that no Festival has enjoyed in the past. Additional unbugeted costs were incurred in the 'rescue' of two family events: Skyshow—a South Australian institution—which was in danger of being lost until rescued by the Festival and SAFM; and the production of Romeo and Juliet. These initiatives were consistent with the Festival's commitment to attract a wider audience.

I am pleased to confirm today that the benefits and success of the Festival reach far wider than I have already outlined. First, I have been informed by the Minister for Tourism that the Australian Bureau of Statistics results for the March 1996 quarter show a record number of hotel-motel room sales attributable to the Festival and Fringe. The March 1996 metropolitan total of room nights is the highest monthly total yet recorded and is 15 per cent higher than the March 1994 result. Also, the Minister has advised me that the preliminary findings of the study of tourism and economic contribution of the 1996 Adelaide Festival indicate that the Festival generated major increases in gross State product and in wage and salary incomes and created more than 200 full-time equivalent jobs. I understand that the full economic impact report of the Adelaide Festival, in which in 1996 the Adelaide Fringe did not participate as it did in 1990, will be ready for public inspection and release in four to six weeks.

I highlight the budget overruns and the context in which they will be addressed with some sense of confidence that an article in today's *Adelaide Review*, indicating financial disaster, is totally incorrect. I remind members that great Festivals challenge while they entertain; great Festivals are programmed with vision and not as product responses to market needs; Festivals set the pace and what audiences are offered is often beyond their direct experience and, the more that is the case, the better the Festival. I argue strongly that by these and many other measures Adelaide's 1996 Festival excelled.

QUESTION TIME

TEACHERS' PAY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question on the subject of the teachers' pay case.

Leave granted.

The Hon. CAROLYN PICKLES: The Government's offer to teachers dated 31 May and costed at $93.6 million had an unfunded component of $9.1 million. On 18 June, the Minister said that funds for settlement of the teachers' salary claim above these amounts would have to come from reductions in expenditure or an increase in taxation revenue. On 19 June, it was reported that this offer had been increased to $130 million, which implies an even bigger unfunded component. My questions are:

1. Did the Minister's office suggest to him that there should be no further references to increased taxation and will the Minister now rule out increased taxation to meet the teachers' salary claim?

2. Does the Minister agree with the insulting and outrageous comments by the Treasurer that the South Australian Institute of Teachers are maniacs and have these comments helped to settle the dispute?

The Hon. R.I. LUCAS: In relation to what has or has not transpired in the confidential negotiations before the South Australian Industrial Relations Commission, the Leader of the Opposition should know that both parties have agreed with Deputy President Hampton not to comment publicly in relation to any proceedings before the commission. The Leader of the Opposition should not really come into the Chamber and ask questions that relate in part to what may or may not have transpired at the confidential negotiations.

Certainly from my viewpoint as Minister, I have consistently adhered to those recommendations from Deputy President Hampton, and I think it is most unfortunate that there have been some leaks of material in relation to what the Government may or may not have done and what the Australian Education Union or the Institute of Teachers may or may not have put in its further proposals to the confidential discussions of the Industrial Relations Commission. Those

confidential discussions may well continue for another two or three weeks and, if they are to conclude and if there is or is not an agreement, it may well be an appropriate circumstance for the Government and other parties to reveal what has transpired.

All I can say, as I have said all along, is that I have no fear of the confidential discussions being revealed because it will demonstrate that, of the two parties, it has only been the Government that has been consistently prepared to compromise and to try to seek early resolution of the dispute. I said so prior to the confidential discussions, and I will have no fear, if and when the confidential discussions conclude, that the Government's position will be entirely consistent with the public statements that I have made. I also have no fear, sadly, that the position that I have described as to the union leadership will also be more than fully justified, if and when the details of the confidential discussions are revealed.

The second issue raised by the honourable member relates to how an increase in the total cost of the claim might be paid. The simple economic reality, which sometimes escapes the Leader of the Opposition, is that there are only two ways that, in the long term, a Government can pay for a significant increase in expenditure, whether it be a salary increase or anything else. As I have said, there has to be a reduction in expenditure or an increase in taxation and revenue. There is no other way. As I have said often, I do not have a magic money tree to enable me to pay for a significant increase in a particular expenditure item. Either the Government has to reduce expenditure or it has to increase taxation.

That is not something that I as Minister, solely, have indicated. It is something that people with greater authority than I as Minister for Education have stated, namely, the Premier and the Treasurer. They have indicated consistently that they are the only two options that are available to the Government. If the Leader of the Opposition wants to suggest an alternative proposition as to how the pay increase might be funded, I would be delighted to leave the challenge with her and to relay to the Treasurer and the Premier the Leader of the Opposition's option for paying for the salary increase. I would not mind having a small wager that the Government will not receive anything from the Leader of the Opposition, because there is no alternative other than a reduction in the expenditure side or an increase in income or revenue.

The Hon. CAROLYN PICKLES: Mr President, I have a supplementary question. Does the Minister agree with the insulting and outrageous comments by the Treasurer that members of the South Australian Institute of Teachers are maniacs; and have these comments helped to settle this dispute?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: All members will know that, as a Minister, I am a very timid and mild mannered person, and the Treasurer is much more robust, full-blooded and front-on than I am.

The Hon. Carolyn Pickles: You think it's a joke to call every teacher in this State a maniac, do you?

The Hon. R.I. LUCAS: Whilst I can understand the frustrations of the Treasurer in relation to the actions of the union leadership—

The Hon. R.R. Roberts: Are they maniacs or not?

The Hon. R.I. LUCAS: The Treasurer was talking about the union leadership, not teachers.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The Government's position—and as Minister for Education—is that we believe that the overwhelming majority of our teachers are hardworking, honest people putting in a hard day's work for what we hope will be an increase in pay of some 12 per cent. We support the excellent work that our teachers do in our schools for our students—

The Hon. R.R. Roberts: You just don't want to pay for it.

The Hon. R.I. LUCAS: We want to pay a 12 per cent increase. We support a 12 per cent increase.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I believe that the overwhelming majority of our teachers are doing an excellent job within our schools and they deserve our credit and our support.

The Hon. R.R. Roberts: They don't want the credit: they want cash up-front.

The Hon. R.I. LUCAS: As Minister for Education, they will continue to get my support and the support of the Government for the work that they do.

The Hon. R.R. Roberts: The support is not the money.

The PRESIDENT: Order! The members on my left have had a fair go.

The Hon. R.I. LUCAS: I have had some very strong disagreements with the leadership of the union movement. It will not surprise members in this Chamber—

The Hon. Carolyn Pickles: Do you think that they are maniacs?

The Hon. R.I. LUCAS:—that I will continue to have very strong disagreements with the leadership of the Institute of Teachers and the Australian Education Union.

The Hon. R.R. Roberts: But not the Treasurer.

The Hon. R.I. LUCAS: As I said, I am a timid mild mannered Minister and my choice of language is always a little different from the language chosen by my colleague and friend, the Treasurer.

DECSTECH 2001

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 IT training.

Leave granted.

The Hon. CAROLYN PICKLES: The offer to teachers dated 31 May includes a commitment that the information technology project DECSTech 2001 will include a commitment to training and development as an integral part of advancing the use of technology in schools. This year $15 million has been set aside in the capital budget for this program. My question to the Minister is: will the training and development program be funded from the capital works budget and, if so, did the Government offer the teachers a program that had already been announced by the Minister in the budget the day before and, if not, where will the funds come from?

The Hon. R.I. LUCAS: I have already indicated that I am not in a position to comment on what might or might not have been part of confidential discussions before Deputy President Hampton of the South Australian Industrial Relations Commission. I can neither confirm nor deny aspects of the confidential discussions that were before the Industrial Relations Commission. If the Leader of the Opposition has been provided by representatives of the Institute of Teachers with alleged copies of the proposals that the Government put

at the confidential discussions, that is something for the Leader of the Opposition and for the leadership of the Institute of Teachers to justify for themselves. I can assure the Leader of the Opposition that I have not provided the Leader of the Opposition with a copy of any alleged or reported position.

The Hon. Carolyn Pickles: Be very careful what you say.

The Hon. R.I. LUCAS: It can come from only two sources. I am sure that the Leader of the Opposition is not going to suggest that Deputy President Hampton provided it.

The Hon. T.G. Cameron: Sam Bass might have put it in her box.

The Hon. R.I. LUCAS: Sam Bass hasn't got it.

Members interjecting:

The Hon. R.I. LUCAS: I am sure that the Leader of the Opposition is not suggesting Deputy President Hampton provided it to her. Certainly, the Government has not provided it, and that really only leaves one group of parties, that is, those who represent the employee interests. There are a number of unions and members who purport to represent the employee interests in the confidential discussions. So, much as I would be delighted to try to respond to the confidential discussions, I am not able to under the orders of Deputy President Hampton. I would be happy to respond to aspects of any possible Government offer or proposal at the end of the confidential negotiating period as outlined by Deputy President Hampton.

PARLIAMENT, CONTEMPT

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking you, Mr President, a question about your answer to my question by way of letter regarding contempt of Parliament, asked in this place on 30 May.

Leave granted.

The Hon. R.R. ROBERTS: On 30 May I asked you if you would investigate reports made in the *Sunday Mail* of 28 April 1996 that a member of the Legislative Council had been threatened with violence in the corridors of this building by a member of another place, which is a clear contempt of this Parliament. I further asked that, if you were able to identify the member of the other place who had made these threats, that person would be dealt with in an appropriate manner. Your reply to my questions on that occasion, as reported in *Hansard*, was 'Yes,' and I take it that your answer of 'Yes' meant that you would investigate the matter and ensure that the person who made these threats, if identified, would be punished in an appropriate manner and that you would report back to this Chamber. However, I received a letter from you dated 6 June 1996 in which you state:

> Dear Mr Roberts, I refer to your question to me of Thursday last, 30 May 1996. You drew to my attention an article in the *Sunday Mail* of 28 April 1996 and certain allegations made therein. I point out that no member has approached me concerning a threat made to that member and therefore it is quite improper for me to conduct an investigation emanating from an unofficial body such as a newspaper. I also remind you that it is for each House of Parliament to decide on any individual case involving its respective members of Parliament, and it is not for either House to deal with matters involving each other's members should this be the case.
>
> Yours sincerely,

And it is signed by you as President of the Legislative Council. From this letter it is apparent that you no longer believe it appropriate for you to investigate a matter involving threats against members of the Legislative Council, because the person against whom the threats have been made has not brought it to your attention. I point out that this is despite the fact that I, as a member of the Legislative Council, have raised this issue. Further, you believe it to be improper to conduct an investigation based on allegations made in a newspaper article. The Speaker in another place had no trouble in expelling the Deputy Leader of the Opposition from that Chamber, based wholly and solely on what he was quoted as saying in a country newspaper report. But I guess that, with two Houses of Parliament, we will often get double standards.

In the preface to my question to you on 30 May I noted that the member threatened with having his legs broken had written to the Premier and to the Minister for Education and Children's Services lodging an official complaint about the threat. Therefore, my question is: following my questions to you, Sir, on 30 May, what steps did you take to investigate this matter and, in particular, did you contact the Minister for Education and Children's Services to ascertain if he had received a letter from the unknown member, as alleged, complaining of being threatened with violence and, if you did not do so, why not?

The PRESIDENT: The answer to the question simply is that I was not asked to investigate it. I knew nothing of it other than what I read in the paper. It is my opinion, not the opinion of somebody else, that I have no jurisdiction to investigate matters which appear in the local press. I was not advised of the incident. I have still not received any information other than from the honourable member. On investigation, I still cannot find any problem and I have received no complaint.

The Hon. R.R. ROBERTS: I have a supplementary question, which I direct to the Minister for Education and Children's Services. Has the Minister—

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: It is a supplementary question.

The PRESIDENT: No, it is not a supplementary question to me. I cannot agree with that.

The Hon. R.R. ROBERTS: I seek leave to ask a question of the Minister for Education and Children's Services.

Leave granted.

The Hon. R.R. ROBERTS: In his capacity as Leader of the Government in the Legislative Council, has the Minister received any correspondence from any member of this place complaining of threats of violence and, if so, what action has he taken?

The Hon. R.I. LUCAS: Any correspondence I have with members of this Chamber, whether they be Labor or Liberal, will remain personal and confidential between that particular member and me.

The Hon. R.R. Roberts: This is a cover-up! This is a matter before the Parliament.

The PRESIDENT: Order!

BELAIR RAILWAY LINE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport a question about the Adelaide-Belair railway line.

Leave granted.

The Hon. SANDRA KANCK: Since the closure of the Clapham, Hawthorn and Millswood railway stations, a number of meetings between the Friends of the Belair line (FOBL) and TransAdelaide have been held to discuss various matters relating to that line. In May this year, FOBL met with

Tony Phelan of TransAdelaide. He indicated there was no reason for night time and weekend services not to be returned to the Clapham, Hawthorn and Millswood stations as the projected time savings resulting from their closure had not been realised. An article in the *Eastern Courier* of 5 June 1996 states:

> Train commuters have won a major breakthrough in their bid to bring the Belair rail line back to life. TransAdelaide has given a commitment that, by 1 July this year, the line will be upgraded, timetables will be installed at the stations and that the closed Millswood, Hawthorn and Clapham stations could be reopened on a part-time basis.

On 3 June a stations audit into all the stations on the Belair line, which took six hours, was carried out by Ms Kirsten Mitchell of TransAdelaide. But Ms Mitchell was not invited to a meeting on 26 June with TransAdelaide's Carolyn Barlow and FOBL where the audit was to be discussed. At this meeting FOBL were told there was no way the stations would be reopened at all, and separate meetings to discuss the establishment of different timetables have been disallowed. My questions to the Minister are:

1. Will the Minister table a copy of the consultant's report entitled 'Transport management grows—report into the operations of the Belair line'? If not, why not?

2. Did the Minister or her office order TransAdelaide not to discuss the timetabling for the reinstatement of services on the Belair line?

3. Does the Minister disagree with Tony Phelan of TransAdelaide that the expected benefits to the Belair service of closing the Clapham, Hawthorn and Millswood railway stations have not eventuated and that these stations could be reopened at nights and on weekends without great cost or detriment to the existing service?

4. Are taxi vouchers still being issued to elderly or disabled public transport users who were disadvantaged by the closing of the stations last year?

The Hon. DIANA LAIDLAW: I have sought to note the series of questions that the honourable member has asked; if I do not have them all, I am certainly happy to bring back a reply. I have sighted a copy of the report entitled 'Transport management grows—report into the operations of the Belair line', which was prepared for TransAdelaide. My understanding is that it is an internal working document and that the members of the Friends of the Belair Line who met with Ms Carolyn Barlow were provided with an executive summary of that report. Certainly, I am pleased to be able to provide that executive summary to the honourable member. There was no need to discuss the timetabling of the reinstatement of services, because these stations are closed.

