HOUSE OF ASSEMBLY

Tuesday 15 November 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

DOG FENCE (MISCELLANEOUS) AMENDMENT BILL

Her Excellency the Governor, by message, recommended to the House the appropriation of such amounts of money as may be required for the purposes mentioned in the Bill.

ELECTRICITY CORPORATIONS BILL

Her Excellency the Governor, by message, recommended to the House the appropriation of such amounts of money as may be required for the purposes mentioned in the Bill.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Appropriation,

Land Tax (Scale Adjustment) Amendment,

Motor Vehicles (Learners' Permits and Probationary Licences) Amendment,

Payroll Tax (Superannuation Benefits and Rates) Amendment,

South Australian Country Arts Trust (Touring Programs) Amendment,

Southern State Superannuation.

TAYLOR, NEW MEMBER FOR

Ms Patricia Lynne White, who made an Affirmation of Allegiance, took her seat in the House as member for the District of Taylor in place of the Hon. Lynn Arnold (resigned).

CHILD EXPLOITATION

A petition signed by 1 569 residents of South Australia requesting that the House urge the Government to introduce legislation to protect the children of South Australia from exploitation was presented by Mr Ashenden.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 53, 114, 116, 122, 123 and 129; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

NATIVE VEGETATION

In reply to **Ms HURLEY (Napier)** 8 September.

The Hon. D.C. WOTTON: I support the aims of the Native Vegetation Act 1991 but am of the opinion that parts of the Act and regulations need to be reviewed. For example, local government and community groups that manage Crown reserves cannot have areas declared heritage agreements because of the definition of 'owner' in the Act.

The predecessor to the native vegetation retention legislation in 1983 was the creation of the voluntary heritage agreement scheme as a response to the 1977 report on clearance in this State. This was an initiative of the Government at the time.

From the reports I have received, for some cases it is difficult to have a clear interpretation of some of the regulations because they can and have been interpreted in a number of ways. This confusion is being addressed. The Federal Government and the shadow Minister for the Environment both support the native vegetation retention legislation.

The amount of clearance of native vegetation permitted under the legislation would have little impact on greenhouse gas emissions. In fact, the net change in vegetation between losses from clearance and gains from revegetation would be minor. The Government is supportive of revegetation required under the Native Vegetation Act 1991 as well as initiatives conducted by Landcare, Greening of Australia, Trees for Life and private landholder projects.

Forestry in South Australia is based on sustained yields from pine plantations and not clearance of pristine native vegetation. In the South-East of South Australia one of the biggest managers of native vegetation is PISA (Forestry) which has close links and liaison with the Department of Environment and Natural Resources regarding the management of this native vegetation, and management plans have been and will continue to be put together for these areas.

STATE FLORA NURSERIES

In reply to **Mr FOLEY (Hart)** 22 September.

The Hon. D.S. BAKER:

1. Nurseries sold:

Berri Nursery has been leased by the former State Flora manager Andrew Walladge. The Government retains ownership of the Crown land and the fixtures. Mr Walladge paid $7 000 for plant and equipment and $17 900 for trading stock. The annual rental is $7 500.

2. Nurseries currently subject to negotiations for disposal:

The disposal of assets at Cavan Nursery is currently the subject of negotiations, with the asset management task force representing the interests of the South Australian Government.

3. Nurseries not sold:

Belair retailing and Murray Bridge propagation and bulk sales will remain part of the Primary Industries Revegetation Program.

Bundaleer nursery, operating from Bundaleer Forest headquarters, closed on 30 October 1994.

GAMING MACHINES

In reply to **Mr QUIRKE (Playford)** 13 October.

The Hon. W.A. MATTHEW: The Police Department is responsible for conducting probity checks under the Gaming Machines Act. The process is complex and time consuming.

As of 18 October 1994, there have been 4 750 personal identification declarations lodged and 3 074 fingerprint sets taken.

At the present time, there are a total of 470 outstanding PID's at the Licensing and Gaming Advice Section.

There has been a substantial increase in applications over the past 12 weeks due mainly to the initial success of gaming machines. To cope with the increase, the Police Department has employed an extra four clerical officers.

The Police Licensing and Gaming Advice Section prioritises applications which are able to show that delays create genuine hardship.

The particular hotel to which the honourable member was referring now has eight persons approved under the Gaming Machines Act. Of these, two names were not submitted with the initial application and are referred to as Additional Personal Information Declaration. One was received on 1 September and the other on 7 September 1994. There was no mention that any hardship was being encountered because of these applications. However, both these applications have since been prioritised as a result of the alleged hardship. The two licences were approved by the Liquor Licensing Commission on 20 October 1994.

NUCLEAR WASTE

In reply to **Hon. M.D. RANN (Leader of the Opposition)** 19 October.

The Hon. D.C. WOTTON: The Commonwealth Government is currently drafting the transport plan and interim storage plan for the movement of low level radioactive waste to Woomera. Until

these documents are completed, details of transport routes, escorts, public notification and timings are not available.

With regard to timings, the low level waste currently stored at Lucas Heights is subject to a New South Wales Land and Environment Court order which requires that the waste be moved prior to 5 February 1995.

The transport of the radioactive material within South Australia must comply with the Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991. These regulations are administered by the South Australian Health Commission.

Information from the Commonwealth Department of Industry, Science and Technology states that storage of the waste will be at Woomera Rangehead, about 40 kilometres north west of Woomera in secure buildings that meet requirements set out by the Australian Radiation Laboratory.

JUVENILE CRIME

In reply to **Mr QUIRKE (Playford)** 1 November.

The Hon. W.A. MATTHEW: After several reports of clothing being stolen from children in recent weeks, Para Hills Police have initiated a special policing objective. The area of concern is the Salisbury Interchange. Beat patrols are saturating this location at peak period times and normal patrols are paying periodic attention. In addition, Transit Squad Police are policing the interchange for unlawful behaviour, including the robbery of designer clothes from juveniles.

Information from the Tea Tree Police Subdivision indicates there are three groups of juveniles operating in the Modbury Heights and Golden Grove shopping centres. These members are mainly in the 14-17 years age group. They periodically come under the notice of police for minor type offences rather than the theft of designer clothing in any organised manner.

With the advent of warmer weather, a special policing operation will commence shortly in the Tea Tree Police Subdivision that is specifically designed to cater for the activities of these groups.

Hindley Street Police advise that in relation to youths intimidating city boutiques and stealing designer clothes, the following initiatives have been put in place in an attempt to combat these offences:

- Seminars have been conducted as part of the Business Watch Program;
- A Retail Traders Association seminar was held on 31 October 1994 at the Academy Theatre, Hindmarsh Square, Adelaide to address shop larceny matters;
- Several youth groups, including special ethnic youth workers have been invited to work in this area;
- Uniformed police beat patrols have been instructed to pay special attention to arcades as often as possible;
- Areas are being patrolled with non-uniformed officers as part of Operation Pendulum;
- Police have visited several shops to encourage owners to report all matters which are of concern to them.

