LEGISLATIVE COUNCIL

Tuesday 9 July 1996

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos.106 and 110.

PUBLIC RELATIONS CONSULTANTS

106. **The Hon. R.R. ROBERTS:** Since 1 January 1994:

1. Has the Minister for Primary Industries, or any of his officials, engaged the services of any public relations firm or individual?
2. What is the name of the firm or individual?
3. What was the nature of the service provided?
4. When was the service provided?
5. How much was paid for each service?

The Hon. K.T. GRIFFIN:

South Australian Research & Development Institute (SARDI)

Name of firm or individual	Nature of service provided	When was the service provided	How much was paid for each service $
Alexander Public Relations	Strategic Public Relations Consulting (staff on accouchment leave)	January 1995	450.00
		December 1994	1 035.00
		November 1994	2 160.00
		October 1994	4 162.50
		September 1994	1 237.50
Bernard Boucher Communications	Attend briefing/ copywriting template Editing policy document Copywriting, design, final art	March 1995	280.00
		November 1994	360.00
		August 1994	585.00
Bizcom Communications	Promotion of TraceCheck Campaign	May 1994	3 176.65
John Bridgeland	Substantive edit and report of first draft of the SARDI 1993-94 annual report	February 1995	2 497.50
Peter Fuller and Associates	Professional Writing and Public Relations Service	February 1996	140.00
		September 1995	5 760.00
		August 1995	2 560.00
		July 1995	600.00
Kate Hannemann Marketing & Publicity	Public Relations Activity for the launch of the Plant Research Centre	April 1995	937.10
	Work on TAB Australia project	March 1995	1 049.05
		February 1995	452.20
Jon Lamb Communications	Media Releases	March 1996	450.00
Mr. Stephen O'Loughlin	Public Relations Services	July 1995	1 560.00
Professional Public Relations	Press Releases	August 1995	250.00
Total			$29 702.50

Primary Industries South Australia (PISA)

Jenny Turner of Turner Media Consulting	Developed the first draft of a Sustainable Resources Brochure	June 1996	400.00
Turbill Fox Phillips	A publicity campaign (including information brochures, press releases, co-ordinating farmer information evenings and media liaison) to promote the Upper South East Dryland Salinity and Flood management Plan Project	June 1996	14 000 (up to)
Chris Rann & Associates	Publicity for Foreign Animal Disease Exercise "Purple Mist"	August—September 1994	4 511.82
Michelle Nardelli	Journalism Services for Exercise 'Purple Mist'	September 1994	675.00
Total			$19 586.82

110. **The Hon. R.R. ROBERTS:** Since 1 January 1994—

1. Has the Minister for Housing, Urban Development and Local Government Relations, or any of his officials, engaged the services of any public relations firm or individual?
2. What is the name of the firm or individual?
3. What was the nature of the service provided?
4. When was the service provided?
5. How much was paid for each service?

The Hon. DIANA LAIDLAW: The portfolio uses a variety of public relations consultants to assist in media liaison, provide media training and develop and assist with information and promotion campaigns.

These campaigns are used to inform customers and the general public of changes in services, policies, regulations, or legislation as well as to attract private sector interest in development projects.

The Portfolio is made up of six agencies which engaged public relations consultants as follows:

Office of the Minister for Housing, Urban Development and Local Government Relations

PR Consultant	Service Provided	Date Provided	Cost ($)
Michels Warren	Executive media training (J Oswald)	May 95	410
Media Trainers Australia	Executive media training (S Ashenden)	Jan 96	597
Agency Total			$1 007

Department of Housing and Urban Development—Office of the CEO

Michels Warren	Executive media training B Solly, CEO	May 95	410
Agency Total			$410

Department of Housing and Urban Development—Planning Division

Michels Warren	Management and promotion of launch of book *Building an Energy Savings Home* (shared with Dept of Mines & Energy).	Nov 95	2 500
Agency Total			$2 500

Urban Projects Authority

Michels Warren	Media liaison and communication strategy for the Glenelg Project	Jul 95—May 96	56 045
J B Jarvis & Associates	Development and implementation of corporate communication strategy for stakeholders and community	Jul 95—May 96	18 743
Chris Rann & Associates	Media liaison and communication strategy for Mile End Project.	Jul 95—May 96	6 170
Agency Total			$80 958

HomeStart

Christopher Rann Public Relations	Crisis management advice and training.	Nov 95	150
John Mitchell Public Relations	Executive Media training G Storkey—General Manager S Curtis, Manager—Retail Services J Comley—Finance Manager Julie Pollard—Marketing Manager	Apr 96	1 500
Agency Total			$1 650

SA Housing Trust

Corporate Public Relations	1. Promotion of: . *Check It* Maintenance Survey—Statewide promotion . Statewide regional promotions of SAHT contributions to community . SAHT Technology Award 2. Production of promotional video for award ceremony	Feb—Apr 94	7 800
Corporate Public Relations	Promotion of: . Trust Tenants Garden Competition . Direct Debit Scheme—statewide . Trust Services in South East media . New regional managers . Mitchell Park launch	May—Jun 94	8 300
Corporate Public Relations	1. Promotion of: . Trust Tenants Garden Competition regional awards . Credit policy—Statewide . Customer Standards—Statewide . Tri-Ped Footing launch 2. Media training for regional managers	Sep—Oct 94	13 943
Corporate Public Relations	Promotion of . Tri-Ped marketing—national . Trust Tenants Garden Competition—State Awards . House Sales-South East	Nov—Dec 94	15 298

PR Consultant	Service Provided	Date Provided	Cost ($)
Hughes Public Relations	McInerney Place- Promotion and Marketing of Sales properties	Mar 95	2 350
Hughes Public Relations	New Haven Village- Promotion and Marketing of Sales properties	Feb—Apr 95	4 396
Kay Hannaford	Executive Media training	August 95	2 250
	J Connolly, General Manager, Housing Services P Hanson, Director Regional Operations (South) H Fulcher, Director Regional Operations (North) T Pears, Manager Aboriginal Housing Unit		
Agency Total			$54 337

SA Community Housing Authority

No expenditure on public relations consultants for the period indicated

State/Local Government Relations Unit

Stephen Middleton Public Relations	Preparation and launch of the MAG Report on Local Government Reform.	Jul—Aug 95—	8 061
O'Reilly Consulting	Provide public relations communications strategy/services to support the structural reform process	Aug 95 to present.	38 386
Agency Total			$46 447

Portfolio Totals

The total expenditure on public relations consultants for the Housing, Urban Development and Local Government Relations Portfolio from 1 January 1994 to the present is $187 309

PAPERS TABLED

The following papers were laid on the table:

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

Regulation under the following Act—
Public Corporations Act 1993—Information Industries Development Centre

Response by Minister for Infrastructure to the Statutory Authorities Review Committee Report on Costs of Transporting Coal Extracted from Leigh Creek

Response by Premier to the Social Development Committee Report on Rural Poverty in South Australia

Response by Premier to the Economic and Finance Committee Report on Aspects of the Operations of the MFP Development Corporation

Friendly Societies Act 1919—Rules—Confirmation Pursuant to Section 10 of the Act

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

National Road Trauma Advisory Council—Report, 1994-95

Regulation under the following Act—
South Australian Health Commission Act 1976—Hospital and Health Centre Fees

District Council By-laws—Millicent—No. 10—Straying Stock.

SAMCOR

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement made by the Deputy Premier and Treasurer in the other place today on the subject of Samcor.

Leave granted.

QUESTION TIME

GILLES STREET PRIMARY SCHOOL

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Gilles Street School.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to advice given to the Minister that, while Gilles Street Primary School has a building capacity of 380 students, the school is considered to be able to accommodate only 250 students because of safety and student behaviour management issues. This advice was noted by the Minister on 16 December 1996, well before his decision to close the Sturt Street Primary School and transfer the new arrivals program to Gilles Street. My questions are:

1. What building and other work is required at Gilles Street to accommodate the transfer of students from Sturt Street and how much will this cost?

2. Has a decision been made on relocating curriculum staff now at Gilles Street, where will they go and how much will this cost?

3. Given that no funds are shown in the 1996-97 capital works program for the redevelopment of Gilles Street school, when will essential work be undertaken and how will this be funded?

4. How many students are expected to attend at Gilles Street next year?

The Hon. R.I. LUCAS: The honourable member is about two or three weeks behind the game in relation to Gilles Street.

Members interjecting:

The Hon. R.I. LUCAS: That's true: she's improving. The honourable member is catching up: she's only two or three weeks behind now.

Members interjecting:

The Hon. R.I. LUCAS: No, the Hon. Mr Cameron is light years away. He's catching up, is he?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I had a very productive meeting with the SAIT branch members and staff members of Gilles Street, together with Ken Drury, the Vice President of the teachers union, as an adjunct to my regular, ongoing consultations with the leadership of the union movement in South Australia. I meet with them, as I have indicated to the Leader of the Opposition, at least once a month on matters of importance. At our most recent meeting we extended the discussion to include SAIT branch members, because they had raised about five or six weeks ago some of the questions that the Leader of the Opposition has just raised, and had asked to meet with me. I said, 'Certainly, we are an open Government, always prepared to meet with union members and teachers,' so we organised the meeting.

It was very productive. The discussions, from recollection, included some staff members from Sturt Street Primary School, and we went through a range of options in terms of what they believed they need in relation to any change to facilities at Gilles Street. I was able to advise them that an architect had been commissioned by Services SA to look at possible options and, at the time of that meeting, about two weeks ago, and certainly at this stage, I have not yet seen costings done by that architect in relation to options for possible changes to the Gilles Street site. It is not correct to say, as some have been speculating, that $1 million-plus will need to be spent on Gilles Street in terms of redevelopment. I made that quite clear and they understood that.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We have to wait for the architect.

The Hon. Carolyn Pickles: How long?

The Hon. R.I. LUCAS: These are public servants. If you want to be critical of public servants again, as you normally are, in terms of attacking a hard working architect in Services SA, I will defend that architect and the public servants who are working as hard as they can—

Members interjecting:

The Hon. R.I. LUCAS: You cannot break their arms on the basis that they have not yet provided anything to me. It may well be that the architect has now done some work that is being considered by other officers within Services SA and the Department for Education and Children's Services. As soon as those hard working public servants are in a position to provide me with some advice, I will then at least be aware of the potential costs of the redevelopment. But the SAIT branch members, and I as Minister, understand that we are not talking about significant sums of $1 million-plus having to be spent on Gilles Street, because it is a relatively good site in terms of facilities and of the work that might need to be done.

The Leader cited some quotations from earlier reports. As I have indicated on previous occasions, I and other members of the department do not accept the fact that there is a limitation of 250 on the Gilles Street site, contrary to the advice that was provided and contrary to the interpretation placed upon it by the Leader of the Opposition. But I have indicated that before and will not repeat that. In relation to the curriculum division, the decision clearly is that that division will be moving from Gilles Street. Again, I have indicated that before. We have still not made a decision as to whether they will move to Sturt Street or to some other location. Until we have made that decision we will not be in a position to make any judgments about what the potential costs or savings might be. As I have indicated before—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, that's not true.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: If you have half a dozen curriculum units across the whole metropolitan area, each with its own administrative function, and you locate them on one or two premises, clearly you can reduce their administrative costs. Depending on what decisions you take (and, as I have said, no decisions have been taken yet), it also might mean that, if the Government were to keep Sturt Street as an educational curriculum centre, other locations in the metropolitan area could be declared surplus and sold to help fund the redevelopment. So, if for example the Curriculum Division were in two or three separate locations owned by the department but surplus to our needs and if they were to be centralised, those locations could be declared surplus and sold and the money from those savings used to recoup any one-off cost in centralising the Curriculum Division. One cannot assume anything in relation to the issue of the curriculum centralisation, should the Government move down that path. I am not in a position to provide any details in relation to—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The Leader has heard this response; on a number of occasions I have given my response to the SAIT branch members, and they were pleased to hear it. There is a budget line of $30 million to $40 million for minor works and program maintenance, and I have indicated to the Institute of Teachers that it is not correct, as the Leader of the Opposition has been saying in trying to instil fear in the Gilles Street community, that there is no money for the Gilles Street redevelopment. I have indicated to the branch members that the Leader of the Opposition and other members of the Labor Party have not understood the budget papers and that there clearly is money in the $30 million to $40 million minor works and program maintenance budget line, which money, when the decision is taken, can be accessed.

The Hon. CAROLYN PICKLES: As a supplementary question, given that the Minister neglected to answer it: how many students are expected to attend Gilles Street next year?

The Hon. R.I. LUCAS: I do not carry that figure in my back pocket. It will depend on the decisions taken by the parents of the Sturt Street students; we will not know that until people enrol. I would have thought that even the Leader of the Opposition would understand that it is parents who make decisions about enrolments and that the parents from Sturt Street and other communities have not made their decisions as to where students will enrol next year—particularly as the Leader of the Opposition and others in the community have been trying to leave parents of Sturt Street with the false impression that in some way the decision can be reversed and that they therefore do not have to consider options other than Sturt Street for 1997.

Some parents—and in particular, sadly, some parents from the new arrivals program—have been misled by the Leader

of the Opposition and other members because they falsely believe that, if they do what the Leader of the Opposition in this Chamber and others suggest, in some way they can continue to send their children to Sturt Street next year. While the Government is continuing to work with these parents, at the same time they are being advised by the Leader of the Opposition and others not to get themselves involved in this sort of counselling so that we can then assist them—

Members interjecting:

The PRESIDENT: Order! The honourable member had a chance to ask her question.

The Hon. R.I. LUCAS: —to choose other school options for 1997. So, it rests partly on the shoulders of the Leader of the Opposition and others to stop misleading the parents of the Sturt Street community and in particular, sadly, some parents of the new arrivals program, into believing that in some way they might be able to choose to stay on at Sturt Street next year if they continue to protest, raise money, write letters and sign petitions to reverse the decision on Sturt Street. I would have thought that if the Leader of the Opposition had learnt one thing as shadow Minister for Education it was that, whilst it takes a lot of time to make these decisions (and the shadow Minister was critical of the time taken to make this decision), and given that they are taken on very solid, comprehensive grounds, once the decisions have been taken they will not therefore be reversed.

YATALA PRISON

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made today by the Minister for Correctional Services in another place in relation to Yatala Labour Prison.

Leave granted.

SAMCOR SALE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about the tainting of the bidding process at Samcor.

Leave granted.

The Hon. R.R. ROBERTS: It was reported in this morning's *Advertiser* that the Treasurer had aborted the sale of the South Australian Meat Corporation and that the process would be reopened shortly with new bids being called following the failure of the current bids to conform to the tendering processes. The report also states:

> The new selling arrangements also follow an Auditor-General's investigation into the role of the abattoir's General Manager, Mr Des Lilley. The investigation came after a trip by Mr Lilley to Canada during the bidding processes to see Better Beef, one of the companies that tendered for Samcor. The Treasurer, Mr Baker, said yesterday the Government believed Mr Lilley's involvement was not appropriate.

The Opposition understands that Mr Lilley's trip to Canada was paid for by Better Beef, and that this gratuity may have been an attempt to sway the sale processes in Better Beef's favour by obtaining privileged information about Samcor, other bidders and other bid processes. Given the Government's stated concerns about Mr Lilley's involvement, I ask the Attorney-General:

1. Will he investigate whether Better Beef Limited has acted corruptly in offering the General Manager of Samcor a gratuity and by attempting to obtain commercially sensitive information about Samcor's operations and the sale processes?

2. What possible legal liabilities will taxpayers of South Australia have as a result of the sale processes being abandoned, given that Better Beef and the other bidders have expended many thousands of dollars in preparing their bids?

The Hon. K.T. GRIFFIN: That question really needs to be dealt with by the Treasurer, so I will refer it to him and bring back a reply.

MARINE POLLUTION

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Minister for Transport, representing the Minister for Housing, Urban Development and Local Government Relations and possibly the Minister for the Environment and Natural Resources, a question about marine environmental pollution.

Leave granted.