As to whether I agree with Tony Phelan of TransAdelaide about the benefits of the closure of these stations, it is not a matter of whether there are benefits or losses. I have acknowledged publicly and also in this place during Estimates Committee that, since single line operation and the National Rail ownership of the other freight line, the service overall has been extraordinarily disappointing and far from satisfactory.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: The Hon. Mr Elliott has just mentioned that the train was eight minutes late today. Sometimes it has been worse than that, because we have had extraordinary trouble getting money from National Rail to complete its undertakings as part of the contractual arrangements with TransAdelaide to complete work on that line. So, daily, trains are forced to go much slower in various sections of the track than we had ever anticipated as likely, because we have not been able to complete the project.

Even last week, out of sheer frustration on my and TransAdelaide's part and also out of curtesy for nearby residents, I authorised TransAdelaide to pay $6 000 of State funds towards noise screening so that Cranbrook Avenue residents would not suffer the noise that they have had to experience since some single line operation and National Rail freight wagons have been travelling that line. We will seek to get that money back from NR, but it was no longer possible to inflict those noise problems on the residents, notwithstanding that NR had initially undertaken to address those needs and to pay for the structures.

I do not know about the taxi vouchers for elderly people and those with disabilities and the use of those stations that have now closed, but I will inquire for the honourable member. Certainly, they were in place initially, and I will inquire whether they are still in place.

The Hon. SANDRA KANCK: As a supplementary question, while the Minister has declined to answer my question about any directive coming from her, will she give her opinion as to why TransAdelaide has altered its position about the reopening of those stations within less than a month?

The Hon. DIANA LAIDLAW: Mr Phelan may have been voicing a personal opinion. It was not TransAdelaide's and certainly not the Government's view because, on the advice of the former STA to the former Minister for Transport, three stations along that line had to close as part of single line operation. It was my unhappy duty, as the new Minister for Transport, to nominate which stations would close. Part of the contractual agreement with NR was the decision that three stations would close. I named those three stations, and those stations remain closed. There is no point talking about timetabling if there are no stations to which those timetables apply.

FARM VEHICLES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about farm vehicle registrations.

Leave granted.

The Hon. CAROLINE SCHAEFER: Most farmers have now accepted that farm vehicle registration is a cost recovery-only fee in order to provide third party bodily insurance when farm vehicles are on public roads. However, the introduction of this insurance is causing a great deal of confusion—and I would not be exaggerating to say consternation—on the part of those who must now insure. In order to seek some clarification, I ask the following series of questions:

1. Why is this insurance necessary, when most farmers believed that they had sufficient cover with their public liability insurance?

2. Will such vehicles now be covered for third party property insurance?

3. What component of the fee to be charged is for registration, and what component is for insurance?

4. Do all farm vehicles need to be weighed prior to registration, as is being stated in some quarters?

5. Have the unnecessarily complicated application forms been revised?

The Hon. DIANA LAIDLAW: In answer to question No. 5, the forms have been revised. I was alerted last week that to insure their farm vehicles farmers were being asked to

complete three quite complicated forms, and this was quite opposite to what we had been seeking to do in terms of reducing the numbers of categories for registration purposes. So, although the Government was seeking to simplify the procedure, in the administration or translation of the new Act and regulations we found that the Registration and Licensing Branch had produced an extraordinarily complicated set of forms, which seemed to be much more complicated than was required in the past. When this was brought to my attention—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: I don't approve the forms. No, I did not approve the forms, but someone in their wisdom—and I think in good faith—approved the forms.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: Hopefully, we have got rid of that position. As we are seeking to simplify the process, it was certainly obvious that we should simplify the form filling procedures. In practice, our initial efforts did not achieve that—they will now. Since the Hon. Caroline Schaefer, the member for Chaffey, the member for Custance and others have spoken to me on the phone about the need for quick change, I understand a new one page form has now been prepared and is available from licensing offices around the State. In terms of all farm vehicles being weighed prior to registration, I believe that some enthusiastic officers within some areas of the department have suggested that this is required and that every farmer has to bring their tractor in to be weighed before it is now to be registered or before CTP is paid. That is not the case. It is only when the farm vehicle is 14.5 tonnes—and there is some uncertainty about the weight in that area—that it would have to be weighed.

I do not have the answers to the honourable member's second and third questions, but I will bring back a reply. In terms of the first question, I advise that this change of arrangements in terms of compulsory third party insurance (which is bodily injury insurance, not property insurance) has been necessary because, in the past, many farmers took out public liability cover for farm vehicles, but nevertheless encountered insurance problems where the tractor or farm implement was not covered for compulsory third party insurance and they were involved in a road accident. This issue has been discussed amongst rural based members of Parliament in the Liberal Party for some four or five years, as far as I recall. It is good that this issue has been fixed up finally and farmers will no longer be vulnerable in this regard but, as with any new system, it is not surprising that there is some need for clarification because there is some uncertainty and some unease.

The difficulty encountered in the past has led to the Government repealing the existing exemption which allows farm vehicles and self-propelled farm implements to operate unregistered and without CTP insurance. In lieu of this exemption, farm tractors and self-propelled farm vehicles will be required to be conditionally registered and covered by CTP. Whilst conditional registration will be available from 1 July 1996, the exemption will continue to apply until 30 September 1996 under a three month moratorium. The CTP cover provided by conditional registration will apply only while these vehicles are operated on a road. The CTP for self-propelled vehicles will be extended to cover any unregistered trailer or farm implement being towed. In addition, the CTP of any vehicle owned by a primary producer will be extended to any unregistered farm implement being towed by the vehicle, but again only while the vehicles are on the road.

It is acknowledged that public liability policies have traditionally excluded registered vehicles in order to avoid conflict between CTP and public liability policy providers in the event of a claim. With this new provision for CTP, some considerable work has been undertaken by the Registrar of Motor Vehicles with insurance companies on a company by company basis, but also through the Insurance Council of Australia, to endeavour to provide a seamless insurance cover for farm vehicles. I understand several companies have already modified their public liability policies to ensure the public liability cover operates for conditionally registered farm tractors and self-propelled farm implements in the instances of off-road use where CTP does not operate. I was informed today that other insurance companies are examining the situation and are expected to follow suit in the near future. As I indicated, they have this moratorium period between 1 July and 30 September in which to do so.

I urge the honourable member—and even the shadow Minister for Primary Industries, who has taken an interest in this matter—to suggest to all owners to check that they have the protection for bodily injury when the vehicle is not in a public place, and property damage both on private property and in a public place. I am also ensuring through registration and licensing staff that, when owners have completed their registration certificate, they will be provided with an information leaflet advising them to check whether an adjustment to their public liability cover is necessary. If that seamless insurance cover has not been provided, as insurance companies have indicated to us it will be, we will be keen to learn about that so we can again speak to that insurance company and ensure that they implement the undertakings they have given to the Government in this regard.

I also add that cherry pickers, which are used by fruit growers and others, have been a problem in terms of how to assess for registration and CTP purposes. These implements have a motor, but not one that enables them to be used self-propelled on the roads and confusion has arisen about how they should be registered, if at all, and what CTP should apply, if at all. The Registrar of Motor Vehicles has determined that they will now be deemed in the category with lawn-mowers, and therefore will not attract the need for registration or CTP insurance. That advice will be given out more widely with the help of the media, registration offices, the Farmers Federation, fruit growers and the like. However, if honourable members do hear of anomalies of that nature, I, or the Registrar of Motor Vehicles, will be very keen to help address the problems because we are seeking to simplify the system and fill gaps where there have been problems in the past. We are certainly not aiming to complicate the issues or make life more difficult for farmers. As I have identified in answer to the honourable member, where these matters have been brought to our attention we have been able to deal with them to the satisfaction of the honourable members and to the people whom they represent.

HEALTH, COMMUNITY

In reply to **Hon. T.G. ROBERTS** (28 March).

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

The Minister for Health has advised that as indicated in the Second Reading speech of the Public and Environmental Health (Notification of Disease) Amendment Bill on 11 April 1996, a comprehensive review of the Food Act is being undertaken. This will look at the distribution of powers between local councils and the Health Commission, as well as new approaches to ensuring food safety which are being developed at the national level.

It is intended to release shortly a discussion paper raising various options for public comment. This will be widely distributed and comment received during that consultation process will be taken into account in drafting amendments to the Food Act later this year.

Current trends in improving food quality focus more on industry quality assurance and accreditation, the development of food safety plans and the training of food handlers. These, as well as more effective delineation of responsibilities between local and State Government in administering the Food Act, will be addressed in the paper.

Resources for the surveillance of the Food Act are being considered in the context of discussions with the Local Government Association about roles and responsibilities and best use of resources.

WOMEN'S INFORMATION SERVICE

In reply to **Hon. ANNE LEVY** (29 May).

The Hon. DIANA LAIDLAW:

1. Negotiations are currently under way regarding the relocation of the WIS. When a suitable site has been confirmed, a wide publicity campaign will be undertaken.

2. The appointment of the Aboriginal Information/Project Officer was not filled until a Community Advisory Panel of Aboriginal women was established. This panel was established at the request of Aboriginal women and was a recommendation in the WIS Review. The panel is providing advice to the WIS on the selection process and appointment of the Aboriginal Information/Project Officer. The panel will also assist in providing direction for projects to be undertaken for the benefit of South Australian Aboriginal women.

I provide the following information regarding WIS staffing arrangements. Currently a number of permanent staff from WIS are working on temporary reassignment in other Government agencies. The vacant positions have been backfilled on a contractual basis with temporary staff drawn from the volunteers at WIS and the Public Service. This has enabled the pool of available experienced information officers to expand by providing employment opportunities for the volunteer staff. This is consistent with the philosophies of WIS, which has been to provide its pool of volunteer information officers with opportunities for paid employment.

The honourable member's comments regarding the ethnic community radio are not correct.

Negotiations are currently underway to expand the service to women from providing programs to three languages (Spanish, Greek and Vietnamese) to better reflect the diverse ethnic mix in our community. The new initiative for women from non-English speaking backgrounds will be to provide 5EBI FM with pre-recorded, two minute tapes in 21 community languages to advertise the services available at WIS and the Telephone Interpreter Service.

GOLF BUGGIES

In reply to **Hon. G. WEATHERILL** (6 June).

The Hon. DIANA LAIDLAW: Following clarification of this question with the honourable member, I understand that the question relates to changes to the registration requirements for motorised golf carts. These will be introduced from 1 July 1996 as part of an extension to the existing conditional registration provisions in the Motor Vehicles Act, arising from the recent Motor Vehicles (Miscellaneous No. 2) Amendment Act.

The amendments will allow for vehicles such as motorised golf carts, which are designed for off-road use and do not comply with Australian Design Rules safety standards, to be conditionally registered.

At the present time, these vehicles are not eligible for registration and the owner is only able to obtain an unregistered vehicle permit. Although these permits are available for a period of up to twelve months, the owner does not receive a renewal notice and is required to make a further application at the expiration of the permit.

However, under the new provisions, owners will be eligible to apply for conditional registration. Vehicles that are conditionally registered will be issued with number plates, covered by compulsory third party insurance and the owner will be forwarded a renewal notice. As access to the road network will generally be limited to the golf course itself and an adjacent car park, no registration charge or stamp duty will be payable. Owners of conditionally registered golf carts will be able to register for periods of up to three years.

An owner who currently operates the golf cart by permit, will not need to apply for conditional registration until the expiry of the permit.

The only cost to the owner will be an administration fee of $5, with the issue of the number plates included in the fee, and the compulsory third party insurance premium. The same administrative fee will apply irrespective of whether the owner registers the motorised golf cart for a period of one, two or three years. The conditional registration provisions will, therefore, enable owners to make greater savings by taking longer periods.

I should point out that the administration fee applying for the initial registration of a golf cart not previously covered by permit, will be $20, irrespective of the period selected, with a further payment of $20 for the number plates. However, at the renewal of the registration the administration fee will be reduced to $5.

SCHOOLS' REVIEW

In reply to **Hon. CAROLYN PICKLES** (26 March).

The Hon. R.I. LUCAS: The following reviews are currently in progress:

Southern Fleurieu Cluster

This involves Victor Harbor High School, Mount Compass and Yankalilla Area Schools, Rapid Bay, Myponga, Goolwa, Victor Harbor Junior Primary and Primary Schools, and Willunga High School.

This report involved extensive research and community consultation and includes a series of recommendations to enable a regional approach to strategically plan the future delivery of education within the cluster. The two major recommendations are under further investigation, and working parties are currently developing educational briefs.

Recommendations on the middle school and joint DECS/TAFE proposal are expected to be prepared by mid 1996.

This review does not recommend proposed closures or amalgamations, but examines different educational structures, for example, the investigation into establishing a joint venture with TAFE. The overall emphasis is on an exploration of how to maximise curriculum options for all students in the Southern Fleurieu district.

Marion Road Corridor Project

This project involved Sturt, South Road, Marion and Clovelly Park Primary Schools, and Marion, Daws Road and Hamilton High Schools. The relocation of the former Minda School is also part of this project.

I have announced that Sturt Primary School, South Road Primary School and Marion High School will close at the end of 1996.

During 1997, Daws Road High School will become a years 7-13 school, Hamilton Secondary College will remain a years 8-13 school (with adult re-entry), and Marion and Clovelly Park Primary Schools will remain years R-7 schools.

For 1998, the school structures will be as follows: Daws Road High School will become a years 7-13 school, Hamilton Secondary College will become a years 7-13 school (plus adult re-entry), and Marion and Clovelly Park Primary Schools will become R-6 schools.

In addition, a new facility for secondary aged students with severe and multiple disabilities and significant intellectual disability will be built on the Hamilton Secondary College campus. This will replace the current Minda School facility which will eventually close.

The review committee has explored amalgamations in the context of creating different school structures such as middle schools and senior colleges to improve educational outcomes for students in this district. The Government has accepted the recommendations of the review team and supported the development of middle schooling options. I have indicated that almost $5 million will be available over the next two financial years to upgrade the remaining schools and other neighbouring schools.

This level of expenditure will significantly improve the quality of facilities for students and staff in the Marion Road Corridor region. As part of these facility improvements, the Government will upgrade the technology infrastructure of the four schools. Required cabling and infrastructure for eventual connection to the Education Network will be provided as a priority together with assistance in purchasing additional computers and software for students and training and development for teachers.

Clare and District Future Education (CADFE) Project

This review has been completed and the review team is now seeking additional information concerning implementation of some of the recommendations of its report.

Again, no closures or amalgamations are proposed here. Instead, the project has sought innovative but sound educational ways to overcome accommodation problems at Clare Primary School.

Whyalla

A review of educational delivery across the primary schools in Whyalla is in progress and the latest estimate is the report will be completed around mid 1996. The schools involved are Long Street Primary School, Hincks Avenue Primary School, Nicholson Avenue Junior Primary and Primary Schools, Fisk Street Primary School, McRitchie Crescent Primary School, Iron Knob Primary School, Whyalla Stuart Junior Primary and Primary Schools, Memorial Oval Primary School and Whyalla Town Primary School.

Jamestown

This review involves Jamestown Primary and High Schools. I understand the community strongly supports the formation of an R-12 school on the current high school site. In this instance, the community acknowledges not only the effective use of facilities but also the benefits to their children. All students will have access to specialist curriculum facilities and the school community library under this proposal. I understand that the resourcing implications of this proposal are still being examined, and it is anticipated that a report will be provided by the end of Term 2, 1996.