CHILD PORNOGRAPHY

In reply to **Mr FOLEY (Hart)** 1 November.

The Hon. W.A. MATTHEW: The allocation of policing resources to operational duties is the responsibility of the Commissioner of Police.

The Commissioner advises the following with respect to the member's question: for the financial year 1992-93, there were 1 141 child abuse notifications made to the Metropolitan Child Abuse Investigations Unit.

Approximately one-third of these notifications involved physical or sexual abuse of children within the age group of 0-4 years.

Operation Patriot is responsible for the policing of the vice industry in the State of South Australia.

In a joint investigation with Adelaide CIB, Operation Tesra was formed to combat allegations of organised juvenile prostitution in Veale Gardens. Investigations revealed six male juveniles were involved in these activities for their own monetary gain, acting independently and in no way organised by adults.

In the previous financial year there were several investigations commenced in relation to child prostitution. As a result, several persons were arrested. In one case, the juvenile was assuming an adult guise and persons hiring the services of this juvenile were unaware of the true age of the juvenile.

There are no recent allegations of any juvenile involvement in the prostitution area.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

Attorney-General's Department—Report, 1993-94.
Liquor Licensing Act—Regulations—Dry Areas—Hindley Street and Rundle Mall.

By the Treasurer (Hon. S.J. Baker)—

Casino Supervisory Authority—Report, 1993-94.
South Australian Superannuation Board—Report, 1993-94.

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

Small Business Corporation of South Australia—Report, 1993-94.
State Transport Authority—Report, 1993-94.
Road Traffic Act—Regulations—North Terrace Clearway.

By the Minister for Tourism (Hon. G.A. Ingerson)—

South Australian Tourism Commission—Report, 1993-94.

By the Minister for Health (Hon. M.H. Armitage)—

Nurses Board of South Australia—Report, 1993-94.
South Australian Health Commission Act—Regulations—Prostheses Fees.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Urban Land Trust Act—Regulations—Additional Land—Modbury Heights Development Area.

By the Minister for Recreation, Sport and Racing (Hon. J.K.G. Oswald)—

South Australian Harness Racing Board—Report, 1993-94.
Racing Act—Regulations—Sports Betting—Grand Prix.

By the Minister for the Environment and Natural Resources (Hon. D.C. Wotton)—

Murray-Darling Basin Commission—Report, 1993-94.

PETROL RESTRICTIONS

The Hon. S.J. BAKER (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.J. BAKER: First, I would like to inform the House that petrol supplies are now back to normal after more than a week of restrictions. This is in no small part due to the responsible attitude taken by the vast majority of motorists, the oil companies, service station operators and, indeed, my Government.

The reason for the disruption centres on strike action taken by maintenance workers at the Mobil Port Stanvac Oil Refinery, which produces 90 per cent of South Australia's petrol fuel needs. That strike action invoked by the union hierarchy was done with the full knowledge of the damage that a group of 45 workers could do to South Australia's national and international image. They and they alone are responsible for attempting to tarnish Adelaide's reputation at a time when the city is showcased to the world with the Formula One Grand Prix. In addition, there is the inconvenience that they caused to tens of thousands of South Australian motorists.

The petrol producing plant at the Port Stanvac refinery was due to be restarted on Tuesday, 1 November, following scheduled maintenance. Sufficient petrol supplies had been

obtained to cover the period of the shut down. However, when the maintenance workers irresponsibly continued their strike in the pursuit of a pay claim, it quickly became evident that South Australia could encounter severe difficulties in maintaining fuel supplies.

I was briefed by staff from the Office of Energy on Thursday, 3 November, and informed that by midnight on Friday, 4 November there would be only four days' supply in the Birkenhead terminal, one day's supply in the Port Stanvac refinery tanks and two to three days' supply on site in service station tanks. On Friday, 4 November, I, as Acting Mines and Energy Minister, determined that South Australia's petrol supply was running down at such a rate that urgent action was required to ensure that the State did not run dry. A decision was taken that three days' supply must be held in reserve for emergency services, leaving only two days' supply for distribution from Birkenhead under normal consumption patterns.

It was apparent from the Office of Energy, Mobil and other oil companies that the stocks were being used at a much greater rate than normal, no doubt due to the strike and the fear that was being spread. In fact, on Thursday 3 November petrol consumption was double the normal daily consumption. This was at the same time as the Leader of the Opposition was saying that he had fixed the industrial problem. With further evidence that consumption was still above average, on the evening of Friday 4 November Cabinet approved the introduction of the 'odds and evens' petrol restriction system from 12.1 a.m. on Saturday 5 November.

The announcement of the decision was withheld until the time it applied, to prevent panic buying. The Government immediately set up a special hotline and staff were organised for Motor Registration Offices to handle the issuing of permits over the weekend. It was not until Sunday 6 November that the striking workers agreed to end their strike and return to work. However, an important point that was known by the Leader of the Opposition and, indeed, by the unions was that it would take the Port Stanvac refinery eight days to get back into full production. On Sunday a full—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: If he wants to ask questions, the Leader can ask questions.

The SPEAKER: Order! Leave has been granted for a ministerial statement.

The Hon. S.J. BAKER: On Sunday a full audit of petrol stocks held in service stations was organised, and it confirmed that three days supply remained in the bowsers. During the weekend the Government negotiated with the various oil companies to arrange additional petrol supplies from interstate. The *Australian Spirit* from Perth, which was due to arrive in South Australia with between eight and 10 days' supply the following Thursday, was delayed as a consequence of a slower than usual delivery from overseas of an essential refinery stock. Indeed, other States were also experiencing petrol supply problems—as was well known to the union at the time. A refinery in New South Wales was shut down for maintenance, while petrol producing units at Altona and Geelong were also out of action for the same reason.

In Western Australia, production at the Kwinana plant was affected by an unplanned shutdown. Negotiations were conducted by the Premier and me with oil company representatives, and a small tanker, the *Mobil Tasman,* was secured with two days supply from Victoria, but it could not get to South Australia until Friday 11 November at the earliest. As it was, bad weather caused a 36 hour delay and this vessel did not dock at the Port Stanvac refinery until last Saturday afternoon. It is clear that without the 'odds and evens' restrictions the Government faced the prospect of having to further restrict sales through a coupon system for emergency and essential service users only.

I was constantly updated by the Office of Energy and at daily meetings with representatives of all oil companies in Adelaide. Indeed, we started with the clear expectation that a coupon system would need to be put in place by Wednesday night unless there was a significant moderation in petrol purchases by the public. Yet, we had a union leader and the Leader of the Opposition on record saying that there was plenty of fuel stock, statements that can only be described as ill-informed, irresponsible and irrational. However, the responsible attitude taken by most motorists and the lack of panic buying produced a consumption pattern that reduced to 40 to 50 per cent of normal—much less than projections available from previous restriction periods and interstate experiences.