The Hon. T.G. ROBERTS: A couple of cases in South Australia have been drawn to the Parliament's attention in relation to marine environmental pollution that have had impacts on both aquaculture projects and natural marine life, the most recent being the Port Lincoln problems associated with tuna. Also, the marine environmental pollution problems on Kangaroo Island led to restrictions on shellfish. We now have another major closure of the Telowie beach, where the taking of shellfish in the immediate vicinity is now banned for an uncertain period.

The Hon. Mr Elliott and I have previously raised questions associated with potential land based pollution problems extending to marine projects—that is, aquaculture projects—onto beaches and out into the marine environment, and I do so again. My questions are:

1. Will the Government give a guarantee that land based projects with a potential for pollution in the marine environment will be accompanied with a land management plan, and that this will be undertaken in conjunction with a marine protection plan?

2. Will the aquaculture projects that are coming before the planning process also have a land management environmental protection plan to ensure that marine pollution does not occur from land based projects?

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

ANAESTHETISTS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister representing the Minister for Health a question about the shortages of anaesthetists in South Australia.

Leave granted.

The Hon. SANDRA KANCK: Members might recall a front page *Advertiser* article on Tuesday 11 June entitled 'Scott's 15-hour hospital ordeal'. As the title of the article suggests, the young boy waited 15 hours at the Lyell McEwin Hospital for treatment of an 11 centimetre flesh wound before his mother decided to take him to the Modbury Hospital. Unfortunately, the journalist was unable to determine the source of the delay at Lyell McEwin, other than to say that a spokesperson had said:

> In our theatres we prioritise according to the emergency, and obviously on that day we had to prioritise.

Most readers, having read that article, would have concluded that there must be a high level of incompetence in our public

hospitals for this to happen. I have since been advised that the build-up of patients at the Lyell McEwin Hospital is not due to any incompetence, but rather, is due to a shortage of anaesthetists. I am told there is a general shortage around the State.

Due to their shortage in Australia, anaesthetists can demand very high salaries. For instance, I am informed that public hospitals in South Australia can offer anaesthetists a maximum of only $120 000 per annum, but more generally it is lower than this; whereas, it is not uncommon for hospitals interstate to offer up to $250 000. Consequently, many anaesthetists are leaving South Australia for better paid positions interstate or playing off hospitals within this State against each other. My questions to the Minister are:

1. Can the Minister advise how many anaesthetists short we are in our public hospitals?

2. Can the Minister advise what salaries are being paid to anaesthetists on a hospital-by-hospital basis in South Australia?

3. Can the Minister advise what salaries are being paid to anaesthetists interstate, for both public and private hospitals?

4. Can the Minister use his power, either directly or through negotiating with his Federal counterpart, to ensure that the Royal College of Anaesthetists allows more specialists to be trained?

5. In the meantime, what does the Minister intend to do about ensuring that anaesthetists are available for the public hospital system so that incidences, such as the 15-hour hospital ordeal reported in the *Advertiser*, do not occur again?

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

TRUTH IN SENTENCING

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General a question about truth in sentencing.

Leave granted.

The Hon. J.C. IRWIN: During the Estimates Committees two weeks ago the issue of prisoners receiving remissions during the industrial dispute at Yatala gaol was raised. There was some surprise that certain inmates were getting four days taken off their sentence for every day of the dispute because it was thought that remissions were abolished in 1994 when the Government's new truth in sentencing laws came into operation. Consequently, the Government was questioned about whether it has reintroduced remissions after abolishing them two years ago. Despite a response from one of the Ministers concerned, the Hon. Wayne Matthew, there still seems to be some confusion. Therefore, my question to the Attorney-General is: have remissions been abolished or have we returned to the flawed position which existed before August 1994; and does the community have any reason to doubt the Government's commitment to truth in sentencing?

The Hon. K.T. GRIFFIN: The shadow Attorney-General's observations, both in the Parliament during Estimates Committees and also on a couple of radio talkback programs about remissions, were somewhat puzzling. He was making the assertion that somehow surreptitiously the Government had brought back remissions contrary to the truth in sentencing legislation. Members have to be reminded that the truth in sentencing legislation did pass the Parliament with bipartisan support, that it did seek to remove the flawed parole system that previously existed where a non-parole period was fixed but did not mean that that was the point at which the defendant was released but rather the point from which one third could be remitted for so-called good behaviour and the prisoner released after serving two thirds of that non-parole period, to be contrasted with the new system where the non-parole period means that that is the point at which a person may become eligible for release but it is not automatic.

What puzzled me about the shadow Attorney-General's observations about this was that he had understood, so he said, that the Government had decided to give some remissions, largely arising out of the industrial disputation at Yatala, so that prisoners would be eligible for a certain remission for every day that they were locked up without exercise and other benefits, which one would normally require and expect in a humanitarian situation in a prison system. The shadow Attorney-General indicated that it was unlawful; certainly it is not provided in the Correctional Services Act.

Any remissions which are granted in consequence of industrial disputation are lawful and do not have to be established under the Correctional Services Act. They were certainly not provided for in the old Act and they are not provided for in the new Act, but the shadow Attorney-General should be aware that the royal prerogative of mercy extends to remissions in those circumstances. In fact, the previous Government used the royal prerogative to remit sentences—four days of a sentence for every one day locked up in the prison system during industrial disputation. It was regarded as a good management tool and the present Director of Correctional Services, the Chief Executive Officer, subscribes to that view.

In 1986 advice was given to the then Minister for Correctional Services that the royal prerogative of mercy could be used for the purpose of granting remissions. That does not detract from truth in sentencing or from the Correctional Services Act and the remission principles which are enshrined in that legislation. The royal prerogative, which will enable the exercise of mercy and the granting of remissions, is always done by a decision of the Cabinet, referred through to the Governor in Council, and then takes effect once it has been approved by the Governor in Council. The shadow Attorney-General and Mr John Quirke during the Estimates Committee were trying to beat this up as some change in Government policy. It is not a change in Government policy. It does not detract from the truth in sentencing legislation. It is in accordance with the law, particularly the royal prerogative to which I have referred, and it maintains the integrity of the truth in sentencing legislation.

BOAT LEVY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation prior to asking the Minister for Transport a question about the recreational boating levy.

Leave granted.

The Hon. T.G. CAMERON: The Minister's Government has introduced a $25 per boat levy to be spent on facilities for recreational boat owners. Over $1 million is budgeted to be raised this financial year with $500 000 raised in the current financial year. I cannot find any indication that any of the money has yet been spent, but I note that it appears that $1.31 million has been allocated for expenditure this financial year. My question to the Minister is: on what specific projects

will the funding be applied and why has not the whole $1.5 million to be raised been allocated?

The Hon. DIANA LAIDLAW: I seek leave to incorporate in *Hansard* a status report as at 30 June 1996 relating to recreational boating facilities and projects approved by me as Minister following recommendations by the South Australian Boating Facility Advisory Committee.

Leave granted.

South Australian Boating Facility Advisory Committee
Recreational Boating Facilities
Status Report—June 1996

Table 1—Projects Approved by Minister
(Following recommendation from SA Boating Facility Advisory Committee

Project/Locality	Nature of Work	Total Value $	Funding Committed $
Port Wakefield Project completed May 1996	Additional lane for boat ramp & parking improvements	19 700	9 850 ie. 50% of total rest from DC. Funding approved June 1995
Cape Jervis Site layout altered. Commencement unknown Remaining funds being sought—Tourist operator involved	Additional landing abutment for boat ramp	90 000	25 000 Rest from Tourist operator. Funding approved June 1995
Goolwa Materials purchased and contractor selected; work due to commence June 1996	Additional landing at boat ramp and local yacht club	50 000	20 000 ie. 40% of total. Rest from DC & Yacht Club. Funding approved June 1995
Swan Reach Project completed Dec. 1995	Removal of old decaying wharf and reinstatement of bank with grass area	14 250	7 125 (only $5 000 required) ie. 50% of total. Rest from DC & Locals. Approved June 1995
Port Augusta West Project completed June 1996	New boat ramp additions—landing, car/trailer park, lighting, bank protection	143 720— 96 720 already spent	47 000 Rest from Council and local community
Normanville Project will commence when source of possible additional funding found	2 new boat ramps with car/trailer parking	740 000	285 000 Rest from Yankalilla DC
Foul Bay Project completed March 1996	Upgrading of existing boat ramp, works completed by locals	2 414	1 207 Rest from other sources
Balgowan Project due to commence July 1996	New boat ramp facility	50 000	25 000 Rest from DC of Central Yorke Peninsula
Waikerie All materials on site; other contractors being sought for pile driving	Boating jetty/landing on river front of town	12 600	6 300 ie. 50% of total. Rest from DC. Funding approved July 1995

Table 2—Applications Received by Advisory Committee
(Further information required before support recommendation forwarded to Minister for Transport)

Project/Locality	Nature of Work	Total Value $	Proposed Commitment $
Tickera boat ramp	Additional boat ramp, boat trailer park extensions & picnic area improvements	28 960	Nil at this stage; design alternatives & additions as well as approvals required
Tumby Bay	Marina/Boat ramp access channel dredging	20 000	Nil at this stage; further information re ongoing dredging required; committee hesitant on subject of dredging
Christies Beach	Additional boat ramp	70 000-100 000	Nil at this stage; users will not contribute to the levy; some doubt about level of commitment required
Blanchetown	New boat ramp	14 300	Nil at this stage; insufficient information received—request sent for more
Port Adelaide Inner Harbor	Boat ramp facilities	50 000 min—$?	Nil at this stage; insufficient information supplied—request sent for more
Port Adelaide Outer Harbor	New boat ramp	? no estimate avail. yet	Nil at this stage; Proposal only; no final plans in place
Port Turton	Dredging for boat ramp access	3 000	Nil at this stage; Committee advised DC to investigate total site

Project/Locality	Nature of Work	Total Value $	Proposed Commitment $
Renmark	New boat ramp facility—ramp car/trailer park	? no estimate avail. yet	Nil at this stage; Insufficient information received—Council knows committee requirements.
Willunga	New boat ramp facility	? no estimate avail. yet	Nil at this stage; Inquiry only at this time
Port Lincoln	Additional pontoon landing facility at existing boat ramp	45 000	Nil at this stage; Relevant approvals and engineering design required by the Advisory Committee
Encounter Bay	Dredging of boat ramp access channel	? no estimate avail.	Nil at this stage; Request for formal application through DC with all requirements of committee sent
Maslins Beach	Marina in old quarry site at Ochre Point	? no estimate avail.	Nil at this stage; Proponent advised to seek application through DC
Port Broughton	Upgrading of boat ramp(s)	? no estimate avail.	Nil at this stage; DC advised to apply along guidelines provided
Port Pirie	Replacement navigation aid	13 763	Nil at this stage; More information required by committee
Wallaroo	Upgrading/maintenance of boat ramp	? none provided	Nil at this stage
Willunga	New boat ramp	? no estimate avail.	Nil at this stage; Proponent (DC) asked to comply with requirements of committee
Middle Beach	Construct groyne and access road to boat ramp	? none provided	Nil at this stage; Proponent (DC) asked to comply with requirements of committee
Marion Bay	Upgrade boat ramp	? none provided	Nil at this stage; DC advised to apply along guidelines provided
American Beach	Walkways installed at boat ramp	15 000 approx.	Nil at this stage; Proponent asked to comply with requirements of committee
Arno Bay	New boat ramp	? none provided	unknown

The Hon. DIANA LAIDLAW: The table indicates the locality and projects, the nature of work, the total value of the project as at 30 June 1996 and the funding committed as at 30 June 1996. A second table relates to applications received by the South Australian Boating Facility Advisory Committee upon which further information has been sought by the committee prior to any recommendation being forwarded to me.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: No, we are not involved in marina funding.

The Hon. M.J. Elliott: It is not a marina at West Beach.

The Hon. DIANA LAIDLAW: There are very strict guidelines in relation to the application of funds. They are being refined at the moment but they would not incorporate the project to which the Hon. Mr Elliott refers.

Since 1 January, when the levy of $25 for various recreational boats has applied, about $500 000 has been raised from that source to date and we would anticipate that over a full calendar year $1 million would be raised, all of which will be assigned, as is required by the Harbors and Navigation Act, to a special fund dedicated to the purpose of recreational boating facilities. That sum has been augmented by an additional $350 000 from State sources. I would anticipate that considerable work will be undertaken during this year, but particularly next year and thereafter as councils and others become familiar with the terms of reference for this fund, submit proposals, and have them approved.

One of my concerns to date has been that projects approved earlier this year have not yet started and I would have expected that local councils would undertake that work, at least in the latter half of last financial year. That has not been the case and we will be writing to those councils urging them to do so. We will also be making it a condition that funds approved be spent within the 12 months following approval, otherwise they will be withdrawn. That is why we are revising some of the criteria for funding approval.

ARTS COVERAGE

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the *Advertiser* and the arts.

Leave granted.

The Hon. A.J. REDFORD: I note in today's *Advertiser* that the editorial, under the heading 'Arts are us', states:

> Each day the *Advertiser* dedicates several of its pages to sport. With the Olympics imminent and the Crows' future at stake, to cite just two events, we plan to boost our sports coverage. But we also know that the performing and visual arts attract audiences of like numbers, enthusiasts of like passion and knowledge who also seek news and expert commentary. So today we launch our new Life and Arts liftout, a weekly, detailed briefing and critique to that other side of life in the Festival State. It is part of our ongoing commitment to present South Australia to South Australia, rounded, diverse, active and creative.

An honourable member interjecting:

The Hon. A.J. REDFORD: The honourable member interjects about the *Adelaide Review*. I would have thought

that is insulting to the arts community. The arts community does have the capacity to read two publications. We have been critical of the *Advertiser* on its arts coverage in the past, and I have been approached by a number of people today who have warmly welcomed the new response by the *Advertiser*. My questions to the Minister are:

1. What benefits does the Minister see in this liftout?

2. What has been the response of the arts community to the *Advertiser's* coverage of the arts?

The Hon. DIANA LAIDLAW: I have also received support from the arts community for this initiative by the *Advertiser*.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: The Hon. Anne Levy interjects and asks whether the arts community supports cancellation of Arts Monthly. In fact, it is representations from the arts community that has seen the *Advertiser* take this step, which I have endorsed. The arts community, through Arts Around Adelaide, the new marketing consortium comprised of representatives of subsidised arts companies in this State, went to see Mr Steve Howard, the Editor of the *Advertiser*, as did I and Ms Winnie Pelz, the CEO of the Department for the Arts and Cultural Development, following a pretty terrible decision earlier this year about the way in which the *Advertiser* would review arts activities in this State.

Those meetings saw Mr Howard take a strong interest in arts activities in this State. He also undertook to listen to the representations from me and from the arts community about the important relationship between the *Advertiser* and arts coverage and arts information to the wider community in South Australia. I was involved in the launch of Arts Monthly, an initiative that I applauded, but it was apparent over time that of greater benefit for the arts community would be a regular feature on Tuesday, as part of the new section called Life that the *Advertiser* is featuring, which would have extensive arts coverage. That would give arts organisations in this State greater access to more frequent coverage.

With Arts Monthly there were fantastic reports of what had been but, by the time the reports were in the *Advertiser*, the event was often over; therefore, there was not really a benefit to the arts organisations. Arts Around Adelaide made representations to Mr Howard, who wrote to me last week indicating the nature of this change. I have since replied indicating that it has my support, and I commend the *Advertiser* for taking such a positive initiative on behalf of the promotion of arts activity and appreciation in this State.

The Hon. T.G. Roberts: Will the *Adelaide Review* survive?

The Hon. DIANA LAIDLAW: There has always been a place for the *Adelaide Review*. It is continuing to be well supported, and that is good. Competition is always good. With this new arrangement we have a weekly section on the arts in the new Life reference pages in the *Advertiser*, so that each Tuesday a certain section of the paper is dedicated to the arts. That is in addition to Saturday morning's references as part of the Magazine, and in addition to regular reviews on a daily basis of arts activities, performance and exhibitions. I think that the arts community has been well served by this initiative and commend Mr Howard, the Arts Editor, and arts writers generally with the *Advertiser*, and also Arts Around Adelaide for raising this issue. They, too, will be pleased that Mr Howard and the *Advertiser* have listened to their representations.

I thank the honourable member most sincerely for his questions, because I did have strong words to say about the *Advertiser* and the arts some months ago and it is excellent to be able to redress that situation today.