Inner City Schools

In relation to the Inner City Schools Review, I have announced that Sturt Street Primary School will close at the end of 1996. The New Arrivals Program currently operating from Sturt Street will transfer to Gilles Street Primary School. Mainstream students from Sturt Street will have the choice of enrolling either at Gilles Street Primary School or at their local school. Parkside Primary School will remain open.

These three schools are within 2-3 kilometres of each other and so there is a clear argument for a reduction in the number of schools. The larger number of students at Gilles Street Primary School in 1997 will mean more teachers and staff to improve the quality of educational opportunity for Sturt Street students moving to Gilles Street.

Central West District

An investigation of educational delivery across the Central West district is in progress. This involves schools in the districts from Croydon to West Beach to Plympton. This review has developed into a cluster approach, with some clusters having completed their investigations. There may well be a number of reports and the earliest report is estimated to be in about mid 1996. A list of the schools involved in this review is attached.

Mount Remarkable Schools

I have been advised that Booleroo Centre Primary and High Schools, and Melrose and Wilmington Primary Schools, are likely to indicate agreement to establish a review team to investigate methods for closer collaboration and cooperation.

I cannot indicate the number of schools that will be closed as each decision is based on the recommendations and specific circumstances of each review. However, the Government has indicated it believes the latest number of closures and amalgamations is likely to be only about 40 in its 4 year term. As you will know, this compares to a figure of 70 in 7 years under the previous Labor Government. I would also add that the current school restructure program is much more than just amalgamations and closures. The Department for Education and Children's Services is responding to community needs, and working to improve educational delivery across the State by establishing new structures and relationships which are based on sound educational principles.

Adelaide Central West

Clustering of Schools for Restructuring Review 1995

Upper West	Brompton Primary
	Challa Gardens Primary
	Croydon High
	Croydon Park Primary
	Croydon Primary
	Kilkenny Primary
	Woodville Special
Possible inclusion of	Ferryden Park Primary
Mid West	Allenby Gardens Primary
	Findon High
	Findon Primary
	Seaton Park Primary
	Woodville Primary
Anzac	Camden Primary
	Netley Primary
	Plympton High
	Plympton Primary
	Richmond Primary
West Torrens	Fulham Gardens Primary
	Fulham North Primary
	Henley Beach Primary
	Henley High
	West Beach Primary
Underdale	Cowandilla Primary
	Flinders Park Primary
	Kidman Park Primary
	Lockleys North Primary
	Torrensville Primary
	Underdale High
West Lakes	Grange Junior Primary
	Grange Primary
	Hendon Primary
	Seaton High
	West Lakes Junior Primary
	West Lakes Primary
	and others
	(subject to review of schools in Junction district)

MULTI-MEDIA

In reply to **Hon. L.H. DAVIS** (10 April).

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

Multimedia was one of five niche areas targeted for development and growth under the Government's IT 2000 Vision announced in 1994.

In January 1996, the Premier launched 'The Multimedia 2000 Report' which was prepared by a task force of Government and industry representatives. The report clearly identified the need for a whole of government approach and the key role which government must play in industry development. Recommendations from the report have been endorsed by the Cabinet Multimedia Sub-Committee which is chaired by the Premier.

The Government, in collaboration with South Australia's three universities, local industry partners, the South Australian Branch of the Australian Interactive Multimedia Association and a number of significant multinational hardware and software companies, has taken an active role in the establishment of Ngpapartji Pty Ltd, the Cooperative Multimedia Centre being established in the East End of Adelaide.

The Cooperative Multimedia Centre is partly funded through the federal Department of Employment, Education, Training and Youth Affairs and Ngapartji is one of six federally funded CMC's in Australia. The South Australian Government will invest in excess of $1.5 million in Ngapartji over the next three years and will ensure that the arts and cultural sector, the education sector and local industry are actively engaged and involved with the invaluable work to be carried out by Ngapartji.

The CEOs of the six federally funded CMCs have held two national conferences this year with another planned for Darwin in June and a major conference to be held in Adelaide in September/October to coincide with the LETA'96 (Learning Environment Technology Australia) Conference. Each of the CMCs has been very keen to pursue every opportunity for collaboration and cooperation across State borders.

The newly created Department of Information Industries includes staff with significant talent, experience and knowledge which will be applied in a range of IT areas, including multimedia.

In encouraging industry development, the Government expects that the bulk of multimedia work involved in electronic services Business and electronic transactions by, and with, Government will be performed by the private sector.

A foundation of South Australia's IT2000 Vision is to ensure that South Australia is an information enabled society. Indeed, the Government's Electronic Services initiative aims to ensure that South Australians have greater access to Government and private sector information on line and via kiosks across the whole State. The feasibility of this is being jointly evaluated by the Government and IISC/IBM and this work is at a more advanced stage than elsewhere in Australia.

The honourable member has noted that Premier Kennett can be e-mailed. The South Australian Premier also can be e-mailed. His e-mail address is on his letterhead.

The area of multimedia offers challenges for South Australia on a global scale and the future for this emerging industry in South Australia is very solid indeed.

ASER PROJECT

In reply to **Hon. L.H. DAVIS** (27 March).

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

The Superannuation Funds Management Corporation (SFMC) has exposure to the ASER development in three forms:

. An inflation linked loan to ASER secured against the Government's lease of the public facilities (Convention Centre and carparking).

SFMC's predecessor SASFIT provided the funds to develop the Convention Centre, carparking and a 40 per cent share of the common areas. The Government leased the facilities for 40 years, rent being indexed to inflation. The rental stream will repay the loan. The Government has accepted all property risks and costs associated with the public facilities.

SFMC currently values the loan at $102.6 million, and considers it to be essentially a Government security.

. An equity investment in the commercial elements of the development.

SASFIT and Kumagai made loans to ASER to fund the development. In 1989 these loans were largely repaid via the Westpac financing. During the operating phase prior to the recent downturn further monies were returned to SASFIT, giving SASFIT an overall positive cash flow of $4.4 million in respect of its equity interest.

SFMC (and SASFIT before it) reports the market values of its assets each year. During the early years of ASER's operation, the market value of SFMC's equity interest was estimated at over $100 million. In June 1995 the value was written down to $73 million in recognition of depressed performance, and the latest estimate puts the equity value at close to zero, representing a write back of all 'profit' previously reported.

Since most funds managed by SFMC are in respect of schemes for which the Government bears the investment risk (schemes with defined benefits or defined crediting rates) the effect of under performance falls mainly on taxpayers, through an increase in the unfunded liabilities, delaying the Government's progress towards full funding of all the public sector schemes.

. A guarantee exposure in respect of ASER's loans.

Under the Westpac financing arrangements, SFMC has guaranteed ASER's commitments to service $100 million of loans. SFMC has recently been required to contribute towards interest payments, and further injections will be required unless trading performance improves.

In summary, the effect of any writedown in value of the ASER investment, or call upon SFMC under its guarantee commitment, falls mainly on taxpayers as an increase in the Government unfunded superannuation liabilities.

FIREARMS

In reply to **Hon. A.J. REDFORD** (28 May).

The Hon. R.I. LUCAS: The Minister for Police has provided the following response.

The computerised system of the South Australia Police Department does not currently record the magazine capacities of firearms. Magazine capacities will be included in the reprogramming of the firearms control system to enable it to cater for the agreed national firearm categories.

1. The total number of semi-automatic shotguns registered in South Australia is 11 501.

2. The total number of pump action shotguns registered in South Australia is 13 648.

3. The total number of semi-automatic .22 rifles registered in South Australia is 40 750.

4. It is the Government's intention to continue to control the sale of ammunition in this State in accordance with resolution 9.3 of the Australasian Police Ministers' Council, which states:

'All jurisdictions to legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed and to place limits on the quantity of ammunition that may be purchased in a given period.'

QUEEN ELIZABETH HOSPITAL

In reply to **Hon. T. CROTHERS** (27 March).

The Hon. R.I. LUCAS: The Minister for Health has provided the following response.

In response to your question regarding the Queen Elizabeth Hospital on 27 March 1996, the Minister for Health has advised that the expressions of interest are being evaluated and in due course, an announcement will be made about the responses to the expressions of interest call and the outcome of the expressions of interest evaluation. In the event that the Government decides to proceed with the project following the evaluation of expressions of interest, the next step will be the issuance of requests for proposals documentation to the short-listed parties. The project approach does not entail an invitation or request for tenders.

WATER SUPPLY

In reply to **Hon. T. CROTHERS** (2 April).

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided the following response.

1. The Government is very conscious of the need to plan well into the future to ensure availability of secure supplies of suitable quality water for the State. The viability of accessing 21 sources of bulk water supply for South Australia were examined by the then Engineering and Water Supply Department (now SA Water) in 1989. Based on current predictions of future water availability and demand, the outlook for South Australia is that it is most unlikely that any new large dams or major extensions of large supply pipelines will be needed before the year 2020, provided careful management is exercised.

The Government made an election promise to prepare a water plan for South Australia. This plan was released by the Minister for the Environment and Natural Resources in September 1995. The plan aims to halt the previous trend whereby development of water resources has contributed to degradation in some areas and also to pursue ecologically sustainable development. The document provides a strategic framework to guide future water management in South Australia.

In addition, the Government is contributing both in kind and in cash to a series of programs being undertaken by the Cooperative Research Centre for Water Quality and Treatment which will be of benefit to potable water supplies for South Australia (eg. 'Catchments and Source Water Management as a Tool for water Quality Control').

South Australia is party to the Council of Australian Governments' agreement to progressively implement reforms in the water industry. To date, South Australia has responded with several initiatives, including institutional reform (separation of the environment/water resources management and infrastructure role at Ministerial and department level), pricing reform and allocation of licences.

2. Considerable opportunities for ecologically sustainable development can be pursued not only through more efficient use of traditional sources of water, but also through making greater use of non-traditional water sources such as stormwater, sewage effluent and industrial wastewaters. While careful consideration must be given to a range of economic, technical, public health and environmental issues involved in the use of these resources, the potential benefits in many cases can be significant.

Making as much use as possible of alternative sources of water would help to reduce our reliance on natural water sources. As an example, improving the quality of stormwater provides the opportunity for wider use, as well as reducing the impact of pollution on the receiving marine or freshwater environment.

While a specific ongoing research budget is not in place at this stage, funding is being provided by both Federal and State Governments for a number of initiatives. A number of demonstration projects, incorporating a total water cycle approach, have been established to determine the extent to which local water resource development and wastewater re-use can effectively provide for future water needs.

These projects are concerned with the future development of southern Adelaide, a number of country towns currently experiencing water supply difficulties, Northern Spencer Gulf area resource planning project and innovative housing estates within metropolitan Adelaide at Andrews Farm, Regent Gardens and New Haven.

In addition, investigations are continuing on the possible re-use of treated effluent from the Bolivar Wastewater Treatment Plant by vegetable growers on the Northern Adelaide Plains and from the

Christies Beach Wastewater Treatment Plant for wineries and horticulture in the Willunga and McLaren Vale region.

A review of current water management policies and practices associated with, or impacting on, effluent re-use has been conducted by the South Australian Water Resources Council. The review was assisted via a partnership agreement between the Department of Environment and Natural Resources and the CSIRO's Urban Water Systems Research Program. A draft report has been forwarded to the Minister for the Environment and Natural Resources for consideration.

ELECTRICITY MARKET

In reply to **Hon. SANDRA KANCK** (10 April).

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided the following response.

1. I advise that electricity tariffs applicable to Roxby Downs are regulated under the Roxby Downs (Indenture Ratification) Act 1982. The Roxby Downs 'Power Distribution Authority' is required under the Act to charge consumers the same as the relevant rate in the Metropolitan area plus 10 per cent.

Schedule 4, clause 10 (1) (b) of the Electricity Corporations Act 1994, makes it an offence for organisations to 'on sell' supply from ETSA Corporation at a rate which represents a premium.

I advise that the Government has taken steps to in effect postpone the operation of Clause 10 (1)(b) until the National Electricity Market implications for landlords and tenants are better known. However, the postponement will only apply to circumstances where tenants are charged the same price as they could otherwise have bought their electricity from ETSA.

A notice was published in the *Gazette* on 24 August 1995 to give effect to this arrangement. However, it is not yet clear what the effects of a National Electricity Market will have on future arrangements between landlord and tenant. By taking this step of deferment, it should not be thought that the interim arrangements are guaranteed to continue.

2. Not applicable.

3. An Indenture Agreement exists between ETSA and the Olympic Dam Consortium. This document makes no direct reference to electricity tariffs applicable to the Roxby Downs Caravan Park.

YUMBARRA CONSERVATION PARK

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

The Hon. R.I. LUCAS: The Minister for Mines and Energy has provided the following response.

1. It must be understood that aerial magnetic surveys provide data which enables identification and location anomalies and other magnetic features. The ranking of anomalies is a process carried out by geo-scientists every day. In fact, it is part of the routine exploration process and is one of the key things that sets apart effective and successful explorers (who are able to make associations from the existing information) from unsuccessful explorers.

An anomaly is generally ranked on the basis of its particular attributes such as size, shape, and intensity as well as its associations such as the geology, geochemistry and structure and in relation to the particular types of models that are being applied by explorers.

Ranking given to any particular anomaly will vary depending on the emphasis placed upon the attributes selected, the emphasis placed on the associations and the mineralisation, models applied.

2. The significance attributed to the anomaly is based on the professional judgement of officers within Mines and Energy SA following from assessment of the anomaly's attributes, associations and realistic geological/structural models.

As the member states himself, the Government's statement was that it was 'the most significant indication yet identified'.

3. The statements made about the significance of the indication are based on the professional judgement of officers within Mines and Energy South Australia on the information made available through the SAEI. Any appraisal process that eventuates will entail carrying out ground investigations to detail the anomaly and clarify geological, geophysical and geochemical associations.

4. Obviously the better the baseline information the better the decisions that can be made. This applies with respect to geological information as much as biological information and other types of information also appropriate to decision making. However there are practical and financial limitations to collecting baseline information on a State wide scale of which the Hon. Mr. Elliott will be well aware. In short this would be a massive multi million dollar exercise and, without a clear focus on specific issues, it is likely to yield little of practical value. Let it be clearly understood that the SAEI aeromagnetic surveys only provide information over 40 per cent of the state, that the surveys have been focussed to optimise their value and that the aeromagnetic surveys are only one component of what is often described as a 'geological' survey to put it on the same footing as the term "biological survey.

NORTHERN TERRITORY

In reply to **Hon. R.D. LAWSON** (6 June).

The Hon. R.I. LUCAS: The Premier has provided the following response. Subject to satisfactory resolution of a number of important constitutional issues, the South Australian Government is supporting the granting of Statehood to the Northern Territory.

TERTIARY EDUCATION

In reply to **Hon. P. NOCELLA** (29 May).