While fuel stocks were heading to Adelaide by sea, the oil companies also used every resource available to transport fuel by road. Despite this extraordinary effort, the road tankers could supply only a small portion of the State's needs. The Government was also playing an important part in conserving fuel supplies. Instructions were issued to all agencies and departments to keep the use of Government vehicles to emergency and essential services only, with the chief executive officer having the discretion to approve special needs.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: I would ask the Leader of the Opposition to keep his mouth shut.

The SPEAKER: Order! There have been two transgressions of Standing Orders. First, the Leader of the Opposition has continually interrupted. I ask him to cease, and I suggest that the Deputy Premier use other words in responding.

The Hon. S.J. BAKER: As consumption patterns remained at their reduced levels, I decided to further run down our stocks (indeed, cutting into our emergency supplies), secure in the knowledge that two tankers carrying approximately 11 days' supply would arrive in South Australian waters last Saturday.

The decision to lift restrictions at midday last Sunday was not taken until 4 p.m. the day before, and only once we were assured that fuel stocks were being pumped from the *Mobil Tasman*. Later that day the *Australian Spirit* arrived from Western Australia and pumping commenced that evening. By Sunday fuel was available for distribution by road tankers to service stations in the metropolitan area. I seek leave to have a table showing the rundown of fuel stocks at the refinery and Birkenhead terminal incorporated in *Hansard*.

Leave granted.

MOTOR SPIRIT STOCKS—ADELAIDE
3.11.94-12.11.94

NOTE:
4 ML represents one day normal offtake (average) for November
Minimum reserves for Essential Users—three days normal offtake.
Stocks in service stations averaged three days supply

	STOCKS ML (at 8 a.m.)			
Date	Refinery	Birkenhead	Total	Notes
Thursday 3	3.6	24.0 (6 days)	27.6 (6.9 days)	BP tanker due on 9.11.94 with 32 ML Caltex trucking petrol by road from Vic Supplies from Singapore take 14 days
Friday 4	3.6	17.2 (4.3 days)	20.8 (5.2 days)	1.7 days offtake in 24 hours. Est. four days cover by midnight. 0.9 days cover at refinery unavailable due to pickets. Agreement reached that emergency supplies should be no less than three days normal offtake.
Saturday 5	3.6	15.4 (3.8 days)	19.0 (4.8 days)	Restrictions commenced 12.01 a.m. Caltex to transport 1 200 kl by road from Vic over w/end
Sunday 6	3.6	14.5 (3.6 days)	18.1 (4.5 days)	
Monday 7	3.6	14.2 (3.4 days)	17.8 (4.4 days)	BP tanker due 11.11.94 BP commenced road tanker imports (approx. 120 kl/day)
Tuesday 8	3.6	11.8 (2.9 days)	15.4 (3.8 days)	Mobil tanker due morning of 11.11.94 with 10 ML BP tanker to bring 37 ML
Wednesday 9	4.8	10.4 (2.6 days)	15.2 (3.8 days)	Refinery accumulated a further 1.2 ML from tanks Mobil tanker due morning 12.11.94 BP tanker due afternoon 12.11.94
Thursday 10	3.6	8.6 (2.2 days)	12.2 (3 days)	1.2 ML dispatched to market
Friday 11	3.6	7.5 (1.8 days)	11.1 (2.7 days)	
Saturday 12	3.6	6.5 (1.6 days)	10.1 (2.5 days)	Mobil tanker arrived at 1.30 p.m. with 10 ML BP tanker arrived at 5 p.m. with 32 ML
Sunday 13				Restrictions lifted at noon.

The Hon. S.J. BAKER: In conclusion, the swift action by my Government headed off a crisis for South Australia. I repeat: if petrol restrictions had not been introduced on Saturday 5 November, we would have been forced into a much harsher system of coupons for essential and emergency services only. Every South Australian would have suffered if we had listened to the Leader of the Opposition or to a certain union leader. Their contributions were extremely destructive and disruptive to the good management of the State, and now with the facts on the table they should hang their heads in shame and apologise to the people of South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: My Government is indebted to the more responsible members of the community. I take this opportunity to place on record my appreciation to the motorists who, by and large, adhered to the rules. I also thank the oil companies for their cooperation. The service station operators and their staff are to be commended for their effort in ensuring restrictions were enforced as a small minority sought to circumvent restrictions and targeted their anger at driveway employees. Those in Government who assisted in the implementation of petrol restrictions deserve praise for working over and above their normal duties to ensure that motorists queries were answered on the hotline and that permits were available for special users. In particular, the Acting Chief Executive Officer of the Office of Energy (Mr Peter Tsiros) and another senior staff member (Mr Mike Day) are to be commended for their extraordinary efforts.

GRAND PRIX

The Hon. G.A. INGERSON (Minister for Tourism): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: I wish to make an important statement regarding the 1994 Adelaide Australian Grand Prix. It was without a doubt the most successful Grand Prix yet staged in Adelaide, breaking all records in attendance, international media coverage and, I believe, in the level of State pride engendered. The Formula One boss, Bernie Ecclestone, has told us in recent days that this years' Adelaide Grand Prix had the largest ever broadcast in the history of Formula One. There were record attendances of 328 000 people for the four days, highlighted by Sunday's record of 127 000 people through the gate, representing an 11 per cent increase compared with the figures for 1993. Corporate sales, ticket sales and sponsorship were all up. The event was covered by 1 000 national and international media. The race was broadcast to more than 416 million viewers in 101 countries. There were 5 000 people working at the track, including 1 000 volunteers. This year, rather than the traditional four day carnival, 'Sensational Adelaide' put on a show that lasted 10 days and boasted an exciting and vibrant agenda of both on and off track entertainment.

The traditional after race concert, featuring 10 all Australian performers, drew a crowd of more than 25 000 people. The Grand Prix Ball was attended by almost 1 200 people. Overall, in all areas of the event, from sales and attendances to catering and merchandising, we saw increases of between 10 and 20 per cent. I take this opportunity to congratulate the hard work and dedication of all those involved in staging the event, particularly the Grand Prix Chairman (Ian Cocks), the Executive Director (Dr Hemmerling), and all staff of the Grand Prix Office. Thanks must also be extended to ESP (Essential Sports Promotions) and the South Australian Tourism Commission for putting together an extremely successful promotion—Sensational Adelaide. As the major sponsor of the 1994 event, the State Government was determined to make a success at all levels. The Premier said on the weekend that he is already talking with a number of companies about investment opportunities in South Australia as a direct result of their presence in Adelaide for the Grand Prix.