LEGAL AID FUNDING

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about legal aid.

Leave granted.

The Hon. P. HOLLOWAY: During the Estimates Committee on 20 June, in answer to the shadow Attorney asking what impact there might be on the Attorney's budget and the provision of legal services in the State if we are faced with greatly reduced grants from the Commonwealth, for example, in relation to the Legal Services Commission, the Attorney said:

> We have not made an assessment of what may or may not be the outcome.

When the shadow Attorney subsequently commented:

> Surely you can see what is coming?

The Attorney said:

> Not necessarily in relation to legal aid. There has been no signal that we are going to suffer a reduction in Commonwealth funding.

Of course, since then, on 1 July it was announced that the Federal Government would no longer fund cases that fell under State law, such as criminal matters, which account for about two-thirds of all legal aid cases. It was reported in the *Advertiser* that the South Australian Attorney-General expressed surprise and concern at the funding move and said that he would raise the matter at a meeting with the Federal Attorney-General, which was held last week. My questions to the Attorney are:

1. What was the outcome of his discussions with the Federal Attorney last week?

2. Has the Attorney now undertaken some preliminary assessment of the impact of the Commonwealth cuts on legal aid and, in particular, what will be the impact on legal aid services in South Australia if the Commonwealth decision stands?

The Hon. K.T. GRIFFIN: The issue has not been discussed at the Standing Committee of Attorneys-General because that is to be held later this week, not last week. It is correct that I and, I am sure, all my State and Territory colleagues will seek to raise the issue of legal aid funding. The Commonwealth Attorney-General wrote to each State and Territory Attorney-General under the terms of the current agreement that was entered into in 1989, indicating that he was giving 12 months notice, as required by that agreement, to terminate the agreement. He indicated in the covering letter that he intended that there would be negotiations with the States and Territories about the appropriate level of legal aid that might be available to the States under any renegotiated agreement, but indicated also that he was keen to have the Commonwealth's contribution towards legal aid directed towards Commonwealth law matters and not the broader category of Commonwealth matters.

Commonwealth matters may be family law matters, Commonwealth law drug offences, smuggling, aviation offences and so on, but also include actions involving those for whom the Commonwealth has a special responsibility. They include members of the Aboriginal community, who are supported through the Legal Services Commission in this State as well as through the Aboriginal Legal Rights Move-

ment, and also those who might be receiving Commonwealth Social Security benefits.

When I was last Attorney-General we had an agreement negotiated with the Commonwealth that it would pay 75 per cent of all legal aid funding required in this State, with the State picking up the balance of 25 per cent. In 1989 my predecessor renegotiated that with the Commonwealth at the Commonwealth's insistence and it was brought back to 60 per cent contribution by the Commonwealth and 40 per cent by the State. That means that the proportionate funding level for the State has increased quite significantly to about $6 million for the next financial year, and the Commonwealth will be paying about $9.5 million.

I have sought some information from the Legal Services Commission, which will also be involved in the negotiating process. It is too early to say what the impact will be, because some negotiations are still to be conducted with the Commonwealth. It may be that there is no reduction or a slight reduction. We have been arguing for a long time that the Legal Services Commission in this State is underfunded proportionately to other States, because it is markedly more efficient than its counterparts in other States and that we are disadvantaged as a result of that efficiency compared with the inefficiencies in other States.

So, there is no simple answer to the honourable member's question. He can be assured that I will be in there fighting hard to maintain, and if possible increase, the State's share of Commonwealth legal aid moneys. However, I think those negotiations will take quite some months. One recognises what the threat is to legal aid funding in this State, but I certainly have no intention of taking it lying down.

POULTRY MEAT INDUSTRY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the poultry meat industry.

Leave granted.

The Hon. M.J. ELLIOTT: The Poultry Meat Industry Committee is the negotiating group charged with advising, problem solving and production control responsibilities in the industry. There is concern among chicken growers that the Minister is going ahead with repealing the Act this session. Indeed, I understand that he may be introducing a Bill in the House of Assembly later today. This is despite undertakings that this would occur only when contracts an arrangements were in place between contractors and growers.

While processors support the repeal of the legislation, growers feel that it will make them more vulnerable in contract negotiations. There is concern that, because many contract negotiations have not been finalised, processors could currently be in contravention of the Act, although the Minister has the power to exempt the processors from any provision under section 5(1). The South Australian Farmers' Federation chicken meat section is extremely concerned that there have been ongoing difficulties in the negotiations with processors over contracts.

As I told this Council in May, two companies dominate this industry, and many small growers feel that they have no chance in negotiating fair prices if competition policy is applied to them. I have been told that already one of the major companies, Steggles, has indicated that it wishes to negotiate only with individual growers and has withdrawn its application before the Australian Competition and Consumer Commission for an authorisation for exemption under the Trade Practices Act to allow collective bargaining over contracts.

With the repeal of the Act, there is no proper mechanism to resolve this problem, and there is not even an agreement in place or a code of practice between the parties for the ongoing future cooperation of those parties. My questions are:

1. Does the Minister still intend to introduce legislation to repeal the Act before contracts have been put in place between growers and processors?

2. What protection will growers have to ensure fair contracts with processors when processing is an oligopoly?

3. Does the Minister intend to take action against processors who do not have contracts with growers, as I understand that, every time they breach the Act by processing birds from the properties of growers with which they do not have a contract (and this is done three times daily), they are liable for a $2 000 fine?

The Hon. K.T. GRIFFIN: I will refer the matter to the Minister for Primary Industries and bring back a reply.

GOODWOOD ORPHANAGE

In reply to **Hon. ANNE LEVY** (28 March).

The Hon. R.I. LUCAS: I consider that the answer that I provided previously addresses the question of the Hon. Anne Levy MLC regarding the proposed redevelopment at The Orphanage Teachers Centre. I reiterate that the redevelopment has been prepared jointly between representatives of Tabor College and the Department for Education and Children's Services (DECS).

A number of meetings have been held between representatives of DECS and Tabor College to ensure an outcome that would be mutually beneficial to the local community, Tabor College and the Government of South Australia.

The latest sketch plans provided by representatives of Tabor College indicate that the area available for the local community for passive and active recreational purposes would compensate approximately for the loss of the area previously the subject of an agreement with the City of Unley. This includes the tennis court, amphitheatre and other grassed areas within the total Orphanage site.

Sunrise Christian School and St Thomas School have written to DECS supporting the negotiations by Tabor College and looking forward to the new arrangements on the site.

The proposed development by Tabor College will provide exceptional facilities for educational administration, to be used by DECS, Tabor College and the educational community as a whole.

The Government has not executed a contract with Tabor College and therefore I am unable to provide a copy.

POLICE FORCE

In reply to **Hon. SANDRA KANCK** (6 June).

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

1. To monitor the activity of police officers, the South Australia Police Department has available a range of systems. These include the Computer Aided Despatch (CAD) System of the Communications Centre, which records details such as the number, type, location and response time of metropolitan patrol taskings. The Justice Information System records the number and type of offences reported and offenders apprehended. This information is included in the Statistical Supplement of the Annual Report to Parliament by the Police Commissioner.

In addition the Statistical Services Section of the Police Department collates information relating to the daily activity of patrols and the duties undertaken by country police stations. The Traffic Intelligence Centre also collates activity with respect to Speed Detection Activity using traffic speed analyser devices and the number and location of random breath tests.

While systems of the type detailed above assist the Police Department in determining the proportion of time that police officers spend on various functions, they do not generally permit an analysis relating to the time devoted to the policing of specific offences.

The South Australia Police Department is currently reviewing the methods by which it assesses its existing workload and where appropriate, intends to develop revised systems which are more relevant, cost effective and timely.

2. During the 1994-95 financial year the South Australia Police Department:

. spent 32 132 kerbside hours on speed detection activity using traffic analyser devices;
. spent 18 177 person hours on random breath tests.

Other than as listed above, the Police Department does not collate the number of hours spent on the policing of specific offences or groups of offences set out in the question. The reasons for this include the fact that the categories of offences detailed above are not mutually exclusive. For example, an offender stopped for breaching drink driving or other traffic laws may be found to be in possession of cannabis, illegal weapons or stolen property and as a consequence, that person may be subsequently charged with additional offences. Whilst specific units specialise in the policing of particular legislation, e.g. Drug and Fraud Task Forces, ultimately all police are empowered to enforce all relevant laws. To establish a recording system to record all police activities in all categories would generate an administrative workload which is not felt to be practical or cost effective.

3. Except as detailed in the answers to questions 1 and 2, the Police Department does not normally measure the total time spent by each officer performing specific functions as the cost of doing so would be prohibitive. For the reasons outlined above, much of the information is not available in that format.

SCHOOL SERVICES OFFICERS

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

The Hon. R.I. LUCAS:

1. The transfer exercise which resulted in the placement of SSOs was completed before the end of first term. The exercise began on 18 March 1996. Schools and ancillary staff were advised of placements by letters posted on 4 April, a week before the end of term 1.

2. I do not acknowledge that the placement exercise for School Services Officers in schools has been a complete mess up. The process proceeded according to plan with the valuable cooperation and scrutiny of the unions who represent ancillary staff in State schools.

ECONOMY

In reply to **Hon. T. CROTHERS** (6 June).

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

1. In his speech to the International Monetary Conference on 3 June, the Prime Minister said:

> '. . . since the change of Government occurred in Australia, and the incoming Government inherited an Australian economy which I would have to say was, and I say it very positively, was really better than the "curate's egg" it was a little better than just good in parts, there's no doubt that the Australian economy continues by world standards to enjoy very strong growth. . . '
>
> '. . . we have inherited an economy that has some very strong characteristics, and we intend to build on the strengths that we have inherited. I must also acknowledge that there are some characteristics of the Australian economy that of course bear a more critical examination. . . '

Recent national accounts data show that the economy has been growing very strongly, partly boosted by very strong agricultural output growth (reflecting seasonal conditions). Employment shows a weaker trend—declining since the beginning of the year.

The Prime Minister noted that many of the Australian economic reform initiatives of recent years have enjoyed bipartisan support. However, he went on to highlight three major (economic) challenges which he sees facing Australia. These are:

. to do something about Australia's chronically low savings performance;
. to reform Australia's industrial relations system; and
. to reduce unemployment.

Although the Prime Minister explicitly acknowledged some measures implemented by the previous Government—financial deregulation, tariff reductions and the introduction of a national competition policy—it would be misleading to interpret his speech as a wide ranging endorsement of all its policies. In fact, the Prime Minister explicitly distinguished his Government from the previous Government on the following points:

. that the new Government views Australia's traditional ties with Europe and North America as positive (in contrast with a negative view that he believes the previous Government held) for Australia's involvement in the Asia-Pacific region;
. that the new Government sees it as desirable to extend competitive pressures more widely through the economy—for instance to the waterfront;
. that this includes extending competitive pressures in the labour market which requires substantial reforms to the industrial relations system.

He also highlighted the importance of fiscal consolidation to increasing national savings, and on this point the new Government's policy stance appears to differ significantly to the previous Government's.

The Treasurer shares the sentiments which the Prime Minister expressed in his speech. Gross domestic product has been growing strongly, and this is also true of GSP in South Australia. However, employment growth has slowed around the country and, as a result, unemployment rates have for the present stabilised at high levels. This is also the case in South Australia.

2. South Australia has traditionally had a higher rate of unemployment than the national average. Currently the South Australian unemployment rate appears to have stabilised around the 9½ per cent mark, and the national unemployment rate appears to have stabilised around 8½ per cent. Obviously, these unemployment rates are unacceptably high.

However, the unemployment rate has improved more in South Australia over the last year than in the other States. In May 1996 the trend estimate of the unemployment rate for South Australia was 9.6 per cent, down from 9.9 per cent a year earlier. Unemployment rates rose in every other State over the year.

There has been a nationwide slowdown in job growth since mid 1995. National estimates of employment have been declining since the beginning of the year on a trend basis.

Trend employment in South Australia has improved by 0.7 per cent over the year to May 1996. This growth in employment is slightly lower than employment growth at the national level but is higher than the growth in employment in Western Australia and Tasmania. An important factor contributing to lower employment growth in South Australia than in many other States is South Australia's lower population growth.

DAIRY INDUSTRY

In reply to **Hon. R.R. ROBERTS** (6 June).

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

1. In South Australia there are three major dairy processors who collect milk from dairy farms. Milk pricing is a commercial activity based on quality standards. The South Australian Market Milk Equalisation Committee sets consistent prices across all processors based on quality standards. All dairy farmers share in the proceeds of market milk, the price of which is set by the Minister on the advice of the Dairy Authority of South Australia.

Matters relating to anti-competitive behaviour are the province of Federal jurisdiction.

2. All milk collected from dairy farms by the tankers is healthy. Through a range of checks the tanker driver ascertains whether the milk is healthy before pumping it into the tanker. If it was considered unsafe it would not be collected or mixed with other milk.

Two majors tests are used to assess milk quality on farms. They are the total plate count and the somatic cell count. To encourage quality improvement in milk these tests are used as a basis for payment purposes not to establish quality standards with respect to use by humans. This use of quality to differentiate payment for agricultural commodities is common practice, for example, wheat payments vary with protein levels and grape prices depend on the quality of grapes.

South Australian milk and dairy products have some of the best quality in Australia, and it should be noted that, as further protection, all milk is pasteurised at the dairy factory to ensure its healthiness before being used for either fresh milk or processing.

3. The Dairy Authority of South Australia (DASA) has met its statutory obligations, which are to monitor the extent of compliance by the industry with the relevant standards and codes of practice.

DASA is not responsible for testing individual farmers' milk quality, nor for conducting farm inspections. This is done by purchasing companies.

In the present case DASA was brought in by the farmer in question to investigate the reason for the unfavourable milk quality test results. The Authority has liaised with the processing company and the farmer and has acted as an independent arbiter and adviser to the parties. DASA has offered to continue in this role and to carry out further independent testing of milk from the farm when milk production resumes.

There are a number of financial and business issues involved and I will arrange for the Authority to provide a briefing to the honourable member.

LIBERAL PARTY LEADERSHIP VOTING

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Minister for Education and Children's Services and Leader of the Government in this Chamber a question about Liberal Party voting patterns in South Australia.

Leave granted.

The Hon. T. CROTHERS: In an article on page 7 of today's *Advertiser* headed 'Key vote on leadership of Liberals' the following statements appear:

A crucial vote on the Liberal Party leadership is likely today. The vote—

Members interjecting:

The Hon. T. CROTHERS: You mentioned it last Wednesday. Remember what I told you?

The Hon. L.H. Davis interjecting:

The Hon. T. CROTHERS: Unfortunately, I have to continue to listen to your inane interjections at times.

The PRESIDENT: Order! I ask members to cease interjecting and the honourable member to proceed with his question.

The Hon. T. CROTHERS: Thank you for your protection, Mr President. The article states:

A crucial vote on the Liberal Party leadership is likely today. The vote, at a Party room meeting, will decide whether all Liberal MPs will have the right to vote for the Party's Leader. Currently, only MPs in the House of Assembly can vote in a leadership ballot. However, backbench MP Mr Iain Evans (Davenport) has called for members of the Legislative Council to be given the right to vote. SA is the only State in which all Liberal MPs do not get a vote. A vote on the controversial issue was to have been taken at a joint Party meeting on July 18, but Liberal MPs said yesterday a vote would be held at today's meeting of House of Assembly MPs. Supporters of Mr Evans's motion said that they believed the vote today was an attempt to ensure the motion would not proceed to a joint Party meeting—a meeting of members from both Houses.

Members interjecting:

The Hon. T. CROTHERS: That is obviously the work of some dry leaker! Later, the article went on to state that any move to give members of the Legislative Council a vote would strengthen support for the leadership aspirations of the Minister for Infrastructure, John Olsen. I further note that for the third time this Liberal Government has introduced in this Council the Electoral (Duty to Vote) Amendment Bill which, if passed, will have the effect of replacing the present system of compulsory voting in South Australia with a system of voluntary voting. My questions to the Minister are therefore as follow:

1. Realising that the Minister may not have been allowed to attend today's meeting, is he in a position to inform this Council of the result of today's limited Liberal Party room meeting?