The Hon. R.I. LUCAS: My colleague the Minister for Employment, Training and Further Education has provided the following response:

1. A Job and Person Specification for the Executive Officer for TMEAC has been prepared, in liaison with the Chair, which is currently being processed through the normal Public Sector appointment processes and procedures. It is intended that the position will be advertised in the Public Sector Notice of Vacancies drawing a wide field of applicants. The Chair of TMEAC, Dr Tony Cocchiaro will be invited to participate in the selection procedures.

2. While budgets for 1996-97 are yet to be finalised, up to $50 000 per annum has been allocated from the DETAFE budget for the operations of the Committee. Within this figure, the Department will provide appropriate accommodation for the Executive Officer and administrative support.

In addition, it is likely that some unexpended funds will be carried over into 1996-97 from the 1995/96 allocation which will facilitate a smooth start to the operations of the Committee.

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

In reply to **Hon. P NOCELLA** (20 March).

The Hon. R.I. LUCAS: The Minister for Multicultural and Ethnic Affairs has provided the following response:

1. Mr Basil Taliangis, Chairman, South Australian Multicultural and Ethnic Affairs Commission; Mr Lindsay Thompson, Chief Executive Officer, South Australian Employers' Chamber of Commerce and Industry Inc.; Mr. Peter Demourtzidis, Managing Director, Trio Hinging Australia.

2. All three persons travelled business class. The travel was organised by Lamberto Travel Agency Pty Ltd. If there were side trips these costs were not borne by the Office of Multicultural and Ethnic Affairs.

3. Costs met by the Office of Multicultural and Ethnic Affairs were as follows:

· Mr. Basil Taliangis	$3 033.00 Return Airfare $261.98 Accommodation and related expenses, Hotel Electra Palace
· Mr Lindsay Thompson	$3 033.00 Return Airfare $469.70 Accommodation and related expenses, Hotel Electra Palace
· Mr Peter Demourtzidis	$3 033.00 Return Airfare $259.71 Accommodation and related expenses, Hotel Electra Palace

4. The honourable member made general assertions in his question about conflicts of interest without having the courage to come to any specific point. If he was referring to the travel arrangements and the involvement of Lamberto Travel Agency Pty Ltd, I advise that the Office of Multicultural and Ethnic Affairs sought five quotations for the travel in question and chose the lowest quotation. I have raised the involvement of Lamberto Travel in this matter with Mr. Taliangis. He has advised me that while he is a Director of Lamberto Travel Agency Pty Ltd he has not, since totally disposing of his shareholding in that company 10 years ago, received any remuneration as a Director or indeed, any payment. No other member of his family is directly or indirectly a shareholder in the

Company. In the circumstances, I am satisfied that Mr Taliangis has not derived any personal financial benefit from the decision of the Office of Multicultural and Ethnic Affairs to arrange this travel through Lamberto Travel.

EDS CONTRACT

In reply to **Hon. P. HOLLOWAY** (28 May).

The Hon. R.I. LUCAS: The 'service agreement' referred to in the DECSpress article of 2 May 1996 is that part of the total contract with EDS called the Agency Service Level Agreement, which consists of a written document common to all agencies and several annexures particular to the details of in-scope computing systems within each respective agency.

These Service Level Agreements are still drafts, subject to verification by EDS and agreement by all parties up until 17 July, 1996. They describe the current levels of service being experienced by agencies in order that EDS may be held to providing those current levels of service throughout the life of the contract. They will be amended as, and only when, both parties agree to amend them to reflect a change, which will usually take the form of an extension or improvement to services.

DECS has drafted an Annexure (L6) describing the current levels of service being experienced by schools on their administrative computing networks.

The Government's contract with EDS prohibits the general release of these documents. They are available to users of EDS services within agencies, as necessary, to facilitate description of current services as required under the contract.

The 'penalties' referred to in the DECSpress article are the general costs which could arise if a school breached its obligations under the contract and in doing so created a breakdown or problem which EDS then had to resolve. In such a case, EDS could be legally entitled to charge the school for resolving the problem, over and above the agreed monthly charges it makes on DECS for providing on-going maintenance services to current service levels, as described in the contract.

For schools (and units of agencies) such penalties are not prescribed sums. The word 'penalty' was probably not well chosen; the word 'costs' would have been better. The intention was to alert schools and units that they may incur unforeseen costs by undertaking tasks which were not their responsibility and prerogative under the contract and in doing so generate system problems. The contract prescribes that EDS performs certain (in-scope) tasks (e.g., providing and installing hubs and fileservers, changing the operating software on fileservers, connecting new desktops to the file server) and that DECS staff perform other (out-of-scope) tasks (e.g., providing and installing cabling, providing applications software, preparing desktop PCs prior to connection to the file server).

In normal circumstances, a breakdown would be remedied by EDS within the times agreed to and would generate additional charges beyond the monthly agency fee. However, if users undertake tasks not agreed to be part of their responsibilities and a problem or breakdown results, they may be held accountable for the costs of remedying that problem.

GALLANTRY

The Hon. P. HOLLOWAY: I seek leave to make an explanation before asking the Attorney-General a question about Government liability.

Leave granted.

The Hon. P. HOLLOWAY: My question arises from a directive apparently issued by the former Minister for Police in about November 1995 concerning the use of the fireboat M.V. *Gallantry*. The Opposition has received an audio-transcript of the following conversation, which took place between an officer of the Metropolitan Fire Service and an officer of the Police Force on 2 April 1996. This transcript refers to the directive. In reading it, out of consideration for the officers concerned, I will delete their names. The transcript reads as follows:

Police officer: Yes hello, [name supplied], Com Sergeant.

Fire officer: Yeah mate [name supplied], officer communications.

Police officer: Yep.

Fire officer: Yeah, mate, our boys down the marine. . . just phoned they. . . said they heard on the radio they've got a search on for two men in a fishing boat.

Police officer: Oh, yeah we did have, yeah.

Fire officer: You did have. . . it's not on any more?

Police officer: No, it's all been cancelled.

Fire officer: Ah right, they were wondering why they weren't called out before, that was all.

Police officer: Yep, well no, at this stage the latest is that we got told is that there is supposed to be a report floating around that er. . . we're not to use it. And that come from the Minister.

Fire officer: Not to use the 'Popeye' [referring to M.V. *Gallantry*]?

Police officer: Mmmm. So we're still waiting to see this report and one of our night shift inspectors is. . . one that's trying to chase it up. . . ah. . . till we find that. we reckon that it's supposed to be on the Minister's table back in November some time.

Fire officer: Very strange.

Police officer: Mmmm yeah, well that's what I reckon too but er. . . I can't really say too much about it. Suggest. . . ah, suggest you get on to. . .

Fire officer: What about this search, has it been cancelled?

Police officer: Ah, yeah, no, it's all finished. We've located them all.

Fire officer: Ah, you've found them.

Police officer: Yeah, they're all safe and well. Yep.

Fire officer: What time was that mate?

Police officer: Ummm. . . what time did we locate 'em? Probably about half an hour ago, three quarters of an hour ago.

Fire officer: Yeah, what time did you get the call for it?

Police officer: Ah, heck, early. . . 'bout, er, I can't even remember. Hang on a tick. . . . . We had a call at 18.54.

Fire officer: OK mate, your name was?

Police officer: Yep, Sergeant [gave name and spelt it].

Fire officer: OK, thanks Serg.

Police officer: So, ah, if you'd like to give me a ring back a bit later. . . ah. . . and get onto Inspector [name].

Fire officer: Ah, I don't think I'll handle it too much this stage mate, it's all politics. I'll keep our hooter out of this one.

Police officer: Yeah. Exactly right. That's why I said I'm not commenting because er. . .

Fire officer: I'll fob it off onto Caica or someone like that.

Police officer: Yep, yeah, that's a good one. That's why I said I was going to put you onto our boss because he is the one that's following it up from the last one of you [that] complained and it come across here and I think it was bouncing around all over the place. But the last I heard there was supposed to be a report floating around somewhere with the Minister, with the old Minister. . . ummm..

Fire officer: The old Minister..?

Police officer: Well..

Fire officer: Matthew?

Police officer: Yeah.

Fire officer: Yeah, yeah, yeah, he'll flip his wig over this one again I suppose.

Police officer: So, yeah, I can't. . . can't really comment much more than that.

Fire officer: Yeah, no, I'll keep out. . . we'll handball it I think. Ha, ha. Thanks for your help.

Police officer: OK, cheers.

Fire officer: Bye.

As a result of that transcript, my question to the Minister is: is the State potentially liable in negligence if someone comes to harm as a result of their not being rescued by the fireboat when that boat would have been available and capable of carrying out a particular rescue, were it not for the ministerial directive?

The Hon. K.T. GRIFFIN: It is interesting that the honourable member is suggesting that the law relating to negligence may be cast even more widely than it is presently. I will take the question on notice. It may be necessary to refer it to the Minister for Emergency Services in another place and, if so, I will bring back an appropriate reply.

SUPPRESSION ORDERS

In reply to **Hon. A.J. REDFORD** (4 June).

The Hon. K.T. GRIFFIN:

1. Yes. The gravamen of the offences committed by the television stations is completely different to that of 'the *Advertiser's*' contempt. That is, the television stations committed an entirely different offence from that of the *Advertiser*. Accordingly, the respective penalties cannot be compared.

2. Yes.

FISHING, NET

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

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

1. Most of South Australia's inshore scalefish stocks are considered to be either fully exploited or are showing signs of being over-fished. The main target species of King George whiting, snapper and garfish face a risk of stock collapse. Fishing pressures on other species, including squid, yellowfin whiting, mulloway, Australian salmon and Australian herring (tommy ruffs) is increasing and these species need to be protected from a reduction of recruitment and abundance through over fishing.

Declines of fish stocks may not become evident, at least to the satisfaction of major parties, until the decline is well advanced or stocks may have collapsed. The measures necessary to achieve a recovery in fish stocks would be far harsher than that required to prevent a decline or collapse.

The conservation of fish stocks has to be given the greatest priority within the management policy of our marine resources, with access by various interest groups regarded as a secondary objective. Recreational gill nets contribute to the overall fishing effort and exploitation on our fish resources. The potential level of fishing activity from this method of fishing, even under the restrictive management arrangements that existed prior to this new regulation, was very large.

There is sufficient evidence, both scientific and anecdotal, to support regulations and management arrangements that will reduce the catch of fish species such as Australian herring, yellowfin whiting and Australian salmon (target species of recreational netters). The nature of gill netting is such that it is very difficult to effectively manage either the quantity or variety of fish caught.

2. The legislation has been reintroduced as it is a necessary and responsible decision to protect and conserve our inshore fish stocks.

3. The Government is not treating Parliament with contempt by reintroducing the regulations. The Government has adopted a very responsible and necessary position to protect and conserve the inshore fish stocks of South Australia and to provide equity in fishing opportunities for all residents of South Australia. Indeed, such measures are consistent with the Government's responsibilities under the Fisheries Act 1982.

CRIMINAL LAW REFORM

In reply to **Hon. R.D. LAWSON** (4 June).

The Hon. K.T. GRIFFIN: The Model Criminal Code Officers Committee produced its Final Report to the Standing Committee of Attorneys-General on Theft, Fraud, Bribery and Related Offences in December 1995, and the Report was released for public discussion in early 1996. It is a comprehensive report on this area of criminal law which runs to over 300 pages.

As the Honourable Member has noted, as is the usual course, the Final Report was preceded by a series of Discussion Papers, which were widely circulated and attracted a large number of written and oral comment and submissions. During the course of consultation, it was shown that the offence structure which was being contemplated could not avoid the complexities of the residual common law offence of conspiracy to defraud. This offence is problematic because it makes it a crime for two or more to agree to commit conduct which, if committed by one person, would not be a criminal offence. The Model Code Committee decided that, because the issue had not been canvassed directly in its consultation phase, it would not include recommendations about that crime in its Final Report, but conduct consultations on the issue directly. Hence, a Discussion Paper on Conspiracy to Defraud has now been prepared, has been authorised for release by the Standing Committee of Attorneys-General, and is being printed. It should be available shortly.

As a part of the ongoing process of making recommendations for a comprehensive criminal code, the Model Code Committee is about to produce a Discussion Paper on non-fatal offences against the person. Fatal offences and sexual offences will be the subject of separate discussion papers which are a little further away. The non-fatal offences paper has been completed and is being edited for submission to the Standing Committee, a request for authorisation from the Standing Committee for general release, and printing. It is expected that this discussion paper will be available in July at the latest.

In my initial reply to the Honourable Member's question, I indicated that I would be prepared to look at the implementation of reform of the laws of theft, fraud and related offences later this year. As the Honourable Member has pointed out, the law on this subject in this State is particularly antiquated and unsuited to modern conditions. I would urge Honourable Members to obtain a copy of the Report and think about the issues that it raises and the solutions that it proposes. Copies of the Report are available from my office.

TUNA FARM NETS

In reply to **Hon. ANNE LEVY** (11 April).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

1. The research project referred to has not yet been established. However, a number of associated activities have been pursued.

Firstly, the senior research curator from the SA Museum and the Aquaculture Program Leader, SARDI, have sought and obtained information on the relevant issues from international sources. One of the more promising outcomes of this was contact with American scientists who had had some success in using acoustic 'beepers' to deter entanglements of harbor porpoises in wild fisheries gill nets. This contact has led to a project being undertaken by a final year electrical engineering student at the University of South Australia. She is reviewing the relevant acoustic information, constructing a suitable acoustic device and characterising its output under a variety of conditions. It is perceived that this work, if successful, will provide the basis of a larger scale field trial.

Secondly, the Tuna Boat Owners Association of Australia (TBOAA) has field trialled a security and cetacean scarring device by Thomas-Ferranti, a British company considered to be an international leader in the development and supply of such devices.

2. The project by the University of South Australia has been initiated and will be completed this calendar year. It is understood that the field component of the TBOAA's project has been completed and the results are presently being tabulated by the companies which participated in the trial.

3. The trials will include monitoring of dolphins and other marine mammals as well as sharks. As at present the monitoring will involve staff from the local office of the National Parks and Wildlife Service, the South Australian Museum and Primary Industries South Australia (Fisheries).

4. The Government will take action following evaluation of the trials.

SEXUAL OFFENDERS REHABILITATION PROGRAM

In reply to **Hon. T. CROTHERS** (29 May).

The Hon. K.T. GRIFFIN: The Minister for Correctional Services has provided the following response:

1. The major treatment program for child sexual offenders in South Australia is the Sexual Offenders Treatment and Assessment Program (SOTAP) which was established in 1990 as a result of the 1986 South Australian Task Force into child sexual abuse.

SOTAP is conducted by the South Australian Health Commission and provides group-based treatment programs for perpetrators who attend as either voluntary or mandated participants whilst living in the community.

The program is first introduced to offenders at the Pre-Release Cottages at Northfield in the last three months of their sentences. At this point, all child sex offenders are counselled by Department for Correctional Services psychologists or social workers to prepare them for the SOTAP program and many commence the program during day leaves from the Centre.

On their release, during parole, these offenders are encouraged or required to attend SOTAP according to the conditions of their parole.

The Department for Correctional Services maintains close links with SOTAP and Departmental social workers are psychologists work with the program one session per week.