Several key companies were represented at the Premier's successful business breakfast, which was attended by about 400 people. From a tourism point of view, there can be no doubt that the Grand Prix was hosted by Sensational Adelaide. The level of track signage far exceeds that achieved by another naming rights sponsor, ensuring Adelaide a place in the international spotlight throughout the four days of on-track activities.

A major highlight of the sponsorship includes Friday night's sponsorship of 'Hey Hey It's Grand Prix' with an estimated crowd of 35 000 people. Other major promotional activities included: Sensational Adelaide—an East End Food and Wine Affair; the national and international media function at Ayers House; a community awareness campaign which included the SAFM Rocks Sensational Adelaide bumper sticker promotion, an accommodation campaign, and taxi and retail campaigns; an SA Tourism Commission travel and information centre set up at the Grand Prix track, which was overwhelmed with questions; Sensational Adelaide grid entertainment; and the group A touring cars, the support of which we were eventually able to achieve.

I put the overwhelming success of Sensational Adelaide 1994 down to several key factors, including: the refocusing of the event; community pride and a sense of ownership engendered by the Sensational Adelaide theme; a strong marketing campaign; and the determination of the State Government to train the spotlight on South Australia and all its attractions. Having successfully completed our tenth Grand Prix, we are now focusing on presenting an even more sensational event in 1995 in conjunction with the already secured naming rights sponsor, EDS.

INDONESIAN JOURNALIST EXCHANGE

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: Following several visits to Indonesia in the past two years, I have become increasingly aware and appreciative of the differences in our culture and, at the same time, of the vast opportunities for both our countries to develop closer links. While this can be achieved through trade missions and individual companies opening up direct markets where a commercial need is identified, there are greater opportunities for our two countries and our two cities to become closer. As South Australia proved during the Australia Today forum and trade mission in June, these opportunities can also come through education, health, art and sport.

Today, I had much pleasure in witnessing another opportunity come to fruition. Through the initiative and efforts of an Indonesian newspaper, *Media Indonesia*, and its Editor, Derek Manangka, and his publisher, Mr Paloh, a memorandum of understanding was signed today with the Deputy Editor of the Adelaide newspaper, the *Advertiser*. The aim of the memorandum of understanding is to establish an exchange program of journalists or staff which will mutually benefit each newspaper and lead to greater understanding of each other's economy and culture. This exchange, facilitated and supported by the Economic Development Authority, is believed to be the first exchange by an Indonesian media outlet with any other country.

The first exchange will begin on 11 January, and I understand that the Adelaide *Advertiser* journalist, David Penberthy, has been invited to spend three months with *Media Indonesia*, which is based in Jakarta and that an Indonesian journalist will be selected to come to Adelaide. During the visit to Adelaide this week, the publisher, who owns a number of companies such as general suppliers, contractors, catering, hotel and printing, has already identified many other opportunities from both a newspaper and business point of view. He has welcomed the exchange and has said that this will more closely tie together the two countries. In addition, the Economic Development Authority is also hoping to announce early next year a journalism exchange relating to the electronic media. I commend this agreement to the House and encourage all members to welcome the Indonesian journalist when he or she arrives in Adelaide in January for three months' experience as a journalist in South Australia.

QUESTION TIME

FRENCH WATER COMPANIES

Mr FOLEY (Hart): Can the Minister for Infrastructure confirm that two French companies, CGE and the Lyon Water Company, are among the leading contenders to win the contract to operate and manage the State's entire water and sewerage systems, and will he advise the House what investigations have been made to ensure the suitability of these companies to undertake work on behalf of the South Australian Government? The two French water companies have been implicated in corruption allegations in Europe by a leading French investigating judge. He has alleged that these two firms owed their eminence to corruption and were responsible for 80 per cent of political corruption in France.

The Hon. J.W. OLSEN: Nice try from the Opposition. As the honourable member would know full well, the fact is that the Government has not called for expressions of interest yet in relation to outsourcing functions of the EWS. I can give the honourable member a categorical denial: 'No' is the answer. That the whole functions of the EWS Department will be sold to an international company has never been—

Mr Foley: I did not say 'sold'.

The Hon. J.W. OLSEN: Or operated or managed by an international company. Let us have that statement of fact. Let us not have any red herrings being dragged across the corporatisation proposal currently before the Parliament. A number of international and national companies are looking

very closely at what the EWS is proposing to do in South Australia and they have shown some interest in that. International and national companies are coming to us expressing an interest, as they have done in other States around Australia, recognising that all States of Australia are consistently moving down this path and course of the future—

The Hon. M.D. Rann: Have you talked to these companies?

The SPEAKER: Order!

The Hon. J.W. OLSEN: The Leader is obviously deaf. I have just said that a range of international and national companies have come to the Government expressing an interest in the outsourcing functions of Government. We have not called for any expressions of interest or entered into any detailed negotiations with international or national companies. It will be a process that we will consider over the next few months. Whether the individual company to which the honourable member referred will be one of those to be negotiated with is a matter for Government yet to judge. We are not there at this stage. The simple fact is that we will not be putting the whole functions of the EWS, privatised or managed, or outsourced to a particular international company. That is not the objective of the Government and we have consistently said so.

GRAND PRIX

Mr BASS (Florey): Can the Premier inform the House of the current status of negotiations to transfer the Grand Prix to Melbourne in 1996?

The Hon. DEAN BROWN: Members will recall that at the beginning of this year, after we found that the former Labor Government under the stewardship of the now Leader of the Opposition had lost the Grand Prix for South Australia post 1996—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Members will realise that, in fact, there was a position put down whereby—

Members interjecting:

The SPEAKER: I would suggest that members have had sufficient. The Premier has the call.

The Hon. DEAN BROWN: Members will recall that FOCA proposed a 1995 Asian Pacific Grand Prix to be based at Sandown, in Melbourne, prior to the Albert Park proposal. To head off what would have been a disastrous situation, I sat down and talked to Mr Rob Walker, who is the promoter of the Grand Prix event in Victoria, and we put down a series of points where there was agreement in principle whereby we would transfer the Grand Prix to Victoria in 1996 but, in exchange, Victoria would not run an Asian Pacific Grand Prix at Sandown in 1995, which would have very severely damaged the running of a race in Adelaide at the end of 1995.

Among those various points of agreement in principle was the proposal to sell to Victoria the assets from South Australia for a considerable amount of money and, in return, we would cooperate in the very orderly transition of the Grand Prix from Adelaide to Melbourne. That was eight months ago, and I have to say that eight months further on we still have not reached a contractual position with Victoria: we have not agreed exactly which assets will be sold or the price for which they will be sold. In fact, because the offer that has been made so far is unsatisfactory, no contract has been signed between South Australia and Victoria. Therefore, South Australia is in the position where we still have a contractual right to the Grand Prix in 1996. That was reaffirmed by Mr Bernie Ecclestone of FOCA during his visit to Adelaide at the weekend.