Members interjecting:

The Hon. T. CROTHERS: I might see some of them afterwards in the corridor.

2. Does the Minister believe that the present voting system for Liberal Party leadership is democratic?

3. Does the Minister believe that, in the light of the long-time voting patterns in the Liberal Party parliamentary system, this Liberal Government can be fully trusted by the people of South Australia to handle any futuristic voting changes in this State?

The Hon. R.I. LUCAS: It was a good try by the Hon. Mr Crothers, but I am afraid it will prove to be singularly unsuccessful. I do not intend to comment on the internal workings of the Government or the Liberal Party, much as it might be of interest to the Hon. Mr Crothers and perhaps some other backbench members of the Labor Party.

I will, however, comment on the honourable member's second or third question in relation to the Liberal Party's attitude to matters of voting. As I said, it was a very long bow to draw between today's *Advertiser* article and the Electoral (Duty to Vote) Amendment Bill which is currently before the Council. I guess the honourable member was doing his best to try to bring some degree of relevance to matters of importance—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Certainly the Liberal Government's position in relation to issues of electoral voting intention with respect to electoral representation is a proud one and is certainly not one about which I, as a Minister or a member of the Government and the Liberal Party, have any concerns.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, there is a long and proud record, and certainly in my 13 years in this Parliament we have fought long and hard against some of the inadequacies of the Labor Government's electoral system. The Hon. Mr Terry Cameron full well knows the end result of that was that Labor Governments were elected on a minority of the two Party preferred vote. When a majority of people did not want them, they continued to be re-elected. The members of the Liberal Party fought for a long time to see that particular anomaly corrected. I certainly do not intend to comment any further on any discussions which may or may not have occurred in Liberal Party forums today or any other day.

ADELAIDE FESTIVAL

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Adelaide Festival annual report.

Leave granted.

The Hon. ANNE LEVY: Last week the Minister gave a ministerial statement detailing the record $610 000 loss of the last Adelaide Festival. She indicated that $400 000 of this was advanced sponsorship for future festivals, although one wonders what that means for the budget of future festivals and whether the future festival Director is being set up to fail. If one accepts that, the actual loss was $210 000, which is put down to the cancellation of Nancy Sinatra and problems with the *Romeo and Juliet* venue. However, under the previous arrangements for the festival, the financial statement and annual report of the then festival board was presented publicly at the meeting of Friends of the Festival held in September or October of each year so that all the details were available.

The Minister has reconstructed the festival arrangements and, although I am not suggesting other than approval for this, it does mean that the festival board now is responsible to her only. Their accounts, presumably, are audited by the Auditor-General, but the annual report and full financial details will be presented only to the Minister by the board and not be made available to the public.

I ask the Minister whether, when she receives the report from the board of the Adelaide festival with the full details, she will table it in Parliament so that it is available for any member of the public to peruse and to make their own judgments thereon, in the same way as they have always been able to do previously with reports from the Adelaide Festival board.

The Hon. DIANA LAIDLAW: I have never contemplated that the annual report produced by the Adelaide Festival would not be tabled by me in this place.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: I have not been asked, and there has never been any reason to be concerned about it. It is not an issue for me. I assumed that the practice of the past would be continued. The festival, as all members are aware, received $3.5 million over a two-year period. That is a lot of State taxpayers' funds, and it is proper that those funds should be fully accounted for and the annual report made public, so it is not an issue. Also, the festival has a fantastic story to tell, and I am keen to provide another opportunity for that to be told by the tabling of this report. As I indicated last week, the accounts have yet to be audited, but as at 30 June the overrun was $610 000.

I am very disappointed with the honourable member and her cheap and destructive remark suggesting that this Government, which has invested a further $1 million in the festival and has undertaken a whole range of initiatives including a new board, a new management structure, and a new base for its operations, would ever contemplate providing circumstances where a festival Director, particularly one of the quality of Robyn Archer, would be set up to fail. I totally refute any such suggestion, and I am disgusted that a former Minister for the Arts and one who suggests that she has an interest in the arts would ever contemplate that that was possible. I am sure that the arts community generally would be disappointed—

The Hon. R.I. Lucas: Appalled!

The Hon. DIANA LAIDLAW: —and appalled that she could even suggest that. You do not make an investment, as this Government has done, in the festival to see any festival Director, especially our own Robyn Archer, fail, particularly as we have taken the courageous step of appointing her for two festivals. My statement last week indicated that the overrun—not a loss but an overrun—in the budget was in part planned for due to building up the financial base of the festival through sponsorship for the 1998 and year 2000 festivals. It is not a record loss, and I totally refute that. Equally, I indicate that that will be made clear in the annual report which, as I have indicated, is a non-issue because it will be tabled.

CRIMINAL INJURIES COMPENSATION (LEVY) AMENDMENT BILL

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

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to increase the criminal injuries compensation levy. Criminal injuries compensation provides compensation for the victims of criminal offences. It is a compensation of last resort.

The Criminal Injuries Compensation Fund is established under the Criminal Injuries Compensation Act for the purpose of meeting the payments of compensation made under the Act. The principal sources of revenue for the fund are General Revenue, a percentage of fines collected and the levies imposed pursuant to section 13 of the Criminal Injuries Compensation Act.

The levy was first introduced in 1988 in order to provide continued funding without impacting further on the State Budget. Section 13 sets out the rate of the levy as follows:

Expiated offences	$6.00
Summary Offences	$25.00
Indictable Offences	$40.00
Offences by Children	$13.00.

There has been no increase in the criminal injuries compensation levy since 1993.

This Bill proposes an increase in the levy to take into account the increase in the Consumer Price Index. The new rates are as follows:

Expiated Offences	$7.00
Summary Offences	$28.00
Indictable Offences	$44.00
Offences by Children	$14.00.

Compensation payments under the Act continue to increase. Compensation payments totalled $13.6 million in 1994-95 compared to $13.2 million during 1993-94. An amount of $8.4 million was required out of general revenue to meet the deficiency in funding in the 1994-95 year. In addition, the fund received $2.1 million being a proportion of fines collected by the Government.

The total amount collected from the criminal injuries compensation levy in 1994-95 was $3 074 000. The predicted collections for 1995-96 are $2 819 000. It is estimated that the increase in the levy will yield an additional $282 000 based on the predicted collections for 1995-96.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 13—Imposition of levy

This clause replaces subsections (3) and (4) of section 13. The new subsections are identical in wording to the current subsections, but increase the amount of the levy payable.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

STATUTES AMENDMENT (ABOLITION OF TRIBUNALS) BILL

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

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

Motion carried.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

In Committee.

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: I replied to the second reading debate on 2 July and indicated that if there was any additional information which I could provide in answer to the questions I would be happy to do so during the Committee consider-

ation of the Bill. I will deal with two matters. The first is in relation to the Second-Hand Vehicle Dealers Act. My advice is that I was correct in stating that the amendment does not seek to extend periods of disqualification imposed under the repealed Act, but I am told that the explanation of the reasons for the amendment are not quite right and I need to put the correct position on the record. Under the transitional provisions, persons subject to continuing disqualification orders handed down by the Commercial Tribunal remain disqualified until any time period imposed by the tribunal has expired. Under section 15 of the repealed Second-Hand Motor Vehicles Act 1983, persons who were disqualified from holding a licence were also prohibited from working in the industry in any capacity, for example as employees.

This provision was omitted from the new Act. As a consequence, persons under disqualification orders could return to the industry as employees of licensees. There have already been a number of examples of spouses and children of disqualified persons seeking licences as dealers and indicating an intention to hire the disqualified person as a sales representative. Past experience has shown that this is an undesirable practice and that, in some cases, the licensee is a mere stooge while the disqualified person, as an employee, runs the business.

The second matter I wish to deal with is the Law of Property Act. There was a question about the Gas Company and easements in gross. I did say something along the lines that the Gas Company 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. That may be a little misleading. The Gas Company, as a licensed gas supplier, can acquire land compulsorily under the Land Acquisition Act and by virtue of section 16(3) of the Land Acquisition Act this includes easements. So, that is the law at the present time. However, under the Land Acquisition Act compensation must be paid. So, I am informed that the statement which I made at the reply stage is correct in that sense. I suggest that the material I have just explained to the Council does not materially affect either the amendments which are proposed or the answers which I gave at the reply stage of the second reading.

Clauses 1 to 7 passed.

Clause 8—'Interpretation.'

The Hon. R.D. LAWSON: I direct a question to the Attorney-General on the effect of this amendment which deals with the definition of question of law. As the Attorney pointed out in the second reading speech, this definition was inserted into section 348 of the Criminal Law Consolidation Act by the Criminal Law Consolidation Appeals Amendment Act 1995, which was assented to in December 1995. So, it is a very recent amendment which we are now re-amending. The definition was inserted to make it clear that certain questions of law raised by a judge in a criminal trial could be the subject of an appeal. However, the effect of the legislation was somewhat wider and it gave a general right of appeal to accused persons. The issue I would like the Attorney to address is—and perhaps I should have mentioned it at the second reading stage—first, was this unintended effect of that amendment to the legislation exposed in some particular appeal or appeals; and, secondly, will the proposed amendments affect any appeals which have been lodged? I am merely seeking an assurance that the effect of this amendment will not be to deprive some person, or persons, who have already filed a notice of appeal the opportunity to prosecute an appeal because, as I see it, there is no transitional provision applicable to it.

The Hon. K.T. GRIFFIN: My recollection is that it arose from a representation from the judges as to the effect of the amendment rather than from a particular case. I will have that checked and, if there is any change from that response, I will ensure that the honourable member is informed, but it will be after the Bill passes through this Chamber. So far as the application of the amendment to any existing matter is concerned, when passed the Act will come into effect on a date to be fixed by proclamation. My understanding is that there is nothing in the pipeline that will be adversely affected by this, but I can undertake to check that and, if it is likely to have some adverse effect, we will do all that we can to ensure that that is mitigated as far as is possible to do so. However, I do not think there will be a problem in that context.

Clause passed.

Clauses 9 to 34 passed.

Clause 35—'Substitution of sections 45 and 46.'

The Hon. R.D. LAWSON: I refer to proposed new section 46A to which the marginal note reads, 'Sittings in open court or in chambers'. The clause goes on to provide that, subject to any other Act or rule, 'the court's proceedings must be open to the public'. Is that provision a change to the existing law because I do not understand it to be? If it is a change, why is it necessary? In relation to proposed new section 46B, this provision enables the Governor by proclamation to require that the sittings of the Supreme Court be held with a specified frequency in specified parts of the State. So far as I am aware, the Governor does not have power to require sittings of a court such as the Magistrates Court, for example, in any particular parts of the State, that being left to the discretion of the Courts Administration Authority. Is it intended to remove from the Courts Administration Authority and vest in the Governor power to require Magistrates Courts, for example, to sit with specified frequency in specified parts of the State?

The Hon. K.T. GRIFFIN: So far as the heading for proposed new section 36A is concerned, it is probably correct because, if one looks at 46A, it is subject to any provision of an Act or any rule to the contrary that courts' proceedings must be open to the public. It seems that if there is an intention to ensure that matters in chamber are not open to the public, that is covered by a rule of court. The principal Act does not specifically deal with this issue. Proposed new section 45 refers particularly to a judge sitting in open court in subsection (3) in relation to adjournments and any judge sitting in chambers may adjourn any matters to be heard in open court. Certainly, the intention of the section was to give the court the power to make its own rules which will determine what limitations should be placed upon sittings which should generally be in public but, when in chambers, may not necessarily be so.

In relation to the direction in proposed new section 46B, it is important to realise that the principal Act in existing section 46 provides that:

> Subject to this Act and to the rules of court, the civil sittings of the court for the trial of causes and questions or issues of fact shall be held in Adelaide and such sittings shall, so far as is reasonably practicable and subject to vacations, be held continuously throughout the year by as many judges as the business to be disposed of renders necessary.

Then there is the provision in section 52 for circuit districts:

> The Governor may, by proclamation, declare any portion of the State defined or described in the proclamation to be a circuit district,

abolish any circuit district, alter any circuit district, appoint a town in each circuit at which sessions of the court shall be held.

Then there is the provision for the issuing of commissions for holding circuit sessions. The Chief Justice put to me that we ought to consider removing the provision for issuing commissions for circuit sessions of the Supreme Court. They happen on a fairly regular basis. We do not issue commissions for the District Court to sit away from Adelaide because the structure is slightly different, but I acceded to the view expressed by the Chief Justice that, whilst circuit courts for the Supreme Court are important and should be maintained, the necessity for issuing commissions to particular judges is unnecessarily both restrictive and bureaucratic.

It is dispensing with a piece of tradition which has its own history and I am always reluctant to do that unless there is a good reason for it, but I and the Government were persuaded that, provided the Governor could retain the power to deal with the locations at which circuit courts were to be held, the abolition of the requirement for a formal commission was appropriate. The Government has no intention to change the position in relation to the Magistrates Court or the District Court. I was concerned though that, in relation to the Supreme Court, the principal court of the State, that we would continue to retain as a Government the present power to determine where the Supreme Court should sit.

Clause passed.

Clause 36 and title passed.

Bill read a third time and passed.

GOVERNMENT BUSINESS ENTERPRISES (COMPETITION) BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1641.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. In fact, the Opposition does not have much room to move in the sense that this Bill is one of the products of years of discussion between Australian Governments, discussions which have endorsed the principle of competitive neutrality in relation to Government owned enterprises. The goal is to strip down the perceived privileges of Government business enterprises so that they are treated the same in micro-economic terms as a multitude of private enterprise corporate creatures in the marketplace. Of course, in all the talk of creating a level playing field one vital factor is often ignored: the community service which forms an integral part of the role played by most Government enterprises.

Technically, the desirability of a community orientation on the part of GBEs may find expression in the balance sheet as community service obligations but the fact is that private sector corporations are under no obligation to consider such matters. On the contrary, they have a duty to shareholders to positively put aside such considerations if it means greater profits and greater dividends. This will always be the difference between the public sector and the private sector and no amount of economic rationalism can ever change the fact that governments can—and should—create corporate entities as vehicles for the provision of public goods distributed in accordance with community needs as well as a capacity to pay of individuals in the community.

Two consequences arise from the creation of Government business enterprises which are to function and compete in a manner comparable to private sector players. First, the private sector players will want assurance of some kind but the GBE has been effectively stripped of any advantages derived from Government ownership of the entity. Secondly, there will need to be some regulation of prices for the sake of protection of consumers. Hence, this Bill creates commissioners to deal with complaints and make investigations on both of these levels. The Government is presumably trying to distance itself from price rises which will flow in the future from corporations which would formerly have been Public Service entities.

To this end clause 6 states that a commissioner is not subject to ministerial direction about a recommendation, finding or report. In the same breath, however, clause 6 also allows the relevant Minister to give written directives to commissioners to take into account specified facts, policies or issues in a particular investigation. There is ample scope then for a heavy handed approach from Ministers to get exactly what they want from commissioners from time to time. For example, one of the factors which must be taken into account by the commissioners pursuant to clause 12 is the need for sufficient revenue to defray outgoings and achieve a reasonable return on assets. One might ask how the commissioner is to exercise his or her supposedly independent rights of making pricing recommendations if the Minister of the day insists in a written directive that a 7 per cent return is to be realised from particular assets operated by a certain GBE. That will have to be effectively given considerable, if not conclusive, weight by a commissioner about to make a pricing recommendation. The scenario is not helped by the fact that commissioners are up for reappointment every two years by the Government of the day. This raises the inhibition on independence argument used by the Opposition in relation to the industrial relations commissioners who are now appointed for six year terms. Problems of perception arise, at the very least, when the Government is seen making submissions to a commissioner at the same time as reappointment of the commissioner is being considered by the Government.

As I have said, my remarks are made in the context of bipartisan support for the competition principles generally adopted across the country. Competition principles, of course, are not in any way to be equated with privatisation as such, but if we are to have Government business enterprises operating like private sector corporate creatures then we must have some sort of regulatory mechanism as suggested by this Bill. I support the second reading.

The Hon. A.J. REDFORD secured adjournment of the debate.