In addition, a Departmental psychologist at the Adelaide Remand Centre provides counselling to child sex offenders at this early stage of their incarceration and informs them about the philosophy and operation of SOTAP and encourages their involvement at a suitable stage in their sentence.

Low security prisoners at Port Lincoln Prison are able to participate in the SOTAP program via weekly sessions conducted by SOTAP staff at the Pt Lincoln Regional Office. Suitable offenders are transferred to Pt Lincoln for this purpose.

2. Refer to previous answer.

3. Most child sex offenders are released on parole under strict supervision with conditions which require them to participate in the SOTAP Program. Although these arrangements provide a level of protection for the community, it must be understood that involvement in any treatment program is no guarantee against re-offending.

RAPE

In reply to **Hon. BERNICE PFITZNER** (19 October 1995).

The Hon. K.T. GRIFFIN: This answer was delayed because the appeal to the Court of Criminal Appeal in the matter giving rise to the question was not decided until recently. As the issue on appeal was the impact of the publicity on the sentencing judge, it was thought inappropriate to discuss these issues publicly until the appeal process had finalised.

The accused was acquitted in relation to the charge of rape of the 14 year old girl. Nonetheless, he was convicted of one count of unlawful sexual intercourse in relation to the girl. The sentencing judge imposed a sentence of 30 months imprisonment with a non parole period of 20 months. That sentence was reduced on appeal to 20 months with a non parole period of 12 months.

While the court did reduce the sentence, the sentence remains higher than many others for an offence of this nature. The Court of Criminal Appeal has recently upheld a sentence of 25 years imprisonment and a 20 year non parole period for two counts of rape, one count of detaining with intent to have sexual intercourse and one count of threatening life. It is clear from this sentence that the courts treat as very serious offences of this nature.

The Office of the Director of Public Prosecutions ensures that victims of sexual offence matters are proofed by experienced solicitors and that experienced prosecutors prosecute the trial. The office currently employs a Witness Assistance Officer who is a trained social worker. The officer's role is to assist victims while the matter is being prepared for trial and during the trial. It is anticipated that the advent of the Committal Unit and the Witness Assistance Officer will assist the Director of Public Prosecution's Office in the successful prosecution of an increased number of sexual assault offences.

POULTRY MEAT INDUSTRY ACT

In reply to **Hon. M.J. ELLIOTT** (29 May).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

The decision to repeal the Poultry Meat Industry Act 1969 was the culmination of a review process which commenced in 1987 at the instruction of the then Minister of Agriculture following a dispute over entry into the industry. The review became part of the Government's regulatory review process and green and white papers were released for comment in 1991 and 1994 respectively. During the period since 1987 there have been ample opportunities for all parties to provide information on the costs and benefits of deregulation.

In making the decision to repeal the Act, the Government has been mindful of the implications arising from national competition policy and also that reviews in Queensland and New South Wales during 1991/92 recommended that similar legislation in those States should be repealed. In any event, under national competition policy, the Act would have to be reviewed by the Government by the year 2000.

There are aspects of the Poultry Meat Industry Act which could be used to restrict entry of new growers into the industry and prevent processors from increasing their production as well as authorising exclusive dealing which could be viewed as anti-competitive. This could also apply to the way the Poultry Meat Industry Committee operates in regard to growing fee determination and preparation of contracts. The Act could operate to restrict interstate trade in live chickens contrary to Section 92 of the Commonwealth Constitution Act.

The Poultry Meat Industry Committee has provided a forum for the industry but has quite limited powers with respect to resolving disputes and enforcing its decisions. However, the Government supports the establishment of a non-statutory negotiating committee if the industry wishes to form one.

Growers have expressed concern that they will be disadvantaged because they consider themselves to be in a relatively weak bargaining position compared with the processors who could use their market power to reduce growing fees, alter contract conditions and increase the proportion of chickens grown on company farms.

In the Government's view efficient growers are not at risk of being replaced. Growers are and will remain important participants in this industry as they own the specialised facilities which are required to grow the numbers of chickens for the modern industry.

The costs of establishing farms are very high. Industry estimates that it costs at least $500 000 to build two sheds capable of growing 60 000 birds, a batch which is a considerable barrier to new entrants and to companies wishing to establish their own growing farms. Processors have invested heavily in highly specialised breeding, hatching and processing facilities and depend on contract growers for a regular supply of the required numbers of good quality birds of the right size.

Processors and growers are currently negotiating growing contracts and voluntary codes of practice for each company which will include dispute resolution procedures. Both Inghams and Steggles have agreed to lodge applications for authorisations for growers to negotiate with their respective processor as a group with the ACCC and to fund those applications. Growers in South Australia, like other service providers in deregulated markets, have protection under the restrictive trade practices provisions of the Trade Practices Act and under common law principles (eg enforcement of contracts).

It is worth noting that the chicken meat industries in New Zealand and Tasmania operate in a similar manner to the South Australian industry without industry specific legislation.

The Government does not consider that there is a need for it to be involved in the commercial activities between processors and growers, nor does it consider that the Poultry Meat Industry Act is still necessary for a mature industry, and I can confirm that it is the Government's intention to repeal the Act.

CRIME

In reply to **Hon. T. CROTHERS** (4 June).

The Hon. K.T. GRIFFIN: The statistics requested by the honourable member regarding the incidence of burglary where the occupier of the premises was present during the offence are not available from police computerised data. The only way of identifying such incidents would be to manually check all police incident reports involving burglary offences to ascertain whether there was any text reference to the owner being present at the time the offence was committed.

RAPE

In reply to **Hon. BERNICE PFITZNER** (16 November 1995).

The Hon. K.T. GRIFFIN: The following information shows that there is a fairly clear upward trend in nolle prosequis in rape cases in particular as well as in all sexual offences in general. There is no one reason which can explain the increase in the number of nolle prosequis in 1994.

A reporting system was implemented in the Office of the Director of Public Prosecutions in 1995 which records the reasons for a nolle prosequi being entered on all files. Prior to that time, although reasons were recorded on each file, the information is not easily retrievable without manually searching for and reading each file. The reasons for nolle prosequis in the 1995 year would be similar to those in 1994.

The prosecution policy of the Office of the Director of Public Prosecutions implemented on 6 July 1992, is that any offence of a sexual nature will be pursued if there is a reasonable prospect of conviction. Prior to January 1994 the office did not deal with indictable offences until they had been committed for trial in the District Court of South Australia or the Supreme Court. The committals on sexual offence files were undertaken by the South Australian Police Prosecution Services, and essentially the issue of reasonable prospect of conviction was not considered by an experienced counsel until after the matter reached the Office of the Director of Public Prosecutions. In January 1994 the DPP Committal

Unit commenced in the Adelaide and Elizabeth sections of Prosecution Services, and from then on expanded until it presently covers all suburban courts and adjudicates on all sexual matters in them.

One reason for the increase in nolle prosequis is an increase of familiarisation of the 'reasonable prospect of conviction' test in the Office of the DPP and the application of the same to matters that had not been dealt with by lawyers prior to referral to the DPP's Office.

There has been an increased number of cases involving sexual abuse of children. This has been due to the efforts to encourage reporting of child sexual abuse. Some of these matters have occurred up to 10 years before the time that the complaint is actually made to the police. Obviously these cases can be difficult to prove given the age of the victims at the time, the circumstances of the offence and the recollection of the victims. Although attempts are made to encourage child victims to subject themselves to the court process, they more than any group are often emotionally and psychologically affected by this process. For that reason, when parents indicate that for the well-being of their child they do not wish to give evidence, the DPP's Office invariably follows the wishes of the parents and does not proceed with the prosecution. Furthermore, in this area of sexual offences, where the objective assessment by the DPP's Office is that in a particular case there is little or no chance of conviction, and that is explained to a victim (particularly an adult), the victims invariably indicate that they do not wish to put themselves through the court process if they cannot have some certainty that the person will be convicted. Once again, it would only be in rare cases that public interest in proceeding would outweigh a victim's desire not to proceed.

Additionally, there are cases which the DPP's Office considers are quite strong and the victim is a good witness, but the victim indicates that due to mental stress or changed circumstances in their personal lives, they do not want to proceed. Although every effort is made to convince the person to continue, once again the victim's mental well-being is paramount and it would only be in rare circumstances that the public interest would outweigh the victim's interests in proceeding with the matter.

Although there has been a substantial increase in the number of sexual matters reported, the DPP's Office does not deal with them on the basis that only the strongest cases will proceed due to resources. As indicated earlier, the office proceeds with all sexual matters where there is a reasonable prospect of conviction.

The index for matters that have been the subject of a nolle prosequi since 1 July 1995, indicates that something in the order of 90% of matters have not been proceeded with because the victim has indicated the victim does not want to proceed after committal. To a certain extent, problems caused by insufficient adjudication by police officers prior to commencement of the Committal Unit have been eliminated. However, the increasing volume of matters reported statistically will lead to more nolles.

Trends in nolle prosequis in rape cases and sexual offences in general in the Supreme and District Courts, 1980 to 1995.

Table 1 shows that nolle prosequis, expressed as a percentage of all rape cases, have increased over the past 15 years. At the same time, the percentage of outcomes in which the accused was found guilty of the major charge, a lesser one or another charge has declined. This pattern is common to the larger group of sexual offences (see Table 2).

Sometimes a nolle may be entered as a means of substituting a replacement charge and other times it may be in exchange for a plea of guilty to an alternative or lesser charge.

Tables 3 and 4 show that the type of nolle prosequi which has increased significantly is when no other charge is substituted or guilty plea accepted in satisfaction of the original charge. The trend for the latter is quite constant and has shown little change since 1980. Both for rape alone and for all sexual offences in general, the use of nolle prosequis to obtain a conviction on an alternate charge has altered little. The upward trend has been in instances where no other charge had an outcome of guilty. These are essentially cases in which the prosecution case has been abandoned, for whatever reason.

Table 1. Trends in the percentage of major outcome types in rape cases, Supreme and District Courts, 1980-1994 calendar years

	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94
Guilty	41.2	70.1	55.4	45.1	58.7	64.3	60.7	63.2	55.6	46.7	38.8	50.7	47.7	40.5	37.9
Acquitted	35.3	16.4	26.8	51.0	28.6	20.0	18.0	20.6	33.3	28.0	22.3	12.3	14.4	15.5	17.5
Nolle	23.5	13.4	17.9	3.9	11.1	14.3	21.3	16.2	11.1	25.3	37.9	37.0	37.8	42.9	42.7

'Guilty' includes outcomes of guilty to rape, a lesser offence or a different offence. This can also include cases where a nolle prosequi was entered in exchange for a guilty plea to an alternate or lesser charge.
'Acquitted' means acquitted at a trial. The percentage is of all cases, not of trials only.
'Nolle', for the purposes of this table, is only those cases where a nolle prosequi was entered and where no other charge had an outcome of guilty. In such cases the accused is discharged. It can also include cases in which the DPP did not proceed on the major charge and no other count was found guilty, as well as instances where the Director of Public Prosecutions declined to file an Information.
The percentages are of the total. Excluded are six other cases with outcomes other than those above. These outcomes were nearly all ones in which the accused died. Attempted rape is included.

Table 2. Trends in the percentage of major outcome types in all types of sexual offence cases, Supreme and District Courts, 1980-1994 calendar years

	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94
Guilty	66.1	76.4	63.0	67.9	62.8	72.2	67.7	62.0	60.3	53.4	49.4	52.2	56.4	44.0	40.9
Acquitted	23.2	15.9	20.7	23.1	19.7	16.0	13.0	18.5	20.6	22.4	15.7	15.4	12.5	11.9	20.5
Nolle	10.7	7.6	16.3	9.0	16.9	11.1	18.8	19.0	19.0	24.2	33.7	32.4	31.0	43.3	37.7

'Guilty' includes outcomes of guilty to the major charge, a lesser offence or a different offence. This can also include cases where a nolle prosequi was entered in exchange for a guilty plea to an alternate or lesser charge.
'Acquitted' means acquitted at a trial. The percentage is of all cases, not of trials only.
'Nolle' is those cases where a nolle prosequi was entered and where no other charge had an outcome of guilty. In such cases the accused is discharged. It can also include cases in which the DPP did not proceed on the major charge and no other count was found guilty, as well as instances where the Director of Public Prosecutions declined to file an Information.
The percentages are of the total. Excluded are six other cases with outcomes other than those above. These outcomes were nearly all ones in which the accused died.

Table 3. Nolle prosequi outcomes versus all other outcomes, all types of sexual offences, Supreme and District Courts, 1980—1994 calendar years.

	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94
Nolle +	0	3	6	2	12	9	6	14	18	11	16	10	31	12	6
quilty other %	0.0	1.9	4.4	1.3	6.6	5.6	3.1	6.5	9.5	4.9	6.0	4.0	9.7	4.8	2.7
Nolle—	6	12	22	14	31	18	36	41	36	54	90	82	99	109	76

discharged %	10.7	7.6	16.3	9.0	16.9	11.1	18.8	19.0	19.0	24.2	33.7	32.4	31.0	43.3	34.5
All other	50	142	107	140	140	135	150	161	135	158	161	161	189	131	138
outcomes %	89.3	90.4	79.3	89.7	76.5	83.3	78.1	74.5	71.4	70.9	60.3	63.6	59.2	52.0	62.7

'Nolle + guilty other' is when the DPP enters a nolle prosequi following a plea of guilty to another charge or a lesser charge, in satisfaction of the original charge.
'Nolle—total discharge' is when the DPP enters a nolle prosequi and no other charge has an outcome of guilty.

Table 4. Percentages of nolle prosequi outcomes versus all other outcomes, rape offences, Supreme and District Courts, 1980-1994 calendar years

	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94
Nolle + guilty other	0.0	1.5	5.4	2.0	11.1	11.4	3.3	11.8	14.8	5.3	7.8	12.3	12.6	8.3	3.9
Nolle—total discharge	23.5	13.4	17.9	3.9	11.1	14.3	21.3	16.2	11.1	25.3	37.9	37.0	37.8	42.9	40.8
All other	76.5	85.1	76.8	94.1	77.8	74.3	75.4	72.1	74.1	69.3	54.4	50.7	49.5	48.8	55.3

'Nolle + guilty other' is when the DPP enters a nolle prosequi following a plea of guilty to another charge or a lesser charge, in satisfaction of the original charge.
'Nolle—total discharge' is when the DPP enters a nolle prosequi and no other charge has an outcome of guilty.

HEALTH, INFANT

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about health checks for infants.

Leave granted.

The Hon. BERNICE PFITZNER: A recent article in the *Advertiser* entitled 'Many babies missing regular health checks' has caused me some concern. In the article the Australian Bureau of Statistics is said to have released a survey conducted in May 1995, which found that almost 90 per cent or 910 500 children up to the age of three years had visited a baby health clinic at least once. However, only half of these infants have had regular checks for vision, hearing and development. The article further suggests that the reasons for this lack of regular health checks was to do with factors such as income, labour force status and language. I hope that this poor compliance rate for regular health checks does not relate to South Australia.