There is also the other overriding factor as to whether Victoria itself will be in a position to stage the event in March 1996 and whether it will have the Albert Park track finished in time. Clearly, from the experience of people who have been involved in organising Grand Prix races, that track would need to be finished by the end of next year to allow sufficient time to organise the race in March 1996. That gives Victoria about 12 months to build the track. South Australia must have some protection in respect of any contract for the transfer of the race from Adelaide to Melbourne, so that, if the Albert Park track is not finished, at the very least we can protect the race in terms of ensuring that Australia still stages the 1996 Formula One Grand Prix rather than see it disappear overseas.

Therefore, in any negotiations with Victoria we want a fair price for the assets sold and to make sure that it buys the vast majority of our assets, and we also want to make sure that we protect the position of the 1996 Formula One race, particularly if the Albert Park track is not finished. Negotiations with Victoria are still proceeding, but at this stage they have not reached a satisfactory conclusion. Other matters have also been discussed in this regard. The details of what we propose with Victoria were set down in a press statement on 15 March and, until there has been a satisfactory resolution of these two main issues and some of the side issues, I can assure South Australians that we will continue to hold the contractual rights to the race in 1996.

FRENCH WATER COMPANIES

Mr FOLEY (Hart): Again, my question is directed to the Minister for Infrastructure. Is the Minister aware of the allegations concerning the two French water companies that the Government is considering to operate our State's water and sewerage systems? What safeguards and scrutiny will be put in place to ensure their suitability to operate in South Australia?

The SPEAKER: Order! The Chair has allowed the question but I suggest to the honourable member that he be cautious in explaining it. Not only is it fairly close to the previous question but it is getting close to being hypothetical.

Mr FOLEY: The Opposition understands that the consultants Price Waterhouse and a Boston consultancy firm have been working with a small number of senior bureaucrats and have recommended to the Minister that the State's entire water and sewerage operations, including reservoirs, mains, sewer networks and treatment plants, be privately managed. We understand the decision for final contenders will be made by Christmas, with contracts due to be signed by March next year, and the two mentioned French water companies are the prime contenders.

The Hon. J.W. OLSEN: No report or recommendation has been put to me or, to my knowledge, to the Chief Executive Officer of the Engineering and Water Supply Department that we should outsource the reservoirs, rivers, distribution network and functions of the EWS. That is arrant and absolute nonsense. I have seen no such report.

Members interjecting:

The SPEAKER: Order! The Minister.

The Hon. J.W. OLSEN: If we proceed down the track of calling for expressions of interest in outsourcing EWS functions, we will ensure that a due diligence process is put

in place and that the Auditor-General will be involved in any such process so as to ensure that we get it right, in much the same way as other commercial decisions of Government have been made over the past 11 months. We will ensure that the decisions of this Government will have the whole-hearted support not only of the community of South Australia but certainly of such watchdogs as the Auditor-General to ensure that we get it right—and get it right, we will.

PETROL RESTRICTIONS

Mr BROKENSHIRE (Mawson): What action did the Deputy Premier take to brief the Opposition on the serious state of South Australia's petrol stocks prior to restrictions being imposed at 12.1 a.m. on Saturday 5 November last?

The Hon. S.J. BAKER: As all members of the House and the public at large would now appreciate, the Cabinet made the decision on Friday at approximately 6.30 p.m. to go into a process of petrol restriction. I had asked my Secretary to telephone the Leader of the Opposition's Secretary to gain his telephone number—

Members interjecting:

The Hon. S.J. BAKER: Well, that's not true.

The SPEAKER: Order!

The Hon. S.J. BAKER: I wish the Leader could actually contain himself, Sir; this is quite a serious matter. I asked my—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader of the Opposition is out of order.

The Hon. S.J. BAKER:—Secretary to telephone the Leader of the Opposition to ascertain his telephone number so that I could contact him if necessary. Twice that occurred, and there was a blanket reply, 'No, you cannot have the telephone number.' Again, later that afternoon, my Electorate Secretary telephoned his Secretary, who said, 'The Leader does not want to issue his telephone number to you.' I would like to contrast that with the attitude taken by the Government and some other Ministers. I well remember the member for Giles saying to me very early when I was Deputy Leader, 'If there is any problem or question that needs satisfaction, here is my telephone number; you can contact me at Whyalla over the weekend.'

In fact, the Premier's and the Deputy Premier's telephone numbers are in the telephone book. I know the member for Playford freely gave out his telephone number, as did also the Deputy Leader. I would have thought that there was nothing particularly special about the Leader of the Opposition's telephone number, but perhaps he did not want the briefing. Obviously, after the decision was taken, I tried to ascertain the whereabouts of the Deputy Leader, and it was not until the following morning that I could inform him of the decision that had been taken.

I would like to outline the position in the context of the statements that were being made at the time. On 3 and 4 November, in his normal fashion, the Opposition Leader claimed that there was no threat to fuel supplies, because he had secured an undertaking from the unions that they were not going to affect Birkenhead. Then we found out, of course, that the unions had never intended to affect Birkenhead. I would expect that when there was a difficulty the Opposition would be constructive. I believe I could have received a constructive response from the Deputy Leader, and we did not see the Deputy Leader making outrageous statements. I am sure the member for Playford would have made constructive statements and listened to a briefing, but not the Leader of the Opposition. I would expect that when the State had a particular difficulty, not of its own making but of the Leader's mates' making, the Opposition would at least come alongside and be with the Government on such an issue, so that there are no mixed messages and to show that we are all working together. So many people helped us during this process, but the Leader of the Opposition went out of his way to destroy totally what I think was a very important process involved in managing a difficult situation.

INDUSTRIAL RELATIONS COMMISSION

Mr CLARKE (Deputy Leader of the Opposition): How does the Minister for Industrial Affairs respond to the allegations of political interference made this morning by the judges of the Full State Industrial Relations Commission in relation to the Government's plans to change the Acting President of the commission, who was allocated to preside in the most recent State wage case in which the Government was intervening? An unprecedented statement issued by the judicial officers of the Industrial Relations Commission this morning indicated that, prior to the commencement of the State wage case but after the judges to hear the case had been chosen, the Acting President was informed that the Government proposed to replace him as the presiding judge who would hear the case.

The statement says that this is of great concern, especially as the Government is one of the parties that appears before the State wage case. It goes on to say that these proposals were raised without prior consultation or knowledge of the members of the commission. The Acting President is still waiting for a response to his letter to the Minister on this matter. The judicial officers expressed their concern about political interference in the processes of the commission.

The Hon. G.A. INGERSON: I note the comment made in the commission today and will now put down some facts. The briefing note states that there was no improper conduct by the Government whatsoever.