FRIENDLY SOCIETIES (OBJECTS OF FUNDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1641.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The reason for this legislation is that it is necessary to allow South Australian based friendly societies to compete with their interstate counterparts by allowing them to put a range of comparable products into the domestic marketplace. The Opposition also understands the desirability for limited retrospectivity given that Commonwealth deeming provisions came into effect on 1 July this year.

Extended deeming is a complex subject giving rise to various artificial effects in pensioner investment decisions. For example, interest free loans that certain persons give to others, usually children, prior to entering a nursing home are affected and now subject to a deemed 7 per cent interest above a certain figure. Extended deeming also called into question tax free savings of some accounts held by South Australian friendly societies.

The Victorian friendly societies were obviously the first to create products that could adapt to the new deeming. South Australian friendly societies must be able to provide similar services to their members and have the ability to attract new members on an even playing field. The dynamic nature of the finance industry and its rules make it necessary for the friendly societies to be able to adapt to these changes. We support the second reading.

The Hon. A.J. REDFORD secured the adjournment of the debate.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

FAIR TRADING (MISCELLANEOUS) AMENDMENT BILL

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Application.'

The Hon. ANNE LEVY: The reply given by the Minister for Education and Children's Services on behalf of the Attorney-General last Thursday indicated that the Attorney believed that, in terms of the door to door sales provisions, an invitation received by means of picking up a pamphlet or something from a trading stall, be it set out in a shopping centre or in a street market or some such place—that a trader visiting the house subsequent to that would not be regarded as a solicited invitation. Or is it unsolicited?

The Hon. K.T. Griffin: Under the amendment or under that law as it is?

The Hon. ANNE LEVY: Under the amendment; that such a visit would not be exempt from the provisions relating to door to door sales. In other words, there would be a 10 day cooling off period and the other protections awarded under door to door sales provisions. My concern, as I indicated in my second reading contribution, was that, while it was being made clear that a trader visiting a house in response to a name being on a competition card or some such would not be exempt from door to door sales provisions, visiting as a result of picking up a pamphlet at a temporary trading stall set up, say, in a street market or in a shopping centre might not be caught by the amendment. I understand from the Attorney's response that he felt it would be picked up under the amendment in clause 4, but I would like his assurance that indeed it would be.

The Hon. K.T. GRIFFIN: The factual situation to which the honourable member refers is, I understand, where a member of the public goes along to a stall and picks up a pamphlet and subsequently the operator of that stall calls at the home, and the question is whether any transaction is then caught by the Door to Door Sales Act. I guess it depends on the circumstances. For example, if you just pick up a pamphlet, whether at a stall or perhaps at the Home Ideas Centre, and you get a range of pamphlets and ring someone and say, 'I would like you to come along and talk to me about blinds,' my understanding is that in those circumstances you have actually invited the salesperson, representative or operator to come to your place, and even now that is not covered by the Door to Door Sales Act. If you go along to a stall or to the Home Ideas Centre or somewhere else, you see pamphlets and say, 'I am interested in this; will you come to visit me in my home?', that would still be an invitation which even under the present Act is not caught by the Door to Door Sales Act. If on the other hand you picked up a pamphlet but did not leave your name and address, and if the operator called at your home, the Door to Door Sales Act would apply.

The main area of concern was where, if there was a competition, you picked up a pamphlet that said 'Enter this for your chance to win $5 000' and you returned it, it is not unsolicited: it is an inducement for the citizen to send in the form and it is used to overcome the current provisions of the Door to Door Sales Act. That is to be distinguished from the other circumstances to which I have referred. It is the competition area which was of major concern, because it was a device being used to avoid the provisions of the Door to Door Sales Act. If the honourable member wants to take that further I am happy to endeavour to address other issues which might arise out of those circumstances or, if there are other circumstances, those to which the honourable member may refer.

The Hon. ANNE LEVY: One could envisage a situation where someone visits a shopping centre which is outside a supermarket and a temporary table is set up there dealing with, say, blinds, which are not normally sold in a supermarket or in that type of shopping centre. The person standing at the stall says, 'Well, give me your name and address, which are innocently supplied, and the person takes home the pamphlet on blinds. If the person running the trading table then turned up at the person's home to follow up about blinds and induced the customer to install new blinds, would it be regarded as being a solicited or an unsolicited visit by the trader—which will determine whether the provisions of the Door to Door Sales Act apply?

One of the main rationales for the protection of the Door to Door Sales Act is that, when a trader calls at somebody's home, the customer has no opportunity to make comparisons with other similar goods which may be available so that they can form a judgment as to whether, if they sign up with that particular individual, they will get value for money. In the situation I have suggested it would seem that, in like manner, the customer has no means of knowing whether they will get good value for money; they have no opportunity to make comparisons with other similar goods and so be able to make an informed decision. I consider that the protection provisions in the Door to door Sales Act should apply in that case. As I understand it, there has been controversy over whether it applies under the existing legislation, and I hoped that the amendment in clause 4 would mean that these protections under the Door to Door Sales Act would apply in that situation.

The Hon. K.T. GRIFFIN: If the form was picked up and merely a name and address were left, it is unlikely to be an invitation by the consumer. Proposed clause 4(b) provides that, if an invitation arises from a communication other than a communication by way of printed or written material or an advertisement referred to in paragraph (a) (and I will come back to that in a moment) initiated by the supplier or dealer or a person acting on behalf of a supplier or dealer, the invitation is to be regarded as having been solicited. Paragraph (a) is the exception, if there is a communication other

than a communication by way of printed or written material or an advertisement referred to in paragraph (a). Paragraph (a) provides for negotiations leading to the formation of the contract taking place between the consumer and the dealer in each other's presence in South Australia at a place other than trade premises of the supplier.

It seems to me that a competition is a disguised invitation and is being used as such. If there is a communication from the supplier or the dealer—and the best example is a letter which says, 'Look, give me a call and we can talk about it,' and they take your name and address—but no invitation (although this tends to be even broader than what I am referring to) is made, and if it is a mere advertisement or communication which states that these things are good, then there is no invitation. But, if in some way there is a disguised, surreptitious attempt to get people to invite the supplier by the back door, it seems to me that, if the situation to which the honourable member refers can be construed as such an invitation covered by the Act, the protections remain. It is a complex area because you can never anticipate what contrivances may be used to circumvent the Door to Door Sales Act, but I think what we have here is an attempt to cover a broader field than just a competition area.

The Hon. ANNE LEVY: I do not have in front of me the actual Act which gives subsection (a), but the Attorney did speak about its being somewhere in South Australia other than the normal trading premises. It seems to me that a table set up in a street market could not be regarded as the normal trading premises, say, for a blinds manufacturer—not that I am picking on blinds people specifically; I am merely using that as an example. In a street market, a temporary table set-up could probably not be regarded as a normal place of business. It is very much a one-off situation. In the light of that, it probably would be covered by the existing legislation as amended in this Bill, and the protections of door to door sales provisions would apply.

The Hon. K.T. GRIFFIN: I think I may have partially misled the honourable member, and I apologise for that. I was actually looking at section 14(1)(a). In fact, this amendment deals with subsection (2). As I said to the honourable member, it is a complex area and I am not sure that I can adequately satisfy the questions which she raises. I think that we have nevertheless still covered the field fairly widely. Section 14(1) provides:

> Subject to this section, this Part applies to a contract for the supply of goods or services to a consumer (whether or not the law of South Australia is the proper law of the contract) if the following conditions are satisfied:
>
> (a) Negotiations leading to the formation of the contract (whether or not they are the only negotiations that precede the formation of the contract) take place between the consumer and a dealer in each other's presence in South Australia at a place other than trade premises of the supplier;
>
> (b) The dealer attends at that place—
>
> (i) in the course of door to door trading; and
>
> (ii) otherwise than at the unsolicited invitation of the consumer.

It is really the question of what is an unsolicited invitation. Subsection (2) provides:

> For the purposes of subsection (1)(b)—

that is the attendance in the course of door to door trading and otherwise than at the unsolicited invitation of the consumer—

> (a) in determining whether an invitation is solicited or unsolicited, any solicitation by way of—
>
> (i) printed or written material delivered but not addressed personally to the consumer;
>
> or
>
> (ii) advertisement addressed to the public or a substantial section of the public,
>
> shall be disregarded; but—

and then paragraphs (b) and (c) follow in the amendment. I still think that very largely the position which I put earlier continues to apply. If the invitation arises from a communication initiated by the supplier or the dealer, or a person acting on behalf of the supplier or dealer, the invitation is to be regarded as having been solicited, unless it was a communication by way of printed or written material or an advertisement referred to in paragraph (a), and if the invitation under paragraph (c) results in certain consequences.

I am sorry for having earlier possibly misled the honourable member. I think the issues to which she refers are very largely addressed. If a problem does arise, I undertake to give further consideration to it, but the major problem that we have been seeking to address is the invitation or what purports to be an invitation through competitions where there is an inducement by offering the potential for a prize to be won as a result of returning the form.

The Hon. ANNE LEVY: I thank the Attorney-General for his remarks. I appreciate and applaud the intentions of the amendment, because it is an obvious problem which has arisen. The question which I raised is only tangentially related to what is in the amendment before us, but I felt it was related and could pose a problem in the future and may even pose it occasionally now. I am reassured by the Attorney's indication that, if this should prove to be a problem in the future, he would undertake to consider further amendments to ensure that such a loophole did not exist.

Clause passed.

Clause 5—'Substitution of Part 1X'.

The Hon. ANNE LEVY: In my second reading speech I drew attention to the fact that, if the Minister approves a third party trading scheme with conditions, and then the promoter of this scheme breaks one of the conditions which are applied, no specific offences were created by breaking such a condition. I quite agree that the ultimate penalty is to change the scheme from being an approved one with conditions to being a prohibited one so that it cannot continue. But of course there could be occasions when the breaking of a condition is not such a serious matter that the Minister would wish to prohibit the whole scheme. While the ultimate penalty is always there, it is not a bad idea sometimes to have halfway houses in penalties for more minor offences.

The Minister's reply suggested that in such situations the Commissioner could seek an assurance from the particular promoter or trader, and penalties are available for the breaking of an assurance. This does seem a two-way step. In other words, the perpetrator can commit an offence, albeit a minor offence, once and get away with it. It is only after an assurance has been sought and the offence continues that penalties would be applied. Obviously this would apply only in situations where it is a minor breach of a condition, and I do not think it is worth moving amendments, seeing that if an assurance is sought and the conditions continue to be broken the scheme will in fact be prohibited and penalties will be applied. However, it does seem surprisingly lenient on the part of the Attorney-General that he is prepared to let people get away with an offence once and not catch them until the second time.

The Hon. K.T. GRIFFIN: I certainly do not want to be lenient but, having given consideration to how one can deal with the issue of sanctions, it seemed that the ultimate

sanction of removing the approval was likely to be the best weapon to use and, even in the context of dealing with withdrawal of the approval, one could well impose conditions; that is, that the first person who has suffered as a result of the initial breach might be appropriately compensated. So, that is a possibility. What we have tried to do is get away from too many court awarded sanctions, because ministerial exemptions, which we have included in all the other occupational licensing legislation, are not appealable. They may be subject to judicial review, as any administrative Act may be the subject of judicial review but, provided the proper processes are followed and the party in respect of whom a sanction may be ultimately imposed has had a fair and reasonable opportunity to make representations to the Minister about the removal of the approval, then the processes would have been satisfied and natural justice afforded and judicial review is not likely to be successful.

I indicate to the honourable member that at present—and I did not get it finished in time to be able to deal with it in this Chamber—in the House of Assembly I am seeking to provide a power to enact codes of practice which may deal with third party trading schemes. The reason is that there may be some conditions—I suppose you could call them generic conditions—which might be capable of being applied, for example, if, as with Fly Buys, there is information collected about the person who is the member, that that information is not to be sold off. That is one of the conditions which we have imposed in relation to the Fly Buys scheme. Other conditions include: the conditions of joining are available to the prospective member; the member is entitled to require that information about his or her purchases is not to be made available other than to the promoter who gathers that information, anyway, because you have buying patterns and dealing patterns all of which can be used for the purpose of gaining important marketing information; and the right to terminate one's membership of the scheme.

It may be that it is possible to develop a generic set of conditions which we could impose. It is too difficult to do it in the Act, but what I am looking at doing in the Assembly is having amendments moved which will authorise the making of codes of practice which may deal with those issues. That is just another safeguard. It is conceivable that if that occurs—and I have no reason to doubt that it will not because I have seen the proposed amendments and I am generally comfortable with them, apart from a couple of bits of tidying up—it will provide yet another avenue for dealing with the problem to which the honourable member has referred; that is, the first breach. The code of practice presumably would be developed not only in relation to generic conditions but also as to what might be the proper course to be followed by the promoters, traders, or whatever, in the event that there is a breach of either the conditions of the scheme or the code of practice. That will be another safeguard, which I expect will be inserted in the House of Assembly.

The Hon. ANNE LEVY: I thank the Attorney for that and certainly hope that such a code of practice would remove this impression that it has to be two strikes and you are out rather than one strike and you are out, which is normally the approach of legislation. Another matter relating to trading stamps which I raised during the second reading debate and to which the Attorney responded in his second reading reply is the question of who is to be sued if a default occurs. It is very difficult to sort out the three parties—what names one calls them. There is the customer, who may purchase something from a trader and as a result of that purchase is promised something by a promoter, whom I would regard as the third party. From what the Attorney said, the customer who buys something from B which promises him a benefit from C that, if that benefit is not made available, the customer should sue C who has defaulted on the contract. Is that correct, or does the customer sue B, the person who sold them the original goods which implied a promise by C to provide something? I find the different terms very confusing.

The Hon. K.T. GRIFFIN: I suppose you have three parties: the customer, the promoter and the retailer. If the customer buys from the retailer, the promoter will award points—let us say a point scheme—and manage the operation of the point scheme. The information I have is that—

The Hon. Anne Levy: If you do not get what you promised?

The Hon. K.T. GRIFFIN: If there is a problem with the product, quite obviously you have to sue the retailer. If you buy the product from the retailer, of course your recourse is against the retailer. Mostly, there is no recourse against, say, the retailer if the promoter does not make the rewards available. So, the recourse then is against the promoter. If the promoter goes into liquidation, then again there is no recourse against the retailer, as I understand it. In those circumstances—

The Hon. Anne Levy: But it may have been the inducement to buy the goods from the retailer.

The Hon. K.T. GRIFFIN: It may have been, but the contractual arrangements are with the promoter in relation to the operation of the scheme. There are two parts to it: sure, you may well have an inducement to buy a product on the basis that, if you do, there will also be some point benefits from a promoter of a third party trading scheme. However, it depends how you look at it. For example, it may be an inducement to buy a product from that particular retailer rather than from another retailer. It may be that the price is not much different, if at all, from the two different retailers, one a member of the scheme and the other not. You then have to say, I suppose, 'What is the disadvantage which the consumer suffers in respect of the product, as opposed to the point scheme which might be, in a sense, a bonus?'

We endeavour to build in as many protections to an approval process as possible, but you can never guard completely against a promoter going into liquidation. If a promoter goes into liquidation the consumer will miss out on the points and I do not think you can effectively tie the retailer back into some recompense. If you are dealing with a points scheme, once you get the points into the pool, if the customer is calling up the points either for an aircraft flight or some products, it is difficult to say that those remaining points relate to a product brought a year ago. How do you then impose an obligation upon the retailer if the promoter has gone broke well after the purchase?

As important as it is to try to minimise the detriment to the consumer, you cannot guard against that completely. With the schemes that have been approved we have tried to ensure that information is provided and that people make a choice, if they are inclined to make a choice, and take the trouble to read the conditions. With some of them conditions are not easily accessible and the important thing is to ensure that they are accessible, that they are available upon request and that there is a clear indication that one can withdraw from the scheme, that the promoter can terminate the scheme not immediately but upon certain conditions being met. We try to guard as much as possible against a detriment of unforeseen circum-

stances, but we cannot deal with it all the time and achieve perfection.

The Hon. ANNE LEVY: I thank the Attorney for what he said, but to put a slightly different situation to him, there are retailers who say, 'If you by this card or booklet of tickets from me, that will enable you to go and get cheap meals in a restaurant, cheap haircuts at particular hairdressers,' and so on.