When I worked with what was Mothers and Babies, later Child Adolescent and Family Health Service and now Child and Youth Health, I was involved in implementing a system and training nursing staff to check infants' and children's vision, hearing and development. This was done regularly—about five or six times—between birth and five years. The final comprehensive check for hearing, vision and development was done in kindergarten or preschool. I recall that the preschool check was most sought after by parents and that, if the child had been ill or had inadvertently missed the check, parents were most insistent on an alternative time for this preschool check. I am therefore most surprised and concerned that these early childhood checks are not continuing, according to this newspaper article. In evaluating the checks I recall that they were most effective: for example, if not for the hearing test on a five or six year old Cambodian girl, she would have been categorised as 'in need of special schooling' as the hearing test showed significant loss of hearing.

Further, if not for a vision check of a six month old infant, the infant would have been deemed to be hyperactive and possibly retarded. The vision check showed very poor vision. Tests for development of cognitive ability have shown a number of preschoolers to need extra help whereas previously they were reported to be just difficult. My questions are:

1. Does the new Child and Youth Health unit still do screening tests for hearing, vision and development and, if so, at what intervals?

2. Does Child and Youth Health know the compliance rate of parents for these checks?

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

COLLEX LIQUID WASTE TREATMENT PLANT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government Relations, a question in relation to Collex Waste.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to the consequences of a decision by Justice Debelle in the Supreme Court on Friday last as to the approval sought for a liquid waste treatment plant at Kilburn. On three occasions the local council, now the Port Adelaide-Enfield council, has gone to the Supreme Court to appeal the approval granted to Collex Waste to build the plant at the Kilburn site. The Supreme Court has found in favour of the council twice, the latest being on Friday, with the State Government withdrawing from the proceedings on the other occasion, I am told, knowing that it would lose.

Justice Debelle found that, even with the best management practice, the plant was likely to fail to function from time to time and would 'subject residents in the vicinity to offensive odours on several occasions each year and will continue to do so in ensuing years'. (Page 27, paragraph 5 of his judgment.) The court also found that: 'It is entirely wrong for a planning authority to alter the nature of a proposed development by the imposition of conditions which might thereby frustrate the process prescribed by the Parliament for the proper consideration of applications for development consent.' (Page 23, paragraph 1.)

The fundamental issue underpinning all this is not whether the development is wanted but which location is most suited. It is important to note that the council, although opposed to

the current site planned for the plant, has offered an alternative location for the proposal. The State Government is now attempting to have the development approved by changing the zoning of the proposed site through a ministerial planning amendment. Not only is this likely to be subject to legal challenge but it is also likely that the Government would lose if it went to a challenge. My questions are:

1. Will the Minister clarify why the State Government has been so committed to this development going ahead on an inappropriate site close to residential areas when Port Adelaide-Enfield has offered to subsidise Collex's move to a more suitable site away from residential areas?

2. Will the Minister concede that rezoning the Kilburn region on the pretext of the Collex project's economic benefit to the State has been misguided, given that greater economic benefits can be achieved by locating the Collex plant in a more suitable site and allowing the expansion of export-orientated industry on the Kilburn site? I understand that other industries wish to expand in that location and that they are acceptable to the community.

3. Will the Minister finally take heed of the Supreme Court judgment and community concerns and abandon his attempts to rezone the Kilburn area through his plan amendment report, saving money for both the Government and the developer?

The PRESIDENT: Order! The preface to the question contained an awful amount of opinion. I do not think that it helps the question and it confuses the Minister and everybody else in the Chamber. I ask the honourable member not to put so much opinion in his preface to questions. The Minister for Transport.

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

PLASTIC BAGS

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

Leave granted.

The Hon. T.G. ROBERTS: A lot of publicity is being given to discussion concerning the withdrawal of plastic bags from supermarkets. They are a major problem in our litter streams and they are unsightly in the environment. The community is trying to tackle the issue by suggesting a 10¢, 15¢ or 20¢ levy on plastic bags and so encourage people to reuse them. I do not think that reusing the bags is the issue. Rather, the Government should encourage supermarkets to go back to paper bags which are biodegradable in the environment and, if they are made in a strong enough way, recyclable. Will the Government consider running a campaign that encourages supermarkets to move back to paper bags for the removal of goods, groceries and services from supermarkets?

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

OMBUDSMAN (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1456.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. We welcome the amendment to bring health centres and hospitals under the jurisdiction of the Ombudsman. The Bill also properly defines the relationship between the Ombudsman and Parliament by creating the Ombudsman Parliamentary Committee and expressly authorising either House of Parliament or any parliamentary committee to refer matters to the Ombudsman for investigation.

Another positive feature of this Bill is the provision expressly permitting the Ombudsman to deal with matters by conciliation. I say 'expressly' because I understand that the Ombudsman effectively engages in conciliation, anyway, in the course of carrying out his or her duties. While being generally supportive of the Bill, I have some questions for the Attorney to address before we go to the Committee stage.

First, I query the extent to which the definition of 'administrative act' in the Ombudsman's Act would permit the Ombudsman to investigate complaints about medical procedure in a public hospital, for example. Occasionally, terrible mistakes are made. What happens if a patient is taken into the wrong operating theatre or if the wrong patient is taken into a particular operating theatre at a particular time resulting in the wrong surgical operation being performed, despite the checks that go on inside the operating theatre? Is there a clear dividing line? In other words, is it the case that the Ombudsman can investigate what went wrong in the paperwork of the sister in charge of a particular ward when a curtain is drawn over the decisions taken by medical practitioners once the patient is on the operating table? I suppose the question is whether the definition of 'administrative act' needs to be refined in some way due to the extension of the Ombudsman's field of investigations.

Secondly, does the Attorney consider that conciliation, as referred to in clause 8 of the Bill, needs to be defined in some way and to what extent does the Attorney anticipate that this new clause will extend or vary the methods of investigation and resolving matters as currently practised by the Ombudsman? Finally, I draw the Attorney's attention to clause 9 of the Bill; in particular, proposed new section 19a(4)(b) would make more sense if the word 'if' the second time it appears was replaced by the word 'is'. In other words, I believe that it is a typographical error and the Attorney may see fit to amend that in Committee. The Opposition looks forward to hearing from the Attorney in relation to the matters raised. In any case, we support the second reading.

The Hon. A.J. REDFORD: I support the Bill and congratulate the Attorney for introducing it. One of the biggest achievements of the former member for Davenport, Stan Evans, during his two decades of public service to this State as a member of the House of Assembly was his role in initiating the office of Ombudsman. When one looks back at the various newspaper clippings in the Parliamentary Library concerning the topic of Ombudsman, it is interesting to note that in the late 1960s and early 1970s there was a great deal of bipartisanship on this issue between the then Leader of the Australian Labor Party and Premier, Don Dunstan, and the then Leader of the Opposition, Steele Hall, on this topic.

Indeed, they were both quoted in media reports at the time as saying that there was no need for an Ombudsman in South Australia. One wonders what would have happened to the many thousands of people who have felt aggrieved in their dealings with the bureaucracy at various levels if we did not have the office of Ombudsman.

I accept the comments made by the Leader of the Opposition, but the most important aspect of the Bill is the legislation giving power to the Ombudsman to effectively stay an administrative action for a limited period not exceeding 45 days. On many occasions I have been approached by various constituents with complaints about actions to be carried out by local councils. On at least three of those occasions I have been exceedingly disappointed at the conduct of the local council where it has proceeded to implement an administrative action notwithstanding the fact that the Ombudsman had already indicated that he was prepared to investigate the matter and had indicated that the complaint was not frivolous.

I recall an incident which occurred with an Adelaide Hills council. It was seeking to put down some guttering in front of my constituent's house and my constituent complained about the manner in which the council had made the decision and, secondly, the manner in which it was implementing that decision. The constituent approached me and I wrote to the council setting out the complaints. I must say that those complaints had already been set out in previous correspondence. At the same time I suggested to the constituent that she approach the Ombudsman. She followed my advice quite promptly; she saw me in the morning and in the afternoon I received a telephone call from the Ombudsman's office saying that a complaint had been lodged.

Notwithstanding that, the council brought forward its work program by three weeks and proceeded to do the work the day following the date upon which the complaint was made. I believe that it was done directly in response to the complaint made by the constituent to the Ombudsman with a view to frustrating anything that the Ombudsman might do. It is in those circumstances that I support that provision. Most State Government instrumentalities take a responsible attitude to complaints lodged with the Ombudsman. I have not yet seen any example where a State Government body does not seek to facilitate inquiries made by the Ombudsman and, on the occasions I have had contact with the agency, it has sought to delay the implementation of an administrative decision pending any inquiry from the Ombudsman. That is as it should be. In fact, they take a very responsible attitude.

The performance of local government, on the other hand, in my experience has been less satisfactory. It is unfortunate that we must have legislative provision to this effect, particularly in the context of local or State Government agencies. Unfortunately, it has been my experience that such a provision is needed. I am sure that the Ombudsman will treat this new found power that this Parliament gives the office with respect and will not abuse that power. In my experience the Ombudsman has always exercised his responsibility fairly and wisely. It is important to note that the Ombudsman is an officer of this Parliament and is directly accountable to this place. My experience in looking at his report and when dealing with the Ombudsman has been fantastic. It is an office that extends the role and influence that we have as members of Parliament to ensure that we can look after our constituents' concerns. I am very grateful to have that office in this State. I congratulate Stan Evans for his foresight in promulgating this office. It must have been daunting to do that in the face of opposition from Don Dunstan and Steele Hall. However, he did that, and I suppose the lesson is that, in the longer term, persistence pays off.

The Hon. M.J. ELLIOTT: I congratulate the Government on the introduction of this legislation. I note that it is something that was promised at the last election.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: Are you saying policy is not a promise?

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: I am trying to work out whether you are saying that policy is not a promise. But assuming they are the same, I note that the Government also indicated at that time that it intended to do the same with the offices of Auditor-General and Electoral Commissioner and I presume such legislation is on the way in relation to those two positions. Nevertheless, I do congratulate the Government on bringing this forward. We have a trend in Australian politics, and I think elsewhere, for Executive Government to be taking increasing amounts of power. The role that the Ombudsman, the Auditor-General and the Electoral Commissioner play in the checks and balances is very important—and I would also add the role of the Upper House in that. However, it will never be fully independent while it is an appointment of the Government alone. Clearly, the Government recognised that before the last election and gave an undertaking that those three positions would be appointments made on the recommendations of a parliamentary committee, and now in relation to the first position, the Ombudsman, it has moved in that direction. I congratulate the Government and support the move.

During the Committee stages I will be addressing another issue. I note that at the time of the last election the policy-promise also indicated that the committee was to have some involvement in relation to funding of these office bearers. The point is made in the policy document that there is also no structure in the Parliament for these office holders to raise issues including matters affecting their budgets with a view to resolving them, other than through reports to the Parliament.

In their policy they said that a Liberal Government would establish a committee of both Houses of Parliament to recommend appointments to these positions and to act as a contact point for these office holders. I am not sure that the legislation has actually gone as far as the policy suggested so, unless I have not read the legislation carefully enough, I ask the Attorney-General to indicate on what basis there was a change in these areas.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their support of the Bill. It is important legislation which, as the Hon. Mr Elliott has said, reflects the fact that the Parliament, in so far as this Government is concerned, continues to have a role in a number of important areas. So, whilst some remarks may be made about trends in relation to Parliament and the Executive and their relationship, I hope that this will help to demonstrate that there is a sense of seriousness about ensuring the appropriate role of Parliament in dealing with persons such as the Ombudsman.

The Hon. Mr Elliott referred to the Auditor-General and the Electoral Commissioner. I can really make no commitment about when that might be addressed. The Government and I have taken the view that we take one step at a time and

that the enactment of this legislation relating to the Ombudsman is an important precedent. Of course, if one looks for other precedents, one sees that New Zealand appoints its Ombudsman through the parliamentary process, and some of the Provinces in Canada that I know of personally, notably Alberta, deal with the appointment in this way.

There are a few sceptics about it; there are people who say, 'How can you guarantee that such a process will not be abused for partisan political purposes?' Of course, no-one can ever guarantee that but, if the members of the Parliament are given the responsibility of making this appointment, one hopes that they would see that it can work effectively only if it is approached on a completely objective basis without bringing partisan politics into the process, and that there does have to be a measure of goodwill when it comes to, say, the appointment of a person to the position of Ombudsman, because those who might be applicants for the position will not be willing to participate in the process if it means that their application will be in the public arena and they might be subject to comment, whether adverse or beneficial, in the course of the selection process or afterwards. So, it does require a great deal of discipline and goodwill on the part of members who participate in this process of appointment of an Ombudsman.

The same would apply in relation to other officers who might be appointed by the same process. But, as I said, because there were precedents in other countries, the Ombudsman being a person who had a specific role of testing administrative acts at the instigation of the citizen in respect of both State Government and local government, it was felt that this was the urgent priority. It will be an important signal to the community about the way in which this Government, at least, believes that these sorts of issues ought to be addressed.

In relation to the Hon. Mr Elliott's reference to funding issues, when we came to look at the detail of this and the way in which we would implement it, it became obvious that there were difficulties in the way in which funding issues could be addressed in the context of a parliamentary committee. The budget process is normally the way by which funding is made available for the administration of Government and public officials. The services to the Ombudsman are provided by the Attorney-General's Department.

Already, if the Ombudsman believes that there is interference with his independence or that the resources are patently inadequate for him to fulfil his responsibilities, he has the avenue of his annual report. I should have thought that, in any event, there are those sorts of mechanisms which would allow the Ombudsman at least to get a message through to the Parliament.

It was felt to be somewhat difficult to address in terms of proper process if there was a committee of the Parliament that in some way had some executive responsibility in relation to funding. It is a bit like that issue of how we fund the courts or indeed the Parliament with a separate budget. No-one yet has really come to a satisfactory resolution of the proper process that would or could apply, considering that Appropriation Bills are introduced in the House of Assembly, the money is appropriated by the Parliament and there is a Governor's message which authorises the appropriation. So, we have in a sense a partnership between the Executive and the Parliament in relation to appropriation. Then we have issues about management of the budget and about accountability.

So, it became difficult to try to translate issues about resources into a suitable process to deal with the policy direction that was flagged in the policy prior to the election. It may be that people will come up with ideas that will enable that issue to be resolved. But, so far as the Government is concerned, whilst the Ombudsman does have that capacity to report to the Parliament, we felt that the highest priority should be given to both the establishment of the parliamentary committee and the mode of appointment, and also to dealing with some of the powers to which the Bill now refers.

The Hon. Carolyn Pickles said that it was pleasing to note the amendment to bring in health centres and hospitals so that they are under the jurisdiction of the Ombudsman. I point out that they have been under the jurisdiction of the Ombudsman but by proclamation, because a statutory authority is defined under section 3(1) of the Act as, among other things, a body created under an Act and declared by proclamation to be an authority.

The Health Commission is created under an Act: it is a statutory authority; but there is some question as to how incorporated health units could be caught, so the practice has been for each of the incorporated health units and hospitals to be proclaimed to be an authority for the purposes of the definition.