Members interjecting:

The Hon. G.A. INGERSON: Just be patient and you will get the facts—all of them. There was no suggestion by the Full Commission's statement that the Government had any improper motives. It says that clearly, and I will read it.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: The statement is as follows:

> Without attributing motives we note that, had this appointment proceeded, it would have had the effect of changing the persons who constituted this Full Commission.

It says very clearly 'without attributing any motives'. The State wage case proceeded in accordance with all past practices and conventions.

Members interjecting:

The SPEAKER: Order! The Chair has been particularly tolerant with regard to interjections; I suggest they cease.

The Hon. G.A. INGERSON: On 11 October, the Government was advised that Judge Cawthorne, the Acting President of the commission, was to be absent for an extended period due to ill health and proposed annual leave until mid-December. Discussion occurred within the Department for Industrial Affairs as to whether a further acting appointment should or needed to be made to cater for this circumstance. Section 29(5) of the Industrial Relations Act provides:

If the President is absent from official duties, responsibility for administration of the commission devolves on a Deputy President appointed by the Governor to act in the President's absence or, if no such appointment has been made, on the most senior of the Deputy Presidents who is available to undertake the responsibility.

In other words, there are two options for the Government. A draft Cabinet submission was proposed by the Department for Industrial Affairs, pending consultation with Judge McCusker on the proposal and because of the unexpected illness of Judge Cawthorne. Judge McCusker, who was the next senior Deputy President, was consulted on the proposal on 14 October, and Deputy President Hampton, on 16 October. After that consultation, it was decided on 17 October that no temporary appointments needed to or should be made and that Judge McCusker would continue to be Acting President. The submission was not taken to Cabinet. Judge McCusker was advised by the Department for Industrial Affairs of that fact on the morning of 17 October. On the same date, the judge wrote to the Department for Industrial Affairs acknowledging that no proposal was to be pursued and that he would continue as acting Senior Judge and Acting President.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: The State wage case proceeded in the usual fashion, as acknowledged by the Full Commission statement. Given the discussion between the department and Judge McCusker on 17 October and his correspondence of 17 October, no further reply was considered necessary to the then Acting President's earlier correspondence on the topic. No interference with the judicial independence has arisen. The Government fully—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I would like to take up that interjection. On the day that Judge McCusker was on the full bench in relation to the State case, Judge Cawthorne had not advised the Government of his ill health. When that occurred we then proceeded as I have mentioned in my reply. There was no attempt by the Government to do anything other than behave in accordance with the Act. The Acting President of the commission notified the Government of his ill health, and because of that we put into action all the processes as set out in the law. As it turned out, in discussion with the next senior judge, Judge McCusker, it was resolved and the case has proceeded. I understand the decision was made this morning.

PETROL RESTRICTIONS

Mr CAUDELL (Mitchell): Following the period of petrol restrictions, what information has the Deputy Premier obtained on motorists who tried to circumvent the restrictions? I have received reports from a number of constituents that some motorists were trying to fill up their cars despite being excluded under the odds and evens system.

The Hon. S.J. BAKER: In these situations, when you do not signal what you are going to do, inevitably some problems are created, and we have to work our way through those problems. If we signal the changes obviously everyone will go into panic buying mode. I received a number of memos about what happened at various service stations. I again congratulate the staff operating the hotline at the Department of Mines and Energy for their efforts. In fact, I have not had one complaint about the information that was given and the way in which officers guided motorists who were concerned about the situation on those days that were quite vital.

One of the reports that came to me involved an even-numbered licence plate. It related to a person driving a gold coloured Honda. This motorist drove up to a petrol pump at an Ampol service station in North Adelaide and was refused service. The report given to me was that this person had a remarkable resemblance to the Leader of the Opposition.

The Hon. M.D. Rann: I don't drive.

The Hon. S.J. BAKER: Well, I am just relaying the report that was given about this particular gold coloured Honda.

The Hon. M.D. Rann: I don't drive a car.

The Hon. S.J. BAKER: It may well have been that he was a passenger in a car and he also wanted to circumvent the provisions.

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: I am just saying that one of the reports that I received was about a person with a remarkable resemblance to the Leader of the Opposition. The efforts of this person were in stark contrast to those of another driver who rang the Department of Mines and Energy some time later in the week and said that he wanted to own up because he had circumvented the rules and wanted to make some reparation as a result.

Mr CLARKE (Deputy Leader of the Opposition): I direct my question to the Deputy Premier. Is the Government aware of allegations that during the recent refinery dispute a vessel named the *Sachem* sailed to the Pacific islands with 8 million litres of gasoline produced at the Port Stanvac refinery—enough to allow about 300 000 South Australian motorists to place $20 of fuel in their car? If so, what action did the Government take to prevent this occurring?

The Hon. S.J. BAKER: I am delighted that the honourable member has asked this question. That vessel was almost full at the same time the strike was pulled. If the unions had said, 'We are in for the long haul and we are going to keep the South Australian public guessing about when they will get fuel supplies', then obviously we would have stopped the ship. Indeed, the unions had the right to stop the ship. It went out that same night. The unions let the ship go. I can understand why they let it go—because the fuel could have been fed back into our petrol supplies and thus we could have averted the crisis. I can understand that: they wanted to increase their bargaining power.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The other item that is worthy of note is that a ship called the *Mawson* came back into Adelaide to replace the stocks and that was organised as a result.

WORKCOVER

Mr ASHENDEN (Wright): Can the Minister for Industrial Affairs inform the House of recent steps taken by the South Australian Government to reform WorkCover legislation and the consultation that the Government will undertake in relation to these proposed reforms?

The Hon. G.A. INGERSON: I thank the honourable member for his usual interest in the workplace and the safety that we are hoping to create in our community. The WorkCover amendments that have been given to the advisory committee today and also made public for all South Australians to see will create savings for the WorkCover scheme of some $80 million per annum. The need to change

the principles of the scheme occurred as a result of the actuarial advice that we are likely to have a massive unfunded liability of some $800 million over the next 10 years. The general principle of the change is that those who are genuinely suffering from long-term injury as a result of their work will get an increase in benefits and those who fall under a 40 per cent liability level will have a significant reduction in benefits. That is meant purely and simply to shorten the tail and reduce significantly the cost to employers. However, it will still maintain—and this is very important—the highest level of benefits in Australia so that no worker in South Australia will have their benefit level lower than any other worker in Australia.

PETROL RESTRICTIONS

The Hon. M.D. RANN (Leader of the Opposition): Will the Deputy Premier release all the documents relating to the so-called audit of petrol supplies plus all correspondence between Mobil and the Government in relation to the dispute, petrol stocks and tanker movements? The Opposition has been advised that no comprehensive audit of South Australia's available petrol stocks was undertaken; that the Birkenhead tanks were not probed prior to the decision to introduce rationing; and that Motor Trade Association executives were not consulted about petrol stocks, except to be told that rationing was imminent. Today I am lodging a freedom of information request for all documents and correspondence relating to the audit of stocks and the dispute, which of course was handled by our very own rolled-gold Arthur Tunstall of industrial relations.