The Hon. K.T. Griffin: They are not third party bonus schemes.

The Hon. ANNE LEVY: They are benefits which come from buying this booklet. You buy a booklet of tickets, which enables you to hand in the ticket to particular restaurants for half price meals or particular hairdressers for half price haircuts or to particular automotive shops for a cheap services for the car—

The Hon. K.T. Griffin: It is still not a third party trading scheme.

The Hon. ANNE LEVY: You buy these coupons.

The Hon. K.T. Griffin: I know what you are talking about, but they are not third party trading schemes.

The Hon. ANNE LEVY: They are a benefit given by a third party if you spend the money buying this booklet.

The Hon. K.T. Griffin: But you are actually buying a concession. It is the product.

The Hon. ANNE LEVY: You buy the booklet. If you buy such a booklet and let us say that there is a ticket for a half price haircut and you go along to the hairdresser and the hairdresser says, 'I will not honour that ticket and I will not give you a half price haircut,' in such a case against whom does the consumer take action? Is it against the retailer who sold the book of tickets or is it against the hairdresser who is not meeting the obligation of the half price haircut? Who is the trader and who is the promoter in this case with whom the customer has a contract and against whom can they take action if the contract is not honoured?

The Hon. K.T. GRIFFIN: The contract is quite clearly with the person or body selling the book of coupons. The product is the book of coupons. If you buy the book of coupons it provides you with a service or a product. The contract is clearly with the person or body selling the bundle of coupons.

The Hon. Anne Levy: That is the trader, not the promoter.

The Hon. K.T. GRIFFIN: The person selling the book of coupons presumably has organised that, if people buy these books of coupons with the various people in respect of whom the coupons may be used—the hairdresser, restaurant or whatever—there is no contractual obligation on them to the customer. The contractual obligation is with the seller of the booklet. If one looks at the definition of a third party trading scheme in the Bill (and I believe it is the same under the Act at the moment), it means 'a scheme or arrangement under which the acquisition of goods or services by a consumer from a supplier is a condition, or one of a number of conditions, compliance with which gives rise or apparently gives rise to an entitlement to a benefit from a third party in the form of goods or services or some discount, concession or advantage in connection with the acquisition of goods or services'.

The Hon. Anne Levy: If I buy that booklet, that is the condition under which I get the benefit of half price haircuts from the third party. It surely is a third party trading scheme and it is a question of who the consumer can take action against if it is not honoured.

The Hon. K.T. GRIFFIN: Or whether or not it is within the definition. If it is within the definition it is still the promoter, effectively—the person selling the booklet of coupons—against whom action may be taken because the contract is with the seller of the booklet. If the hairdresser says, 'I am sorry, I am not going to redeem this,' the only satisfaction the customer can get, if it gets to that, is to sue the seller of the booklet.

The Hon. Anne Levy: That is the retailer, not the promoter.

The Hon. K.T. GRIFFIN: In those circumstances that person is both the retailer and the promoter. The promoter can be also the retailer and the retailer can be the promoter, and that happens.

The Hon. Anne Levy: Yes. That makes it more complicated.

The Hon. K.T. GRIFFIN: It is a nightmare. I used to give advice on the old third party trading stamps legislation which dealt with the old tea coupons. That was impossible. Now with all the electronic data exchange and the ingenuity of people who wish to market goods and services, it becomes almost impossible. In this we are trying to guard against as many problems as we can. I do not claim that this legislation will solve all the problems. It will make it more workable from both the Government's perspective and the consumers' viewpoint as well as from the viewpoint of those who participate in the promotion and operation of these schemes. I am happy to try to answer other questions, but I really do not think I can take it much further.

The Hon. ANNE LEVY: Everyone agrees that is an extremely complex area and it is not always easy, first, to be aware of the dodges which some people can get up to, and, secondly, to derive legislation which will protect people from fairly unsavoury activities on the part of some people. The situation that I have described is not uncommon. It may be that the companies which sell booklets of concession tickets do not exist for very long and go broke or scarper with the profits, and then the consumers find themselves diddled; they have paid for the book of coupons which become worthless bits of paper and, not surprisingly, they become irate and wish to take action against somebody.

From what the Attorney has said, the action could not be against the hairdresser or restaurant owner or whoever had presumably given permission for their names to be used on the coupon. Obviously, if they had not given permission there would be no liability on them whatsoever. But if they have agreed to take part in such a scheme, written documentation is available and they refuse to honour the coupon when it is presented to them, the seller of the booklet may have scarpered and the consumer is left with no means of redress whatsoever.

I certainly do not see how one could design an amendment to cope with such a situation (though doubtless astute legal minds could dream up something) but I believe that it is a problem which may lead to the Attorney considering an amendment to cope with it. I am sure that all members have seen the booklets of coupons that one can purchase and I am sure that situations will arise where the coupons are not honoured and a most irate customer is looking for remedies.

The Hon. K.T. GRIFFIN: I note the observations of the honourable member. I will give further consideration to the matters that she has raised. It may be that the offence provision will adequately deal with that situation, but I will give further consideration to the issues that she has raised.

Clause passed.

Remaining clauses (6 to 9) and title passed.

Bill read a third time and passed.

DEVELOPMENT (MAJOR DEVELOPMENT ASSESSMENT) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

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

Leave granted.

The *Development Act 1993*, together with the associated *Statutes Repeal and Amendment (Development) Act 1993*, the *Environment, Resources and Development Act 1993* and related regulations came into operation on 15 January 1994 setting in place a new integrated development assessment system.

Last year the Government sought to make a series of important changes to the *Development Act* in order to provide a greater certainty and better outcomes for proponents and the community at large. These changes were included in the *Development (Review) Amendment Bill 1995* which was introduced into Parliament in March 1995.

The Bill followed a two and half month public consultation period on a Development Act Revision discussion paper released by the Government. While some of the provisions of that Bill received support and are now in operation, other key changes relating to Crown joint ventures, Ministerial Call-in to the Development Assessment Commission (DAC) and Major Development assessment procedures were defeated in the Legislative Council.

The Government remains convinced of the strong need for the *Development Act* to be amended in relation to these matters. However, rather than seek to reintroduce the clauses, the Government acknowledges many of the points made and has put together a revised package of amendments taking into account concerns expressed last year. The *Development (Major Development Assessment) Amendment Bill 1996* has been prepared taking into account these factors.

The new Bill has been the subject of a six week public consultation period, which began on 11 March 1996. Copies of the Bill were sent to all councils and a large number of development industry, environmental and professional organisations. Furthermore, officers of the Department of Housing and Urban Development addressed regional groupings of councils in both Metropolitan and rural areas and met with representatives of key organisations.

Fifty-three written submissions were received on the Bill, including 33 submissions from local government, 10 from private organisations and 10 from State agencies. The submission have generally been of a high standard and we wish to thank those bodies who have taken the time to comment and make constructive suggestion for change. A number of amendments have been made to the Bill as a direct result of the submissions received, especially the submission of the Local Government Association.

This Bill does not alter the basic tenets of the Development Act. Local Government will retain its role as the primary decision maker on development applications. While there will be some increase in Ministerial powers these will not extend to giving the Minister the power to determine an application.

This Bill is about presenting a positive perception to the development industry that South Australia is a State where developers can come and do business without fear of delays caused by bureaucratic red tape and unwarranted court actions.

Major provisions of the Bill to which I draw the attention of the House include the following:

The Bill amends section 30 of the *Development Act* to provide councils with an extra 12 months within which to review the extent to which the Development Plan for their area complements the Planning Strategy. This extension has been introduced in recognition of the fact that councils are currently undertaking a range of investigations associated with council amalgamations.

The Bill enables a council to determine the majority of applications relating to development to be undertaken by the council or undertaken on council land. Under the current provisions of the *Development Act* the Development Assessment Commission is the relevant authority.

The vast majority of council development applications received by the Commission are for small scale developments (eg public toilets, signs) with localised impacts. There is little justification for these types of developments to be determined at the State level. It is considered that such local issues should be assessed by the council within which the development is to be located.

A further problem with the existing provision is the wide interpretation placed on the word 'undertaken' by the courts. Councils are viewed as undertaking development, and therefore unable to assess it, if they lease land to a third party who is seeking to build a structure or change the use of land. For example, an extension to a sports clubroom on a council owned reserve would be treated as council development and assessed by the Commission under the present legislation. Once again this involves the Commission unnecessarily in the assessment of purely local matters.

The rights of neighbours and other third parties to lodge objections and to appeal against such council development will be retained where the application would currently require public notification.

The Bill enables the Minister to call-in from a council, in specified circumstances set out in the Bill, a small number of development applications for determination by the DAC. The three criteria for this call-in are limited to applications where in the opinion of the Minister the proposed development:

(a) raises an important issue of policy that is inadequately addressed in the relevant Development Plan or raises an important issue of policy and the determination of a relevant application for development authorisation will set an important precedent;

(b) would have significant impact beyond the boundaries of the council area in which the relevant land is situated; or

(c) a council has failed to deal with an application within the time period set out in the regulations.

Public notification requirements and third party appeal rights are unaffected by this call-in. The DAC cannot approve applications which are seriously at variance with the relevant Development Plan policies.

The Bill replaces the Major Developments and Projects division of the Act in its entirety with a new division which:

(a) enables the Minister to declare a development or project of major economic, social or environmental significance and/or of State interest for assessment under this division;

(b) provides for three alternative levels of assessment for major developments—i) Environmental Impact Statement (EIS) ii) Public Environmental Report (PER) iii) Development Report (DR)—with the extent of environmental impact assessment reflecting both the degree of information already available and the potential for adverse impacts;

(c) creates a multi disciplinary Advisory Panel Chaired by the Presiding Member of DAC to provide advice to the Minister on the level of assessment required for each application;

(d) sets out clear steps for public consultation and involvement in the process for the three levels of assessment;

(e) gives the Governor the power to determine all major development applications declared by the Minister under this division of the Act (this is the same as the current situation); and

(f) provides new provisions relating to the ongoing testing and monitoring of major developments after they have received approval.

The Bill enables joint ventures between the State agencies and private companies to be assessed as Crown development where public infrastructure is being provided.

A definition of public infrastructure is provided in the Bill. This will ensure that those facilities traditionally provided by the State Government will continue to be assessed under the Crown development procedures.

However, any Crown development that is the subject of an Environmental Impact Statement, Public Environmental Report or Development Report will now be determined by the Governor in accordance with the processes and procedures prescribed by Division 2 of the Act.

A complementary amendment has been made to Section 75 of the Act in order to allow for the possibility of Public Environmental Reports on applications for mining production tenements.

Technical amendments have been made to Section 55, 56 and 84 of the Act and Section 13 and 14 of the *Statutes Repeal and Amendment (Development) Act 1993*.

Complementary amendments have been made to the *Environment Protection Act*. Section 47 of the *Environment Protection Act* has also been amended upon the request of the Environment Protection Authority.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause provides for the short title of the measure.

Clause 2: Commencement

The amendments will come into operation by proclamation.

Clause 3: Amendment of s. 4—Definitions

It is useful to include definitions for an environmental impact statement (EIS), a public environmental report (PER) and a development report (DR). This clause also incorporates into the Act detailed descriptions of the nature of these documents.

Clause 4: Amendment of s. 30—Review of plans by council

It is intended to extend by one year the period within which councils will be required to undertake their first review of Development Plans.

Clause 5: Amendment of s. 34—Determination of relevant authority

These amendments relate to the determination of the relevant authority for the assessment of a development proposal under the Act. It is proposed that a council will be able to act as a relevant authority even if it is to undertake some or all of a development itself (see section 4 of the Act for the definition of 'to undertake development'), subject to exceptions prescribed by the regulations. It is also proposed to empower the Minister to be able to refer a development proposal to the Development Assessment Commission if the Minister considers that the development raises an important issue of policy that is inadequately addressed by the Development Plan, that the determination of the application will set an important precedent, or that the proposed development will have an impact beyond the council area, or if the relevant council has failed to consider a relevant application within the time periods prescribed under the Act. In such a situation the relevant council will have the opportunity to provide a report to the Development Assessment Commission within a period of time prescribed by regulation.

Clause 6: Substitution of Division 2 of Part 4

This clause provides for the enactment of a new Division 2 of Part 4 relating to the assessment of major developments or projects. New section 46 will allow the Minister to apply these provisions to a development or project of major environmental, social or economic importance, or State interest. A declaration by the Minister will result in a development or project being assessed under this Division (not Division 1 of the Act) and, in the case of a development, subject to the requirement to obtain the approval of the Governor if it is to proceed. The development or project will also be subject to scrutiny through an EIS PER or DR process (although the DR process will only apply to developments). The Minister will decide which process should apply, although he or she will not be able to decide on a process other than an EIS unless the Minister has first referred the matter to a special Advisory Panel for advice. If the Minister decides to act in a manner that is inconsistent with the advice of the Advisory Panel, then the Minister will be required to table a report on the matter in both Houses of Parliament. New Section 46A makes specific provision for the constitution of the Advisory Panel. New section 46B sets out detailed provisions relevant to the preparation and consideration of an EIS. The EIS will be prepared in accordance with guidelines determined by the Minister. The EIS will include detailed statements on various matters. Extensive consultation will occur. An Assessment Report will then be prepared by the Minister. Copies of these documents must be publicly available. New section 46C sets out detailed provisions relevant to the preparation and consideration of a PER. The scheme is very close to the scheme for an EIS. New section 46D sets out detailed provisions relevant to the preparation and consideration of a DR. The DR will need to address various matters similar to an EIS or PER. An Assessment Report will also be required. Under new section 47, an EIS, PER, DR, and relevant Assessment Report, may be amended in various circumstances, subject to the requirement for public consultation if an amendment would, in the opinion of the Minister, significantly affect the substance of the EIS, PER or DR. New section 48 retains the scheme under which the Governor's consent is required before a development that is subject to the operation of this Division can proceed. The provision will now also apply if a direction is given by the Minister under section 49 that a 'Crown development' should be the subject of an EIS, PER or DR. New section 48A will allow the Governor, by notice in the *Gazette*, to declare that a development or project (or a part or stage of a development or project) will no longer fall within the ambit of this Division. New section 48B will empower the Minister to require testing, monitoring and audit programs relevant to the operation of a development or project. New section 48C will enable the Minister to recover various administrative and other related costs under this Division. New section 48D will protect the processes and procedures under this Division from judicial review.

Clause 7: Amendment of s. 49—Crown development

These amendments revise the circumstances where a development proposed by a State agency will be subject to assessment under section 49 of the Act. The amendments will also enable the Minister to require the preparation of an EIS, PER or DR (in which case the relevant development will not be able to proceed without the consent of the Governor under Division 2).

Clause 8: Amendment of s. 55—Removal of work if development not substantially completed

Clause 9: Amendment of s. 56—Completion of work

These clauses make technical amendments to enable the Minister to apply the relevant sections of the Act to developments approved under Division 2.

Clause 10: Amendment of s. 75—Applications for mining production tenements to be referred in certain cases to the Minister.

The Minister will be able to require the preparation of a public environmental report in relation to a proposal to grant a mining tenement under a *Mining Act*. However, the Minister will only be able to do so if the environmental impact assessment procedures under the relevant *Mining Act* are not considered to be equivalent (or superior) to the outcome that can be achieved with a PER, and if agreement cannot be reached in a particular case then the matter must be referred to the Governor.

Clause 11: Amendment of s. 84—Enforcement notices

This clause corrects a technical error in section 84 of the Act.

Clause 12: Amendment of the Environment Protection Act 1993

It is appropriate that the *Environment Protection Act 1993* recognise public environmental reports under the *Development Act 1993* in a manner similar to EISs. It is also intended to make specific provision to the effect that the Authority will defer consideration of an application under the Act until a related development application has been dealt with under the *Development Act 1993*.

Clause 13: Amendment of Statutes Repeal and Amendment (Development) Act 1993

These amendments clarify the status and effect of EISs officially recognised under the *Planning Act 1982* for the purposes of the *Development Act 1993*, and related Assessment Reports.

Clause 14: Transitional provision

This provision preserves the effect of a Governor's declaration under the relevant legislation.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

DE FACTO RELATIONSHIPS BILL

The House of Assembly intimated that it insisted on its amendments to which the Legislative Council had disagreed.