The difficulty is that, with the changing names of health units and hospitals and the establishment of new ones, every time that occurs there has to be a new proclamation. If the honourable member had seen the *Gazette* perhaps a month or so ago, she would realise that probably 10, 15 or 20 different changes were made by proclamation, just to ensure that it was brought up to date.

I took the view, which the Government supported, that rather than messing around with constant proclamations, new proclamations, reproclamations and whatever it would be sensible to put straight into the Bill a provision that the Health Commission and incorporated health bodies—that is, a health centre or hospital incorporated under the South Australian Health Commission Act—should, by virtue of that incorporation, be covered by the Act. It is simple; it means that no-one has forgotten anything; and we do not have technical difficulties arising in the context of changes in the establishment and disestablishment of hospitals and health units.

The Hon. Carolyn Pickles also raises the question about what might be covered by the definition of 'administrative act'. This is particularly in the context of the application of the Act to the hospital system. She refers particularly to complaints about medical procedure and occasional terrible mistakes, such as a person taken to the wrong operating theatre and suffering the wrong surgical operation. In relation to that latter part, while the Ombudsman would have some jurisdiction, it would be unlikely that the Ombudsman would exercise it, because I would feel sure that a negligence action would ensue. Section 13 of the Act provides that the Ombudsman must not investigate any administrative act where the complainant had a remedy by way of legal proceedings. So, if there was negligence, quite obviously a remedy is available, and in those circumstances I would not expect the Ombudsman to act.

There are other administrative acts—perhaps the instance of checking in or of filling out the appropriate forms, which are administrative acts, I would suggest, and in which the Ombudsman may get involved—but if there are likely to be legal proceedings he would leave it to the legal processes rather than get involved in those sorts of issues. However, if

death arises, the Coroner has investigative responsibility to investigate a death in an institution.

'Administrative act' is defined in the Ombudsman Act as an act relating to a matter of administration on the part of an agency to which this Act applies or a person engaged in the work of such an agency, but does not include an act done in the discharge of a judicial authority or related to the execution of judicial process or an act done by a person in the capacity of legal adviser to the Crown.

In terms of conciliation, I do not anticipate that specific reference thereto will change very much, if anything, except that I am a firm believer that if you have an independent statutory authority, whether it is the Ombudsman or the Police Complaints Authority, whilst you can deal with issues such as conciliation on an administrative basis, it is better to be up front about it so that no-one can challenge the jurisdiction. In my view, whilst there is a conciliation process which the Ombudsman implements, it may be possible to streamline that even further. It might also be that it gives comfort to the Ombudsman about the process and also ensures that, as I said, there is no challenge to the jurisdiction of the Ombudsman to deal in a way that is less formal than the processes of investigation which are set down in the Act.

In relation to the last point made by the Leader of the Opposition in regard to new section 19a(4)(b) in line 17, I think the word 'if' secondly appearing should be the word 'is', and I will raise that during the Committee stage. Perhaps it is just typographical and can therefore be amended clerically rather than by formal amendment. I repeat my thanks to members for their indications of support of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Ombudsman may issue temporary prohibition on administrative acts.'

The Hon. K.T. GRIFFIN: In my second reading reply I referred to page 4, line 17. The word 'if' secondly appearing should be 'is'. I am happy to move an amendment, although you, Sir, may feel that that can be dealt with clerically.

The CHAIRMAN: We can make a clerical correction on that. Is the Opposition happy with that?

The Hon. CAROLYN PICKLES: Yes, Mr Chairman.

Clause passed.

Remaining clauses (10 to 12), schedule and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 1537.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition, which supports the second reading, has examined the Bill and the various pieces of legislation which are amended by it. Many of the amendments can be categorised as tidying up as a consequence of omissions or technical difficulties, changed circumstances or legislative developments. There are one or two issues in relation to which the Opposition seeks clarification from the Attorney-General before proceeding with this Bill. First, will the Attorney confirm the intent of clause 26 of the Bill, which clause deals with the disqualification of second-hand vehicle dealers? The Opposition seeks confirmation that the period for which a second-hand dealer can be precluded from employment can be no longer than the period of disqualification for which the second-hand dealer is disciplined.

The other point which created some concern was in relation to easements, which are the subject of amendments in clause 22 of the Bill. The Opposition simply seeks reassurance that easements cannot be created here and there without good reason. Will the Attorney give an unequivocal assurance that, where these public utility or crown easements are created, they will be subject to the laws providing for compensation to land owners whose real property rights are taken or impinged upon by the State? Even if compensation is applicable, would it be possible for a land owner to legally challenge the creation of an easement such as this if it was believed that the statutory authority concerned did not have a reason truly consistent with the objectives and powers of the statutory authority?

Such are the issues that have been put to me in relation to this Bill. If issues arise from the Attorney's response we can take the matter further in Committee, but we prefer not to proceed into the Committee stage at this point. Apart from these issues, the Opposition finds that the second reading explanation given by the Attorney-General on 5 June provided a fair and accurate description of the various contents of the Bill. There is no need to analyse each of the other amendments at this time, given that the Opposition does not anticipate any great problems arising from them. The shadow Attorney-General may wish to expand further on these other matters when the Bill is debated in another place. The Opposition supports the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for her indication of general support for the second reading of this Bill. She raises two issues. The first is in relation to the Second-Hand Vehicle Dealers Act and clause 26. Clause 26 deals with the effect of disqualification. If the honourable member looks at the second reading explanation she will see that this was intended to pick up a difficulty which was covered in the previous Second-Hand Vehicle Dealers Act but not in the current one. I think it must have been a drafting oversight, but the essence of it is that there are people in the second-hand vehicle dealers' industry whose companies have been disqualified, who may themselves have been disqualified and who are now trying to get back into the industry through the back door.

The point of the new provision in clause 26 is to ensure that, if a person is disqualified from holding a licence as a dealer under the old Act—that is, immediately prior to the commencement of the new Act—and that person was disqualified at the commencement of this clause—that is, (5)(a)—it does not have retrospective effect. That is, if someone was disqualified at the end of last year (I think the principal Act came into operation on 30 November) but subsequently ceased to be disqualified, this seeks not to continue that disqualification through, but, if the disqualification was for a period which continues beyond the time when clause 26 comes into operation, then this will apply. Thus, if that person is employed or otherwise engaged in the business of a dealer during the period of that disqualification, both that person and the dealer are guilty of an offence.

So, this does not seek to impose additional periods of disqualification but really seeks to carry the disqualification through to the point when it would normally have ended. If the disqualification was for a five year period and at 30 November last year it had run for only two years, it is appropriate for it to continue for another three years so that

it aggregates a total of five years. That is my understanding of the difficulty which has occurred, namely that, because of a difficulty or omission in the drafting, some who were disqualified are now not, even though they should be, because of the period of disqualification which has been set. They are trying to return through the back door to the industry from which they were previously disqualified and from which, but for the drafting difficulty, they would continue to be disqualified. That is my understanding of it. If any correction needs to be made, I will make sure that it is followed up with the honourable member before this matter is dealt with in Committee.

In relation to easements in gross and clause 22 in particular, what is proposed with this is that it will not override the rights of any individual. Easements will still have to acquired by agreement. Of course, a public utility with the power of compulsory acquisition may still exercise that power but, even with the power of acquisition, in those circumstances this means that compensation will have to be paid for the infringement of a person's rights to free and unrestricted use of the property in consequence of the taking of the easement. If an easement in gross should be granted to a public utility, all that this does is ensure that the easement may stand alone from a dominant tenement. Easements are generally granted over a servient tenement, that is, the land over which the easement might run, in favour of a dominant tenement, so it is locked back to one piece of freehold. Where, for example, gas lines are running all over the metropolitan area, it is fairly difficult to lock those easements back to one primary piece of freehold which is a dominant tenement. So, the establishment of an easement in gross was permitted, which merely provided that there was an easement to the South Australian Gas Company over this piece of land. The terms and conditions were defined, but it was generally an easement—a right to put down pipes and service them—and it was not locked back to a dominant tenement.

The Gas Company now has the difficulty that it is no longer a public utility. It is a provider of gas, so it is important that we provide that it may continue to take easements in gross. Those easements are fully funded; that is, if the authority wants to run a gas pipe over a person's land, it cannot compulsorily acquire it. It must first negotiate and agree a price and the terms and conditions upon which it is granted. There is therefore no compulsory acquisition in those circumstances; there is no gaining of an easement without proper consideration. So, I think that all of those issues to which the honourable member referred have been properly conducted. Of course, there is the added safeguard that this will apply only to a body which is declared by the Governor by proclamation to be able to gain the benefit of it; it is not available to everybody. It is available to the Crown, a public or local authority or a body declared under this section; and I think there are therefore no reasons for concern by the Leader of the Opposition about the way in which this might be applied.

Bill read a second time.

TRUSTEE (VARIATION OF CHARITABLE TRUSTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 1538.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The purpose of the Bill is straightforward. From time to time the circumstances applying at the time of a charitable trust being instituted will be superseded by developments which call into question how the original purpose of the trust can best be implemented. Since we are talking about charitable trusts, perhaps for the relief of poverty or the advancement of education, it is particularly unfortunate if changed circumstances necessitate recourse to the Supreme Court to clarify how the trust money should be applied. With this amending Bill, the Attorney will have the power to vary the objects of charitable trusts where the value of the trust property does not exceed $250 000. The Opposition considers it appropriate for this discretion to reside in the Attorney-General, and the Opposition accepts that it is purely to promote the application of charitable trusts in accordance with the original intentions underlining the trust.

The Opposition notes that there is a provision allowing the Attorney-General to refer any particularly vexing question to the Supreme Court for consideration, and I am sure this is what will happen if there is anything particularly complex or controversial in relation to the problems faced by the trustees of a particular charitable trust. The Opposition supports the second reading.

The Hon. M.J. ELLIOTT: The Democrats support the second reading of the Bill. I note that what is envisaged in South Australia is already done in some other States. The Attorney-General noted that the only real issue was what the cut off sum should be below which a charitable trust could approach the Attorney-General to seek his or her intervention. I recall in one State a figure of $500 000, in another State a figure of $100 000 and in South Australia it was proposed to be $250 000. It is admitted that that number is somewhat arbitrary. When I first looked at the issue I wondered whether or not the Attorney-General should have done it by way of regulation, but decided not to pursue that further, noting that indeed the trust has to request the Attorney-General; that is, it does not have to approach the Attorney-General because it always has the option of the Supreme Court. It was one possibility I looked at but decided, since it was not the Attorney-General, if you like, going in uninvited but invited, that that did not seem necessary.

I did wonder, though, about the cut off figure. I do not know what the costs are before the Supreme Court and perhaps in closing the second reading stage the Attorney-General might address that matter. The costs involved, if a matter went before the Supreme Court, would take a sizeable slab out of a sum which exceeds $250 000 and, depending on how large that figure is, I wonder whether or not a slightly larger cut off figure may have been used. At this stage I am posing the question rather than offering an answer because I do not know what the Supreme Court costs are likely to be for a charitable trust.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support of this Bill. The desire I have is that we should try to find a process which is relatively inexpensive but which does provide some protections. We periodically remark that anything that goes to court will cost a fortune. I suppose with the variation of a charitable trust the difficulty one has is that certainly there must be an applicant, presumably a trustee, where the terms of a charitable trust are incapable of performance: so, there is at least one party. The court may decide that notice should be given to some other person, or body, that might be

regarded as having an interest, directly or indirectly. All that will come out of the trust fund. So, you might have two or three different parties represented.

In terms of the application for variation, much work generally has to be done in relation to developing the alternative, both establishing that the established scheme is incapable of performance and also what an alternative scheme may be. That requires affidavits, which produce the original trust deed, variations, details of the funds and liabilities, the proposed scheme and anything that might be peripheral to it. Generally, it would be dealt with in chambers rather than in open court. I have very little idea as to what the costs may be because they will vary from trust to trust. It would not take too much imagination to see at least $10 000 or $15 000 being run up in what is a very small trust. That is an amount of money which—

The Hon. M.J. Elliott: Ten or 15?

The Hon. K.T. GRIFFIN: Yes, $10 000 or $15 000. I mean, if it gets very difficult, it may be even more. That is probably a ballpark figure. Some may be able to be dealt with more cheaply, but I suspect that that is unlikely. We have tried to make some estimate about how many cases to which this will apply, but it is very difficult to gain that information because there are many trusts about which we would have no knowledge. There is no registration required and there is no reason for people to notify the Attorney-General about difficulties with a particular charitable trust in the terms now incapable of fulfilment.

The Hon. M.J. Elliott: Does recent history have a pattern over the past couple of years?

The Hon. K.T. GRIFFIN: There is no recent history. We have had several matters referred to us that have actually gone to court, because the Attorney-General is a guardian of the public interest in relation to charitable trusts and, where there is an application made to the court for variation of the terms of a charitable trust, the Attorney-General has to be a party. In some instances—and probably I have had maybe four or five over the past 2½ years—some of them are very large and they would go to court, anyway. In respect of the small ones, sometimes people do not trouble about going to court; they just let the thing rest there because it is too difficult and too costly to deal with.

I am amenable to a larger figure, but I suggest that we should enact this at $250 000 and, if in a year or so, experience indicates that we have pitched it too low, I would be prepared to bring back the matter to the Parliament. It is the sort of thing where, if we give it a year or so to run, we can gain some experience about what sort of charitable trusts are out there within that small range and make some judgments about it at the point where we think that, maybe, there is an advantage in broadening the net. The profession generally has welcomed this.

The Hon. Mr Elliott gave consideration to the possibility of dealing with this by regulation, but he has discounted that. Whilst that did not come to mind, other alternatives were floated (but nothing seriously) as this seemed to be the only way that it could be done. The Attorney-General by law has a statutory responsibility for the oversight of charitable trusts. That is a discretion which can be exercised in a non-political way. Whoever is the Attorney-General, that is the way it is approached. Ultimately, there can always be some criticism, but if there is any doubt about the exercise of the discretion I would certainly be advised and would accept the advice that the matter go to court, if there was difficulty, controversy or other aspects that suggested that the court was the proper body to adjudicate on the application.

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

DE FACTO RELATIONSHIPS BILL

Returned from the House of Assembly with the following amendments:

No.1. Clause 3, page 2, lines 9 to 13—Leave out this definition and insert:

'de facto relationship' means the relationship between a man and a woman who, although not legally married to each other, live together on a genuine domestic basis as husband and wife;

No.2. Clause 3, page 2, lines 21 to 24—Leave out these lines and insert:

(b) the party gave the lawyer apparently credible assurances that the party was not acting under coercion or undue influence; and.

No.3.Clause 7, page 4, line 13—After 'written' insert 'or oral'.

Consideration in Committee.

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

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

This message relates to matters which the majority of the Legislative Council believed should be included within the Bill, namely, the widening of the definition of 'de facto relationship' to include same sex relationships and some other matters which are, in a sense, peripheral but nevertheless important. It is obvious that the issue will go to a conference between the two Houses. In order to get that process moving, I have moved that the amendments be agreed to.