The SPEAKER: Before calling the Deputy Premier, I point out that considerable comment is being made in the explanation of questions. I suggest that it cease.

The Hon. S.J. BAKER: If this is what leadership is—

The Hon. M.D. Rann: All the documents.

The SPEAKER: Order!

The Hon. S.J. BAKER: Today I released the summary—

The Hon. M.D. Rann: The correspondence and the memos.

The Hon. S.J. BAKER: I would refer the Leader to the promise that he made to the Archbishop—that he would behave himself. That lasted one day, and it has got worse ever since, and it is about time he showed a bit of leadership and kept to the undertakings that he has given.

Members interjecting:

The Hon. S.J. BAKER: I would like the opportunity to answer the question. I have here a letter dated 7 November, to which all the signatures from the oil companies are attached. I will not read the letter, but I will table it.

Members interjecting:

The Hon. S.J. BAKER: Do not laugh: I will table it and everyone can read it. They can read a statement that was signed by all the oil companies as to the veracity of the information that was used to decide on progress through this petrol restriction. I am somewhat amazed that the dog will not lie down. His union mates held the State to ransom, attempted to disrupt our Grand Prix and the John Martin's pageant—they did not give a damn about the kids—and now they are trying to say, 'Look, it was all a big mistake.' We know there was only one mistake, and that was made by the Leader of the Opposition, and if he would just own up to it, rather than carrying on the way he is, he might earn himself a bit of respect. I am pleased that the new member for Taylor is in the House to see what sort of leadership she is getting from the front bench. If it continues as it is at the moment, she will have a very rapid promotion.

Every day we had the oil companies in; we had a monitoring system on the petrol stations; we had an audit of the Birkenhead tanks; every petrol station had to file a return to the oil companies; and all that information is summarised. It will do the Leader no good to say, 'I want all this information. There seems to be a cloud over it.' The only cloud is over the Leader of the Opposition. He can make an application under the freedom of information guidelines. In fact, he can do whatever he likes; he can ask for whatever information he requires. I do not have a problem with that, because the facts are on the table. However, he says, 'Look, there must be some way out of this. I have dug myself a big hole, so it must have been the information.'

If he had asked the Department of Mines and Energy about the situation, if he did not believe the Deputy Premier, he would have been told. If he had rung each of the oil companies, he would have been told. He could have had a verified statement by the Department of Mines and Energy on the state of petrol stocks. We do not rely on someone putting his finger in the air and saying, 'We think this is where the stocks are.' We had the exact measures on the stocks, and they are provided in the statement to the House. I table this letter, dated 7 November, because it summarises the position of each of the oil companies. They have certainly signed off on the issues, including the measurements that the Government was involved in at the time.

HONG KONG TRADE MISSION

Mr KERIN (Frome): Will the Minister for Industry, Manufacturing, Small Business and Regional Development tell the House of some of the early successes resulting from the trade mission that he led to Hong Kong during Grand Prix week?

Members interjecting:

The Hon. J.W. OLSEN: I can well understand how members of the Opposition do not like success stories associated with small to medium businesses accessing the international marketplace, rebuilding and rejuvenating the economy of South Australia; they do not want it to happen. They are constantly knocking the achievements of this Government. Forty-seven small and medium businesses, many of which have never been in the international marketplace before, participated in the promotion of South Australia and Adelaide during Grand Prix week. This promotion was an initiative of the Premier following his visit to the region in June, using the Grand Prix to position an awareness and a profile of South Australia in the international marketplace. Those 47 companies that participated certainly have had some success from their involvement.

Not only did we have those companies involved but, on one occasion, we also had the educational institutions: the three universities, the TAFE colleges and Regency Park, and a number of schools from Adelaide, which put in place a seminar to access students, some 200 000 of which will leave Hong Kong next year for educational opportunities internationally. We need to get a share of that market. On the Tuesday night some 140 tourism operators participated in a promotion by the South Australian Tourism Commission. The Friday was a business opportunities night, at which we expected 140 and got 185 people from Hong Kong looking at business investment opportunities in South Australia.

In addition to that, on the Saturday the 47 companies had a display at Pacific Plaza, attended by over 350 purchasers in the hotel/restaurant trade in Hong Kong, and on the Sunday we had a promotion of the Grand Prix, with a four minute video message from the Premier on South Australia and what it has to offer, then crossing live to the Grand Prix—which, incidentally, went to 250 million people in Asia. Coupled with that was a promotion of Adelaide and South Australia and the produce we have available in the international marketplace. As an example, one company that we had an appointment with is considering shifting its accounting and management business information systems, involving 170 people, out of Hong Kong.

In Hong Kong the wage structure and accommodation costs for middle management are becoming exorbitant. Because of modern information technology and telecommunications it no longer matters where they are located. They were looking at two locations: Adelaide is another one. They were not looking at Adelaide prior to last week; they have been negotiating with Perth in Western Australia. They are now looking at Adelaide as well as Perth in which to locatethat operation. In addition to that, one of the world's largest international banking institutions, which deals in trade finance and which has close ties with China, is looking at siting its office operation in Australia.

It is looking at developing a strategy prior to Christmas this year to lock trade from Australia into the China market. That company will now be looking at South Australia as one of the options for an office linking into that China region. Let me give members one or two examples of success. Robarra, the barramundi producer, has sold all its 1995 production to one distributor. In addition, the Kangaroo Island trading company that produces Island Sting, a honey based liqueur, has an order for 5 000 cases of that product on the international market.

Mr Quirke: How about Two Dogs?

The Hon. J.W. OLSEN: Two Dogs was on display, and I am pleased to respond to the interjection because, rightfully, there is another product which, through Inchcape, is now accessing the international marketplace, as is Mia Jane Panforte. A number of businesses that are small, three or four person operations in South Australia are now getting into the international market, not in any great quantities but carving out niche markets. For example, the Clare Valley Gourmet Produce group, which produces smoked kid goat and milk fed lamb, has now signed an exclusive contract between its company and the Mandarin Excelsior Hotel in Hong Kong to promote the products from this region. We had beef from the South-East, products from the Kangaroo Island wineries and products from the Clare Valley all participating in accessing the international marketplace.

The Chief Executive Officer of the Hong Kong Trade Development Council has accepted an invitation to participate in Business Asia 1995 and agreed to bring an overseas delegation to South Australia to look at the range of options that we have, as well as putting on its data bank, through the Hong Kong Trade Development Council, a range of business opportunities and contacts within the State of South Australia.