Consideration in Committee.

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

That the Legislative Council do not insist on its disagreement to the amendments.

We are moving towards a deadlock conference.

The Hon. CAROLYN PICKLES: We still insist on the amendments.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons. K.T. Griffin, Sandra Kanck, P. Nocella, Carolyn Pickles and A.J. Redford.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1638.)

The Hon. T.G. ROBERTS: In my contribution to this Bill I would like to respond to some of the statements that were made in the Lower House, the first being in relation to the Legislative Council's role, whereby shadow Ministers for the particular portfolios do not take part actively in the questioning process of the Committees. Some members of another place say that is how it ought to be; that it should be left to House of Assembly members to participate because appropriation is a money Bill and responsibility and the rightful place for the determination of appropriation of the budget moneys is the other place. It appears to me that there needs to be a fresh look at how the budget estimates are structured. It is possible to have a process whereby the shadow Ministers participate.

It is a questioning process, a committee process, and the strength, role and function of the Legislative Council is the role that the Council plays in the examination of a whole range of issues affecting its constituents. The Committee process is one way of getting information, cross questioning of the Government, to make sure that the appropriation can be questioned as clearly as possible, so that local constituents can, if they read *Hansard*, get more information out of the questioning process than they can out of the budget papers. The budget papers are not specific in many areas. They are indications of expenditure and, for other members of Parliament who read the questioning process and the answers given by Ministers and their officers, clarify many expenditure matters in relation to appropriation.

The Government and the Opposition and, possibly, even the Democrats do not make effective use of appropriation and the questioning process to clarify these matters in the eyes of the public, who may have a vested or a general interest in being able to clarify many of the appropriation matters before us. I know the present Government members used the Estimates Committees to get the media to take note of a whole raft of issues they felt were important. The Committee process does not attract much media attention, but that is still not a reason for downgrading it or giving it a status that it does not deserve.

The deserved nature of the Committees is the information that they supply, either directly via Ministers' or departmental advisers' replies or through questions taken on notice. If they are not to be used properly, if they are just going to be 'comfort clubs', perhaps their role and function ought to change. But there is a way I think they can be strengthened, and that is to allow the shadow Ministers to be part of the process.

The other comment that I make on appropriation relates to the what has been said in the other place about the problems the Government has in setting a budget in a time frame that leads up to the Federal Government's budget. It makes it very difficult for either the Government or the Opposition to take seriously the appropriations that are before us, because of the role and relationship of State Governments with Federal Governments. It appears to me that the time frames are all wrong. The States go and fight publicly about the appropriation of supply from the Federal Government. First, everyone goes in kicking and crying, and the media are attracted to all that, and then, after two or three days wrestling around tables, everyone comes away winners.

Every State is a winner; the Commonwealth is a winner; and all the Premiers go away saying what a good job they have done. In fact, when they come back to frame their own budgets, they find, as we now do with the Federal Government, that in August a budget will be framed that could make the whole of the State budget redundant by the way in which the appropriations are made at a Commonwealth level. We may be going through a process where the Government, knowing that it may have to adjust expenditure at a later date because of those Commonwealth outlays, goes before the community with a package of appropriations that may look to be appropriate in July and then by half way through August those appropriations are no longer appropriate; either further tax revenues must be raised or expenditure cuts must be made to enable that Government to frame its own budget in line with the Commonwealth's determinations.

In relation to my own shadow responsibility, that is, the Department of the Environment and Natural Resources, I note that the Minister makes a comment about the level of community involvement and participation in conservation and environmental issues having reached an outstanding new high, and he says that South Australians are increasingly becoming regarded as the most environmentally conscious people in this country. I agree with the first part of his statement but I am not sure about the second. I think everyone in the nation is becoming environmentally conscious. The Minister would feel that South Australians are becoming the most environmentally conscious because of the number of delegations that would be tapping on his door in relation to his portfolio area and some of the concerns that they have.

I suspect that the environment will continue to be one of the key issues of concern out there in the community. I would like to have seen a budget line that made allocations to all the environmental groups to enable them to structure themselves so that they can sit down with Ministers and departments and make contributions which are of value and which represent the community's interests. Although the Government would say that committees are already set up and operating in response to a whole range of advice given by community organisations, many such organisations are struggling with Government departments and developers to negotiate on an equal footing so that the community, developers, the Government and departments come away happy that the outcomes are what they want.

Too often in this State Governments tend to blame second, third or fourth parties for developments falling flat, and in many cases environmentalists are blamed unnecessarily when this occurs. We have had a number of good illustrations where we can anticipate that confrontation will occur when development programs are set up in communities that are clearly saying to the Government, departments and developers that these projects do not fit in with their community. The Collex Waste Management program is probably a good example where on a number of occasions after a number of applications the project has been turned down—and for good reason: it is clearly not in the appropriate place, being in close proximity to other industries, schools or housing.

The Government's response then is to try to change the rules to suit the circumstances, and clearly that will not bring about a settlement of the disputes that are occurring within that location. We may come away with a legal outcome but we will not come away with a solution. Unless the Government sets a standard that allows for local participation in the discussions at an early stage, if the project is not warmly welcomed by communities, people ultimately will come away with a confrontationist attitude, and the only possible outcome will be through mediation or confrontation. I think the Government would be well warned to ensure that the

appropriate discussions occur with the appropriate people representing community interests at the appropriate time.

Previous Governments argued, and this Government would argue, that in some cases there is no satisfying the local community on particular projects and that those divisive organisations will either slow down or stop development to a point where we have no development. I think the lesson we have learnt, particularly over the past decade, is that if we tailor the development or change that will impact on local environments, most people are reasonable. If we are able to design and put forward a project so that it does not unduly impact on local residents and communities in their wish to protect their environment, we will come away with a decision either not to locate that development in that area or to alter or modify it so that it addresses the needs of the environment and the local community's concerns, thereby allowing the developers to go ahead and invest their money in it.

Most communities are now clearly prepared to lobby hard and fight for clean air and clean surface and underground water and are prepared to go to great lengths to make sure that waste management programs can be placed appropriately. People are no longer prepared to put up with landfills in the midst of housing areas; they are certainly not prepared to put their children at risk unnecessarily through exposure to transport fumes from cars, trucks, and so on; and they are not prepared to put their families at risk with chemicals in agricultural, industrial or domestic circumstances, and rural growers want chemical-free soils.

The Minister's comments in relation to appropriation and the climate by which appropriations are being made are understandable, but it needs to be understood that the level of community activity and participation in conservation and environmental issues occurs not just because they are facilitating the Government's plans in either maintaining or rehabilitating the natural environment but also because they want to ensure that the processes that are gone through and the resulting outcomes are those which are required in the final approach.

A number of community groups and organisations at the moment are arguing with the Government through community-based activities such as the protection of the marine environment. We see the Patawalonga project, where each time the Henley and Grange council calls for meetings in that area the hall is packed to overflowing with people who want to their voice heard. They are telling their local Liberal representatives to go back and tell the Government to reconsider the project in its current form. It is incumbent on the Government to listen to those community concerns.

In some cases, community involvement brings about a responsibility to act and not just to listen. We often hear the old statement, 'My door is always open,' but most people fighting the bureaucrats or political decisions made by Ministers or Governments would say, 'Yes; your door is always open, but you never change your mind.' Ministers would be well warned to make sure not only that they are aware of many community organisational structures that are being set up but also that they listen to and act on the recommendations that they make.

A long-running struggle in relation to the Highbury dump has led to a reconfiguration of the waste management plan that the Government put forward. There is a considerable budget line for the reconfiguration of industrial waste management in the metropolitan area. The Government has outlined a plan to close a number of landfills in the metropolitan area and to commence a major landfill and recycling program in the northern region of the State. That is exactly what the Opposition has been trying to get the Government to do. So, compromises have been made in relation to many environmental issues, and that is one of them.

An appropriation of funding is being made for consolidation. I understand that the Adelaide City Council is trying to appeal the decision to maintain the maximum height of the Wingfield dump at its present level on the basis that it is costing it money. Pathline, which wants to close the dump, recycle its contents and rehabilitate the area, is prepared to pay $30 million for the site, but I understand from its latest statements that the Adelaide City Council is not prepared to accept that figure. That may be a bit of macho breast beating in relation to the price, but hopefully the outcome will be one to which we can all agree—that is, that the project being put forward by the Government in relation to waste management comes off. Hopefully, too, the rehabilitation of the Wingfield area, Torrens Island and its surrounds is finally carried out, and the whole is cleaned up so that it does look like an area of significance that could be used for housing projects and updated communication centres that are worthy of a State and metropolitan area that is looking towards the next century.

If the Adelaide City Council gets its way and there is no change to that area, I would hardly be proud of taking anyone down there to say, 'This is the area that is earmarked for the advancement of technology and communication industry areas around here,' and 'This is the area that will take Adelaide and South Australia into the next millennium.' If that dump is not reestablished in another area, it would hardly be a leading edge environmental placement; nor would it be seen as anything to be built on that could take us into the next millennium in our planning process.

I would like to have seen little reliance placed on the transfer of that Crown land to financial interests who were prepared to pay the appropriate going rates. If the Government is going to rely on the sale of Crown land that it currently holds, and it wants market prices for that land, it takes the appropriations of those community-based lands that are Crown owned out of the realms of affordability by many communities.

I would have preferred the Government to make some provision for either a land bank or a land bank fund that allowed communities to buy the appropriate Crown land for community purposes and that they paid an appropriate price for it. The State Government could sell or peppercorn rent to appropriate community groups and organisations land that was surplus to its requirements in order to improve the quality of life within those areas by using those lands for community purposes.

Again, I would make that plea to take the pressure off the sale of road reserves for commercial reasons. Rather, we should look at using those road reserves for recreational, tourism and sporting purposes, or for other uses that local government and local communities deem necessary for their regional use.

It is with some support and some criticism that I make this contribution to this debate. I would like finally to comment on the size and nature of metropolitan areas, and perhaps suggest that Governments consider encouraging those people who have retired from the work force and whose families have grown up to consider moving out to regional areas where the infrastructure is under pressure and in a critical state. I do not think it is realised by many people in the metropolitan area but many regional towns and villages are in danger of losing all their infrastructure in the next few

years if a determined effort is not made to encourage people to resettle—because we cannot force them to do so—into these regional areas and make use of the infrastructures that exist.

The Federal Government has put together a package of immigration plans that encourage people, by penalty, to settle in regional areas, with the payment of a bond so that if they decide for whatever reasons to move into a metropolitan area—'no-go zones' for some people—they forfeit their bond. I do not think that is a fair responsibility to put on new arrivals. First, you have determined that you have a category of citizen that does not have equal rights with others, and it sets up a complicated pass system that we in Australia argued against in South Africa and other countries where such systems were seen to be discriminatory, yet here we are setting up a pass system for newly arrived migrants.

I think the responsibility is on all Australians and, particularly in relation to the appropriation here, it is on all South Australians and the Government to encourage all citizens who may want to move to regional areas to do so. We cannot force people to do it, but this system could easily be set up, with land agents and those who sell real estate encouraging people to sell their homes in the metropolitan area. They would probably be able to bank at least half the value of their home and have some further financial security, because housing in country areas is far cheaper than that in the metropolitan area, and we could take a lot of pressure off the infrastructure of this city and other cities, particularly Sydney and Melbourne, and bring benefits to those in regional areas who are crying out for people to use the infrastructures and maintain and hold the services that they have.

If those regional towns and areas fall below critical levels, the health services and schools close down and service stations move away because they are not viable. This suggestion may be picked up for both environmental and social reasons. It is a system where people are encouraged, not forced, to look at alternatives for living and for constructing cities. It would serve two purposes: first, it would take the pressure off those large metropolitan areas that are now starting to be choked and crowded, with the stress of environmental problems which are starting to emerge and which impact on health and, secondly, the Government could create a program where people were encouraged to resettle in regional areas. I am sure that once people moved out there their health would benefit from the lifestyle, the clean air and the way in which they relax, and we could overcome some of the problems associated with the appropriation of funds that will be expended in this budget.

The Hon. ANNE LEVY: In speaking to this debate I wish to limit my remarks to the arts budget, which should not be taken as meaning I am not interested in other parts of the budget, but other speakers, I am sure, can deal very adequately with other sections of the budget brought down by the State Government—though, I emphasise, it readily can be regarded as a Clayton's budget. It is difficult to comment on the past financial year because we have not yet received the Auditor-General's Report which will provide more information. In like manner, it is difficult to comment on the new financial year because we all know that on 20 August the Federal Government will bring down its budget which will cut allocations to the States, and doubtless amendments will have to be made to the State budget in light of the Federal budget. As I say, it is a Clayton's budget.

It is with difficulty that we comment on the past financial year without the Auditor-General's Report and, for the coming financial year, it is meaningless because the Federal budget will require changes to our overall budget. However, in commenting such as we can on the budget presented to us, I point out that yet again there has been an overall cut to the arts budget. I realise that special money for the film industry was included in the arts budget last year even though it did not come from the arts budget. It came from the EDA special allocations for which the Arts Department acted as a posting box—the money came in and went straight out. This had the effect of inflating the total arts budget, thereby giving the impression that the arts budget had not gone down.

The Hon. Diana Laidlaw: We went through all of this last year and you are wrong again.

The Hon. ANNE LEVY: No, I am certainly not wrong. This year the budget figures state clearly that last year's film money should not be counted in the budget. The adjusted arts budget for 1995-96 is $67.393 million when the film money is not taken into account. On that basis, the Minister claims the arts budget has gone up as a total of $67.504 million has been allocated. This is an increase of about $100 000 in money terms. The official figures tell us that inflation in South Australia was 3.2 per cent in the last financial year. Therefore, a $100 000 increase in the arts budget certainly does not cover inflation. In real terms, there has been a cut in the arts budget of about $2 million if one takes inflation into account. Again we have a cut in real terms to the arts budget whatever the Minister may say to the contrary.

I am particularly concerned about the grants for the arts line in the budget. This shows an apparent increase of $560 000 on last year. However, the Minister has announced that an extra $500 000 at least will be granted to the Adelaide Symphony Orchestra. The Minister has also announced a $250 000 extra allocation for the Australian Festival for Young People (or Come Out as it used to be named) and a $50 000—

The Hon. Diana Laidlaw: Did you read the proceedings of the Estimates Committees?

The Hon. ANNE LEVY: Well, of course I read it. I was sitting behind you while you spouted it.

The Hon. Diana Laidlaw: Yes, but it doesn't seem you absorbed any of it.

The Hon. ANNE LEVY: Tell me where I'm wrong. The grants for the arts line shows an apparent increase of $560 000—and that is straight arithmetic—but the Minister has already announced about $500 000 extra for the Adelaide Symphony Orchestra, $250 000 extra for the Australian Festival for Young People and $50 000 for a new initiative in relation to creative writing at the University of Adelaide and Flinders University. That totals $800 000. That $800 000 must come from the grants for the arts line. There is no other line in the budget from which it could come. While it shows an apparent increase of $560 000, there is this extra allocation of at least $800 000 to come from that line, which means that there is a cut of between $250 000 and $300 000 for all the other grants that come from that line.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: Yes, but there is nothing wrong with my arithmetic.

The Hon. Diana Laidlaw: Yes, but you haven't taken out those sums where we said there were adjustments which led to extra sums for the arts.

The Hon. ANNE LEVY: The straight arithmetic is an increase of $560 000 and a decrease for all existing programs

under that line of $800 000—because of the new and worthwhile initiatives which the Minister has indicated—and it means that there is a decrease of between $250 000 and $300 000 for all the other arts allocations that come from that line, and that is without considering inflationary effects which, as I have indicated, have not been allowed for at all in this budget, despite there having been 3.2 per cent inflation. Everyone is wondering who will suffer in cuts in their grants which come from the arts line.