The Hon. CAROLYN PICKLES: The Opposition will insist on the amendments. We have moved these amendments to bring about some fairness in the situation. It is obvious that we will be going to a conference where these matters can be discussed more fully. We hope that a sensible resolution will be arrived at.

The Hon. SANDRA KANCK: I, too, indicate that the Democrats remain steadfast on the amendments that have been passed, particularly in relation to homosexual relationships. If we have to have a deadlocked conference to resolve it, if that is possible, that is the way we will have to go.

Motion negatived.

The following reason for disagreement was adopted:

Because the amendments narrow the scope of the Bill.

STATUTES AMENDMENT (ABOLITION OF TRIBUNALS) BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the Legislative Council conference room at 7.30 p.m. today.

FAIR TRADING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 1552.)

The Hon. ANNE LEVY: The Opposition supports the second reading of this Bill. As the Attorney indicated, it is yet another which comes from his review of all consumer legislation, but in this case only minor changes are being made to the Act, which was subject to a thorough review a number of years ago. The fact that the changes are only minor shows the value of the initial legislation. I indicate that I have a number of questions to ask regarding this legislation and,

while I appreciate that the Attorney may not be able to answer them all at the moment, I wish to reserve my position regarding moving amendments, depending on the responses to the questions that the Minister is able to provide.

The Bill before us deals with two major areas of change and three small ones. We completely agree with the widening of the assurances that the Commissioner can require from a trader and we applaud the changes to the legislation that recognise the role of the Commissioner as a licensing authority. This results from legislation that was passed by Parliament earlier this year and last year. We also completely support the limited liability attaching to the Commissioner and/or the Minister if warnings to the public about products and services are given in good faith.

The two major areas where changes are proposed deal with door-to-door sales and what are commonly called trading stamps. Looking at the trading stamps issue first, I point out that the legislation makes a complete change to the traditional South Australian position, which was that trading stamps schemes were illegal. I am sure that many members will recall receiving items through the post from which they could win a prize if they purchased something, and it was always written in small letters underneath that in South Australia they did not need to purchase the particular good or service to be eligible to win the competition. This was a result of our trading stamps legislation.

This is to be completely changed in that the equivalent of trading stamps will be permitted in South Australia provided the scheme has been approved by the Minister. I welcome the Minister's promise that he intends to approve only those schemes which he considers genuine and reasonable and which are not contrary to the interests of consumers. I hope that many schemes, such as those received through the mail, will continue to state that it is not necessary for South Australian consumers to make the purchase suggested in order to be eligible for the prize, because the Minister has not approved the scheme. I suppose the change is necessary because the introduction of the equivalent of electronic trading stamps (such as the Fly Buys scheme) means that the former restrictions are no longer sensible or logical and the legislation needs to be changed to take account of modern technology.

However, with regard to the trading stamps provisions in the Bill, the Minister can either prohibit or approve a scheme, or he can approve a scheme with certain conditions. I am not quite sure what the conditions might be, and it is probably impossible for the Minister to indicate what they might be because it will depend on the individual situation. However, the Bill does not contain any penalties to be applied if conditions of an approved scheme are broken.

There are obviously penalties for pushing ahead with a scheme which has been prohibited by the Minister, but if he gives approval with certain conditions there are no penalties should the conditions be broken. It would be desirable to have a penalty clause in the legislation should conditions imposed by the Minister be broken. I ask the Minister to consider this matter. Unless he can convince me otherwise, I believe that there should be such penalties and would be prepared to introduce amendments to that effect.

In relation to the trading stamps, it seems desirable that there should be provisions for remedies for consumers if the promises made in a scheme are not fulfilled. I understand that the present law provides that if a vendor sold something with promises that a third party would supply some benefit and then the benefit was not provided the consumer could take action against the vendor for having broken the contract implicit in the sale.

However, there may be occasions—and a particular example has been drawn to my attention—where the vendor may not be there to be sued by the consumer, and there is no legislative provision for the consumer then to take action against the third party who had promised the benefit, presumably by agreement with the original vendor of the goods.

I ask the Attorney to consider whether it would be desirable to have written into the legislation that it would be possible for a consumer to take action for remedy against the provider of the approved scheme if the vendor was 'dead, insolvent or has disappeared', such action only to be valid to the extent of the agreement that had previously been reached between the third party and the vendor. Presumably the third party and the vendor have an agreement that the third party will supply certain services or goods (such as air fares or free accommodation) and, if they are then not supplied under the conditions under which the consumer made the original purchase from the vendor, if the vendor is 'dead, insolvent or has disappeared' the consumer could then take action against the third party.

I specifically quote, 'dead, insolvent or has disappeared', that being the phraseology used in the Second-hand Motor Vehicles Act when a consumer cannot take action against a dealer but has recourse to the guarantee fund that is set up under the Act. The first course of action is to take action against the dealer, but if the dealer is dead, insolvent or has disappeared recourse can be had to the guarantee fund. In similar situations here, a consumer should be able to take action against the third party if the contract that the third party had with the vendor has not been adhered to.

The other major matter dealt with in this legislation is a slight revision of the door-to-door sales provisions; it is closing a loophole which has existed—and unfortunately been used by several unscrupulous people—where a trader will obtain the names and addresses of individuals from, say, a competition form and use it to approach the consumers at their own door, but claim that the door-to-door sales provisions do not apply because the form from which their name and address was obtained was an invitation from the consumer to the trader to call; therefore, it was not a sale which was solicited from the consumer by the trader and hence not protected by the provisions relating to door-to-door sales. That loophole is now being closed, and we certainly support that action very strongly.

It is no criticism of the original legislation that it was not included: I am sure that the legislators at the time would not have thought of the machinations to which some people can descend in getting around legislation drawn up in good faith and finding an apparent loophole which allows them to behave in what is considered to be an unethical fashion.

We certainly support closing that loophole, but we do ask the Attorney whether that loophole closure should be extended further to apply not only to names and addresses from competition forms but also to names and addresses which may be obtained by a trader who has set up a temporary stall in a market which is not his or her normal place of business and who has used this temporary table, perhaps set out on a footpath, to obtain names and addresses and then call at those addresses attempting to sell their goods.

I feel that there is a good case to be made that such obtaining of names and addresses at a table set out on the footpath should also be covered by the door-to-door sales

rules and, while we are closing one loophole, perhaps we can stretch our imagination and perceive that a similar loophole could be developed by unscrupulous people unless we closed that loophole at the same time.

I would be interested in the Attorney's reaction to those three possible amendments that I have suggested in my contribution. Depending on the Attorney's response, I would consider moving amendments to cover those three areas. The Opposition supports the second reading of the Bill and applaud the other changes that are being made.

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

MOTOR VEHICLES (TRADE PLATES) AMENDMENT BILL

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Exemption of vehicles being loaded or unloaded from transporter.'

The Hon. DIANA LAIDLAW: I move:

Page 1, after line 25—Insert new subsection as follows:

(1a) When a motor vehicle is being driven on a road as authorised by subsection (1), the policy of insurance in force under part IV in relation to the transporter is to be taken to be in force and extend in its coverage in relation to the vehicle being driven and its owner and driver and any passenger in or on it.

This amendment is necessary to ensure that a motor vehicle being driven on a road without registration for the purpose of loading it onto or unloading it from a transporter is covered by third party insurance when it is being so driven within 500 metres of the transporter.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 1, line 26—Leave out 'subsection (1)' and substitute 'this section'.

This merely alters a cross reference and is purely consequential on the previous amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—'Issue of trade plates.'

The Hon. T.G. CAMERON: I have some questions about reference to seeking and obtaining advice and assistance of a person or body that represents the interests of those engaged in a business of the kind in which the applicant is engaged. Specifically, I refer to the Motor Trade Association and the RAA, both of which organisations were mentioned by the Minister. Is that an exhaustive list of other bodies from which assistance could be sought or would the Minister consider seeking assistance from the AMWSU, which has over 10 000 members working in the industry, some of whom may from time to time apply for trade plates?

The Hon. DIANA LAIDLAW: I noted in my second reading explanation that this provision in the Bill will enable the Registrar of Motor Vehicles to engage the services of the Motor Trade Association, the Royal Automobile Association or other industry association to assist in assessing applications for the issuing of a trade plate. It is apparent, however, from reading proposed new subsection (2) that the Registrar may, in determining whether an applicant for the issuing of a plate satisfies the requirements of subsection (1), seek the advice and assistance of a person or body that represents the interests of those engaged in a business of the kind in which the applicant is engaged. That may well enable the Registrar to seek advice from the body to which the honourable member referred, but I will seek further advice. I see no reason why that should not be possible, but I can alert the honourable member if that is not the case. As I say, it is not apparent from the Bill that that union would be precluded. I did mention in the second reading explanation that we would be looking at industry associations for such advice.

The Hon. T.G. CAMERON: My reading of the amendments to the Act makes it quite clear that the amendment merely seeks to vary the Act to allow the Registrar to seek the advice and assistance of a person or body that represents the interests of those engaged in a business of a kind in which the applicant is engaged. From the reference to the Motor Trade Association and the RAA by the Minister in her speech, it would seem to me that she would have the power to direct the Registrar to include the AMWSU in the list of persons or bodies from whom he seeks assistance, or he may do so of his own volition.

The Hon. DIANA LAIDLAW: There are certain directions that the Minister can give in relation to the responsibilities of the Registrar, but I do not think it is a matter of direction on my part. I indicated that I saw no reason, looking at the clause, why reference to the union could not be accommodated. If that is not the case, and if it cannot be accommodated, I will advise the honourable member. It is my understanding that the union would be accommodated. If the union cannot be accommodated, I will alert the honourable member, but my belief is it can be, and if it can be it will be.

The Hon. T.G. CAMERON: Documents I was given by the Registrar, to which I have referred the Minister, which I understand have not necessarily been adopted at this stage, referred to the criteria for issue. One of the primary criteria is that they be an MTA member or RAA approved repairer. It would seem to me that this particular matter could be accommodated if that particular set of criteria was used. All that would be necessary to accommodate this request is to be an AMWSU member. I do not ask a question about that, but I ask the Minister to give that consideration.

In her speech to the Parliament, the Minister said that these amendments would allow the Registrar to enter into arrangements with a person or body for the purpose of obtaining such advice and assistance. Is there any intention on the part of the Registrar to enter into any contractual arrangements with any of these organisations, so they would be provided with a fee or reward for providing this advice, or is it the case that they will be providing the advice free of charge? I cannot find any reference to that in the amendment.

The Hon. DIANA LAIDLAW: I have received no advice about payment, but it was my understanding that, whether it be the RAA, MTA, the union or any other body, they would simply be used by the Registrar to obtain essential information in determining the validity of the application for trade plates and the Registrar would not be paying for that information. It is in the provisions of the Act for the issue of trade plates. It is just like inquiries that the police or the Passenger Transport Board would make in checking on essential information as required in the Passenger Transport Board Act of the record and status, and whether the person was fit and proper.

I would not see that the Registrar, any more than the police or Passenger Transport Board, would be required to pay for the information that they sought, but the membership would be providing that information on behalf of their members. It would be a service they provide on behalf of

their members to the Registrar when that information is sought, whether that membership be from the industry bodies I have referred to or the unions, if that can be accommodated by this provision.

The Hon. T.G. CAMERON: I am pleased to hear that. At least we know that the MTA will not be getting back some of their donations. I will not canvass again some of the problems that I adverted to in my second reading contribution, as I think the Minister is fully familiar with them in relation to the MTA, but will there be any checks by the Minister to ensure that the advice given by the MTA is impartial and objective? It is not advice which may necessarily be in the best interests of their members.

The Hon. Diana Laidlaw: What was that last statement you mumbled under your breath?

The Hon. T.G. CAMERON: It was not mumbled under my breath. The Minister was obviously looking elsewhere.

The Hon. Diana Laidlaw: I am stretching to hear.

The Hon. T.G. CAMERON: Sorry. It was in relation to any vested interest the MTA might have in providing advice to one of its own members to enable him to continue working and be one of its members. It is this whole area of the question of impartiality and objectivity of the MTA, giving the Registrar advice about its own members. Will there be any checks by the Minister to ensure that the advice given by the MTA is impartial and objective—for example, a review in 12 months time to ensure that this whole area is working satisfactorily?

The Hon. DIANA LAIDLAW: I am quite confident that the MTA will be impartial and objective in providing the advice. Otherwise the Registrar would not have even considered referring this matter to the MTA as he did in his inquiries to see how we could implement these reforms with respect to the issue of trade plates. The Registrar has certain powers and responsibilities, and there is a considerable onus on him to perform in that way. I am not sure that he would make himself vulnerable in the manner that the honourable member has suggested. I will not go over all those issues again in terms of what I think is almost a paranoia by the honourable member about the MTA—

The Hon. T.G. Cameron: I know how your show works.

The Hon. DIANA LAIDLAW: Perhaps it is just jealousy. I have never quite understood the nature of the problems, but I have spoken to the honourable member about these issues, and if he does have a problem—which he clearly has in relation to the MTA and this legislation—I will seek to accommodate those concerns. Therefore, I have given an undertaking which I am happy to repeat in this place. I will undertake a review of the administrative processes that arise from this legislation and provide the honourable member—and the Hon. Sandra Kanck, if she would so wish—with the outcome of that review. I think the concerns of the honourable member are far-fetched but, at the same time, we do not want this new arrangement to be under a cloud or contaminated in any way by suggestions of the nature made by the honourable member.

Therefore, I think it is in everybody's interests—including the peace of mind of the honourable member—that this review take place, and I give an undertaking that it will. I also give an undertaking to this place that I have given to the honourable member privately that no person will be precluded from getting a trade plate by the fact of not being a member of the MTA. That was of major concern to the honourable member and I am pleased to confirm that that is the situation at present. If a person is not a member of the MTA that will not preclude them in any way from getting a trade plate if that is what they need for the conduct of their business.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Return of trade plates and refunds.'

The Hon. DIANA LAIDLAW: I move:

Page 3, line 14—Leave out 'refund the amount prescribed by, or calculated in accordance with,' and substitute 'make any refund required under'.

This is necessary to make the wording consistent with that used in the second Motor Vehicles (Miscellaneous) Amendment Bill which was passed by this place earlier in the session.

Amendment carried; clause as amended passed.

Clause 10—'Transfer of trade plates.'

The Hon. T.G. CAMERON: In certain circumstances, trade plates for tow trucks are to be excluded. Will the Minister tell us what those certain circumstances might be?

The Hon. DIANA LAIDLAW: Yes, I can. I will have to refer to the principal Act, which I do not have with me. There are a whole lot of amendments relating to different purposes for the provision or return of trade plates. This is one of them, which I had seen as consequential on the principal issue. I will advise the honourable member later by looking up the very same Act that he could look up, but I will nevertheless do it for him willingly and with good grace.

Clause passed.

Remaining clauses (11 to 18), schedule and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (ABOLITION OF TRIBUNALS) BILL

A message was sent to the House of Assembly requesting that the conference be held at 5.30 p.m. on Tuesday 9 July in lieu of 7.30 p.m. this day.

ADJOURNMENT

At 5.45 p.m. the Council adjourned until Wednesday 3 July at 2.15 p.m.