I would like to ask the Minister a number of questions in this contribution. She may be able to answer some immediately, if she gives a second reading response. She may be able to answer others in Committee. I appreciate that some may require a little more work. I certainly do not want to hold up the passing of the budget and would be quite happy to receive answers to these questions later, if the Minister is happy with that procedure—and I note she is nodding her head. Will the Minister say what is happening with the redevelopment of the National Motor Museum at Birdwood, as there is no allocation for it in this budget? Last year, an allocation was made for planning of the major redevelopment of the National Motor Museum. The previous Labor Government had allocated considerable sums, totalling about $3 million, towards such a redevelopment. However, there is no capital allocation whatsoever for Birdwood in this budget at the moment.

What is happening about this urgently needed capital development? The Government promised to redevelop this important tourist attraction. Will attempts by the History Trust to increase its income and profile by such measures as enhancing the Bay to Birdwood Rally come to nought; what are the plans for the redevelopment of Birdwood; will such redevelopment occur; and, if so, when?

I have a query regarding the South Australian Country Arts Trust. Organisations such as SACAT have been forced to give their vehicles to State Fleet and have been granted a small increase—$21 000 for SACAT—to lease back their own vehicles. I am sure that everyone appreciates that SACAT depends a great deal on its vehicles as its employees drive thousands of kilometres each year, so $21 000 is quite inadequate for its leasing needs. I believe it is an average figure struck by the Treasury, but it completely ignores the facts of life for the South Australian Country Arts Trust. Will this small supplement to the budget be guaranteed to continue in future years? Is the Minister in any way concerned that the requirement for SACAT to give up its vehicles will have the net effect of damaging the arts budget by transferring money from arts organisations to the private owner of State Fleet? The reason for this appears to be purely ideological and the sum allocated to SACAT is totally inadequate for its needs.

I turn now to the State Theatre Company. In the Estimates Committee the Minister quite flatly stated that the $50 000 cut to the State Theatre Company was because a feasibility study was being undertaken to see whether the outsourcing of some of State Theatre's production activities to the Festival Centre Trust could be achieved without disturbing the tight time schedules which State Theatre requires for such production activities. When asked whether the feasibility study came up with the negative result that State Theatre would not be able to save money by outsourcing in this way or that the Festival Centre Trust workshops would not be able to undertake the work adequately for State Theatre, the Minister announced that the $50 000 would not be restored to State Theatre for it to continue with its current workshop activities even if the feasibility study showed that it was not feasible.

It seems totally unreasonable to say that a feasibility study is to be carried out, but even if the study shows that it is not feasible to outsource production activities in this way, the cut of $50 000 to State Theatre will still occur. I query the wisdom of prejudging the results of a feasibility study and wonder whether those undertaking that study have been given instructions on what results the study should come up with.

I turn now to the reference 'Development of the Arts' in the Program Estimates. Page 308 shows a decrease of $230 000 in the arts management and development line and a cut in staff for the program of 2.8 full-time equivalent staff. It will drop from 19.8 to 17 staff. This is a cut of 14 per cent not of administrative staff but of highly skilled project and specialist staff, which is what this unit is made up of. There is certainly great concern that the current staff has been cut to such threadbare levels that it cannot even now cope with observing new work and emerging artists adequately and so have difficulties in advising the peer group assessment committees where support should be provided.

If staff are to be cut by a further 2.8 full-time equivalents, the situation will get even worse and those remaining will, through no fault of their own, be unable to undertake their jobs adequately. I ask the Minister which project officers are to be retrenched or given TSPs. Does such a cut indicate that the Minister expects arts activity in the community to decrease by 14 per cent as well as a result of cuts to the grants program, meaning that there will be less work for the project officers to do, so enabling shedding 2.8 full-time equivalents?

A select committee is currently looking at issues relating to Carrick Hill, but from the budget papers we note that a cut of $105 000 is proposed for the current financial year. I realise that Carrick Hill will retain all its admission receipts, but currently it retains its admission receipts except for $70 000 per annum. This means that by retaining all its receipts it can only expect to increase its income by $70 000. With a cut of $105 000 this means, in effect, that a cut of $35 000 is being imposed on Carrick Hill. There is a suggestion that attendance will increase, but it would have to be an enormous increase in visitor numbers to make up for the $35 000 cut. Any sale of land at Carrick Hill could not be expected to yield a large trust fund in the coming year. So, we must conclude that Carrick Hill is facing yet another real cut in its budget.

We are certainly glad to see that, at last, after a wait of two years or more, a director has finally been appointed to Carrick Hill. It is clear from evidence being presented in public session at the select committee that lack of a director has posed enormous difficulties and strains on Carrick Hill and these strains have been entirely due to the tardiness of the Minister in replacing the previous director who resigned more than two years ago.

Another comment I make on the arts budget relates to the items in the Program Estimates in respect of interagency support services. This section shows an increase in the amount allocated for salaries of about $125 000 and an expected increase of staff of 2.1 FTEs. I realise that there have been increases of salaries for senior executives but, obviously, an increase in staff numbers is expected of just over two full-time equivalents. When in Opposition the Minister used to complain bitterly about the numbers of staff employed in this administrative area, staff whom she said would be better employed in the actual delivery of services to the arts community. Yet, in this current budget, there is an

increase of staff in the administrative area and a cut of staff in the arts development area and, indeed, in many other parts of the department, those who are employed in actual delivery of services. It is not stretching the point to say that the Minister is hypocritical in this regard when compared with the many statements she used to make when in Opposition.

Another comment I make relates to the triennial funding which has been granted to State Opera and which is obviously being offered to a number of organisations such as State Theatre, the Jam Factory, the Youth Arts Board, the Country Arts Trust, the Festival Centre Trust and the Film Corporation, as the Minister indicated in Estimates Committees. These are all large ticket items in the arts budget. If triennial funding is granted to these numerous organisations, can the Minister indicate what proportion of the budget for the arts development program will be locked up for the next two years as a result of agreeing to triennial funding for these organisations? How much will be left for flexible and changing arrangements in future years?

Has the Minister made any approaches to the Australia Council in view of its new categories for funding of arts organisations and individuals where each organisation or individual is only able to apply once a year in any one of its reduced number of categories. I ask this because there has long been talk of trying to integrate submissions and consideration of applications by the Australia Council with those to the State Government. This would mean a great deal less paperwork for those putting in submissions and could result in more coordination in the grants from State and Federal bodies; that would obviously lead to greater efficiency all round. Are discussions occurring between the Minister or officers of the department with the Australia Council in regard to this matter? Will the new procedures being adopted by the Australia Council assist or hinder in achieving efficiencies?

I turn now to the question of Edmund Wright House. I understand that renovations are to be undertaken to Edmund Wright House to make it a more suitable location for the State History Centre. Such renovations were promised over 12 months ago when Old Parliament House museum was closed, but nothing seems to have happened yet. There is no mention of Edmund Wright House renovations in the capital budget before the Council, certainly not under the arts portfolio. It may be that the funds will not come from the arts budget but from a more general Services SA budget. When will the renovations of Edmund Wright House commence; when are they expected to be completed; what will they cost; and from which budget line will the funds be drawn?

I turn now to the Adelaide Festival Centre Trust. A study a few years ago indicated that $10 million was required to upgrade the centre, both to keep up with modern technical requirements for such outstanding theatres and to rejuvenate the public areas. The Labor Government provided $1 million in the 1993-94 budget to begin this upgrade, and the Liberal Government allocated $1 million in 1994-95 to continue the work but it savagely cut that figure to only $500 000 in the 1995-96 budget. I am glad to see that the Liberal average figure has been raised in this year's budget by the allocation of $1.7 million, but that will mean that, in total, only $4.2 million has been provided over four years towards the $10 million requirement. Doubtless, this requirement has increased beyond the $10 million by now. What is the latest figure for necessary capital expenditure for the upgrade of the Festival Centre; will there be any forward commitment to continue the upgrade next year and in future years; and when is this important upgrade expected to be completed? I would also be pleased if the Minister would comment on a rumour that the Premier has insisted that improving the seating in the Festival Theatre is to be the first priority in any upgrade regardless of any priorities which may have been determined by the Festival Centre Trust itself.

I turn now to library services in this State. From the budget for program 2, State Library Services, it appears that there has been a considerable increase in the sum allocated for subsidies and processing costs for local government libraries. As the separate line for community information services is being abolished, I presume that the $483 000 for community information services last year is being incorporated into the subsidies for local government libraries. So, the increase is not as munificent as it seems. Will the Minister confirm that the community information service subsidies have been incorporated in the subsidies for public libraries, which would be a perfectly reasonable step to take?

Furthermore, I understand that a strategic plan for PLAIN has been completed and is about to be implemented. Will the Minister say what are the main components of this strategic plan or make it available for members to see? From the budget documents, all we can see is that there is to be a reduction of 3.5 FTEs in the PLAIN's staff, which sounds like more savage cuts rather than a reorganisation and revamp of PLAIN. In addition, I understand from the budget documents that there is to be a fresh look at the distribution of subsidies for public libraries to 'meet library board priorities'. Will the Minister say what these library board priorities are and what changes are expected to occur in the formula for determining subsidies for individual public libraries? Will the Minister also tell us how many hours the State Library has been open and providing a full service each week for the years 1993-94, 1994-95 and 1995-96? Will she tell us whether any reduction is planned for 1996-97 due to lack of resources to maintain full opening hours?

I would also like to comment on the Art for Public Places program, which has long been one of the great success stories of the Arts Department. Using its small budget as leverage to achieve sponsorship and/or local government support and with a committee of highly qualified artists as advisers, it has been responsible for numerous high quality artworks in public places throughout the State and considerable employment for South Australian artists.

However, it is not a statutory body, so it does not provide an annual report to the public it serves so well. Will the Minister tell the Council the budget for the Art for Public Places program in 1995-96 and its proposed budget for 1996-97? How many projects did the committee undertake in 1995-96, what were they and what was the cost to the Government for each one? What projects are on the drawing board for the current financial year (1996-97) and who are currently the members of the Committee for Art in Public Places? I stress that I admire its work and congratulate it for its efforts over many years.

My final remarks relate to Living Health, formerly known as Foundation SA, a change about which members of Parliament received information only a few days ago. Foundation SA is not only changing its name to Living Health but, as is evident from the documentation, it is reallocating all its funds and changing allocations which applied previously. Certainly, it is maintaining its Health Advisory Committee, its Sports and Recreation Advisory Committee and its Cultural Advisory Committee. Members are aware that it receives its money from the tobacco smokers

of this State—myself included—who thereby contribute enormously to the recreation, sport and cultural activities which occur throughout the State.

The Hon. L.H. Davis: You may well have built Football Park.

The Hon. ANNE LEVY: Yes, indeed; I do my best. The announcement said that this year Living Health will have a health promotion budget of $1.83 million from a total budget estimated to be $11.8 million in the current financial year. It is also establishing a Healthy Initiatives budget of $1.46 million. From the data that has been presented in this facts sheet sent to all members of Parliament it is evident that sport and recreation activities will receive $5.68 million; the arts, $2.02 million; health promotion, $1.83 million; and the new healthy initiatives, $1.46 million. A total of $10.99 million will be distributed, which means that, from its total budget of $11.8 million, about $800 000 is being kept for administration, which is about 7 per cent of the total budget. I would like to congratulate Living Health on this: it is very much better than the 11, 12 and 13 per cent of total budget spent on administration by Foundation SA in the past and shows that the new board has tightened things up considerably.

However, my complaint is that the amount allocated for the Cultural Advisory Committee to distribute for arts activities has been reduced as a percentage of the total. It will now be only 18 per cent of the total money distributed. Previously it was 20 per cent, with 20 per cent going to health promotion activities and 60 per cent for sport and recreation. I always felt that the balance of 60 per cent for sport and 20 per cent for arts was not a fair balance and that the arts should receive a larger proportion, particularly given the cultural and sports activities figures recently published by the ABS showing that participation in some form of the arts is greater in this country than participation in sports.

The Hon. R.I. Lucas: This is health now.

The Hon. ANNE LEVY: I am talking about the relative amounts going to sports and arts.

The Hon. R.I. Lucas: I am talking about the fact that this is a Living Health fund.

The Hon. ANNE LEVY: Yes, but it has for many years allocated 60 per cent of its distributed money to sports and 20 per cent to arts. It is now planning to reduce the amount to the arts to 18 per cent: not a large percentage change but, given the large amounts of money that Living Health deals with, a considerable sum of money is being taken away from arts activities in this State. I would like the Minister to comment on whether she has approved this reduction in proportionate support for the arts. I realise that Living Health is under the portfolio of the Minister for Health in this State, but the Minister for Health, when I was in Cabinet, always consulted with the Minister for the Arts and the Recreation and Sports Minister before approving Foundation SA's budget.

I presume that the current Minister for Health applies the same courtesy to his Cabinet colleagues, so that the Minister for the Arts would have had to comment on this budget from the new Living Health organisation. I would like to know whether she objected to this reduction in the proportion of moneys going to the arts; whether her objections were overruled, which would indicate a lack of consideration by her colleagues; or, what may be worse, whether she did not even comment on this reduction to the arts. As she herself is a smoker, she should be as concerned as all other arts loving smokers that—

The Hon. L.H. Davis: Or smoke loving artists!

The Hon. ANNE LEVY: There are plenty of them, too. They should be concerned that their contribution to Living Health and through Living Health to the arts is being reduced without any apparent protest, indication or public awareness that this cut is occurring. I support the motion.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

STATE CLOTHING CORPORATION (WINDING-UP) AMENDMENT BILL

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

STATE LOTTERIES (UNCLAIMED PRIZES) AMENDMENT BILL

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

LOCAL GOVERNMENT (WARD QUOTAS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This short Bill allows for some transitional flexibility in the ward quota provisions of the Local Government Act to assist with the structural reform of Councils. The amendment allows newly formed Councils with wards to defer the need to meet the requirements of the Local Government Act that each elected member represent an equivalent number of electors within a tolerance of 10%, pending review to determine a new ward structure. It is proposed that this transitional arrangement be bound by time limits established either by proclamation or by the date of the second general election after the transitional ward structure takes effect. This will ensure that the principle of 'one vote—one value' is attained within a reasonable period of time.

The Government is committed to structural reform in the local government sector and the Local Government Act provisions introduced by the Local Government (Boundary Reform) Amendment Act 1995 provide the mechanism to assist the process through the Local Government Boundary Reform Board.

The Local Government Boundary Reform Board (the Board), as part of its deliberations, requested every Council across the State to submit a status report on progress in achieving structural reform as at 31 March 1996. These status reports were considered by the Board at its April meeting. Whilst pleased with progress, the Board noted that a number of Councils were concerned about the issue of representation. Smaller Councils in particular have expressed reservations about structural reform offering their communities adequate representation in a new, larger Council. Although there is power under the current provisions for requirements of the Act to be varied for a transitional period by proclamation to assist the establishment of a newly-formed Council, legal advice to the Board has indicated that these provisions do not extend to the ward quota requirement.

In seeking to facilitate the structural reform process, but mindful of the imperative to ensure the principle of 'one vote—one value', the Government proposes in this Bill to allow the ward quota requirement to be waived for a strictly limited period of time. The benefit of this approach will be to reassure smaller Councils that they will not be subject to a 'takeover' by larger Councils in pursuing genuine structural reform, while retaining the requirement for the new Council to review its composition and ward structure within a

reasonable timeframe to meet the ward quota parameters defined in s.11 of the Local Government Act.

The structural reform process is such that new Councils may be formed before or after the May 1997 general election date. The Bill provides for this situation, by specifying that a ward structure which does not comply with ward quota requirements must be brought into compliance on or before the date of the second general election of the Council after the non-complying ward structure takes effect, but allowing for an earlier date to be fixed by proclamation in cases where this formula would allow compliance to be deferred for an unreasonably long period.

The Local Government Association has been consulted and supports the introduction of these transitional arrangements in principle provided they are applied only where necessary in relation to amalgamations and not beyond the first term of office.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 11—Formation, alteration or abolition of wards

This amendment provides that the ward quota requirements under section 11 will not apply to a proposal under Division X. However, if a proposal does not comply with those requirements then the new council will need to undertake a review of its ward structure by a date fixed by proclamation or, if no date is fixed, on or before the date of the second general election of the council after the proposal takes effect.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

DE FACTO RELATIONSHIPS BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the Plaza Room at 6 p.m. on Wednesday 10 July.

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Wednesday 10 July at 2.15 p.m.