In summary, this is another outstanding promotion for South Australia, locked in with the Grand Prix in Adelaide, South Australia, and for the first year we knew where the Australia Formula One Grand Prix was, because Adelaide was dominant on all television screens throughout Asia. We have used the Grand Prix in an international marketing exercise. It is a pity that for the past nine years we did not do something like that to help small and medium businesses access the international marketplace. Had we been able to do that, we might have been better positioned with our companies to get into those markets.

This promotion, as with others during the course of this year, is setting a new pace, a new agenda and a new direction for small to medium businesses. With the development of an export culture in South Australia and the opening up of market opportunities, the bottom line is more jobs in South Australia.

ADULT BOOKSHOPS

Mrs GERAGHTY (Torrens): Is the Minister for Housing, Urban Development and Local Government Relations aware that there is no provision in the Local Government Act to prevent the opening of an adult bookshop in the immediate vicinity of a primary school? Is the Minister also aware that there is no provision in State legislation for the Government to close an adult bookshop in such a location and will he give this House a guarantee that the matter will be investigated and that legislation will be enacted to address the problem? In my electorate of Torrens an adult bookshop has opened just 100 metres from a local primary school without council approval and without consideration of the location. The local council had no option in this matter. This is an entirely unsatisfactory and unsavoury situation and could lead to great harm to the morale of young people.

Mr Ashenden interjecting:

The SPEAKER: Order! The member for Wright.

The Hon. J.K.G. OSWALD: I thank the honourable member for her question. It is interesting to see the Labor Party's new found interest in moral standards in South Australia. I am very happy to take up this matter with the Attorney-General in particular and with the Government. I know that it would be of concern to a lot of people that young people may have access to these types of establishments. It is a matter we are prepared to take seriously and I will refer it to my colleagues, including the Attorney-General, seek a report and in due course come back with a reply.

RENAL SERVICES

Mr ANDREW (Chaffey): Will the Minister for Health inform the House of any developments in the provision of renal services to the people of the Riverland? The Minister would be well aware of the specific circumstances existing at the Riverland Regional Hospital at Berri, which has a renal dialysis unit. That unit was bequeathed to it but has not been made available to local patients who have been travelling regularly to Adelaide to be dialysed for their renal requirements.

The Hon. M.H. ARMITAGE: I thank the member for Chaffey for his question on an important matter—dialysis in the Riverland regional area. As background information, metropolitan teaching hospitals are required to provide dialysis services to rural patients, and that includes the provision of the machines themselves and consumables, and the training of the support staff to utilise the highly technical machinery. From a clinical viewpoint, when someone has renal failure the optimum form of treatment is home dialysis, utilising a family member to support that patient. Obviously, if the family member is available to do that, it is clearly of benefit to everybody.

However, a family member is not always available and in certain situations, due to the unavailability of that family support or suitable accommodation, rural patients are either moved to peritoneal dialysis, which is supported by local domiciliary care services or, in a long-term chronic dialysis situation, they sometimes may have to move to Adelaide. I emphasise that we are talking about those patients with renal failure needing long-term chronic renal dialysis. These are patients who are very ill and who, without the provision of renal dialysis, which is now reasonably freely available, would have already died. So, we are talking about very sick patients.

Metropolitan patients have the opportunity to go to a satellite centre, as it is termed, and a number of rural communities would like similar access. The pressure within local communities and indeed within the Riverland fluctuates according to the perceived—and I emphasise 'perceived'—patient load. The cost of establishing a satellite dialysis centre is a minimum of $500 000, and the recurrent cost, because of the technical use of machines, dialysis fluids and so on, would be at least $300 000. The simple fact is that the provision of those services is uneconomic unless there are five patients who require that chronic dialysis and who cannot be supported on the clinically superior method of home dialysis with a support service.

In the Riverland, as the member for Chaffey has pointed out, a single machine has been provided specifically for holiday and respite dialysis and a solo trained technician helps to support that service on a casual basis. The Country Health Services Division has initiated discussions to help provide support in the home and community dialysis area for those patients who are unable to be dialysed at home with family support. A meeting tomorrow morning will further discuss funding to provide support services for two patients who fit the specific categories, and as late as this morning relevant renal physicians advised me that they are unaware of other patients currently in need of immediate service provision. It is pleasing to see that the Riverland division of general practice, through Dr Glen Brown, has offered to meet with the rural units in general and the Country Health Services Division of the Health Commission to establish general practitioner support. It is hoped that after tomorrow some light will be seen at the end of the tunnel but, because of the costs that I have detailed, unless five patients are found to utilise those services it is uneconomic to do so.

GRAND PRIX

Mr FOLEY (Hart): Will the Premier guarantee that Adelaide will automatically regain the Grand Prix if Melbourne is unable to stage the event, and what action has the Premier taken to protect this arrangement?

Members interjecting:

The SPEAKER: Order! The honourable member has leave to briefly explain his question.

Members interjecting:

The SPEAKER: Order! There are too many interjections from my right.

Mr FOLEY: On 1 February the Premier announced that he had met FOCA chief, Mr Bernie Ecclestone, in London and they had agreed that Adelaide would automatically regain the Grand Prix if Victoria was not able to stage the event. Mr Ecclestone has now warned that if protesters continue to oppose the race in Melbourne it could be moved to China.

The Hon. DEAN BROWN: I am astounded that the member for Hart, who only just over two months ago was advocating that the 1994 Grand Prix should be our last, asks this question today. I am astounded. I quote to the House what the member for Hart said on Conlon's program on the ABC. He said:

> I think that perhaps this should be the last race—

talking about this year's race. He went on to say:

> . . . the use by date—

Members interjecting:

The Hon. DEAN BROWN: I will quote to the honourable member what he was saying just two months ago. The member for Hart had the following to say:

> . . . the use by date, I think, of the Grand Prix has just about expired . . . I simply say to the Government that, as far as the Opposition is concerned, it will support the Government if it makes that decision to . . . make this the last race.

Here is a member of the Opposition who two months ago wanted to hand away the Grand Prix after this year and who is asking where is the race post 1996—

Mr Foley: Where is it?

The Hon. DEAN BROWN: I am astounded. The race post 1996 is in Victoria because the Labor Government of South Australia let it slip out of its grasp. That is why it is there.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: No other person is more responsible for the loss of the Grand Prix than the now Leader of the Opposition, the then Minister of Tourism, the Minister responsible for the Grand Prix, the one who made all the speeches day after day about how the Victorians might grab the Grand Prix when he had already allowed it to slip through to Victoria, the contract being signed on 16 September last year.

Members interjecting:

The SPEAKER: Order! The Minister for Tourism is out of order.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. DEAN BROWN: That is absolutely astounding. The Labor Party lost the Grand Prix post 1996 and two months ago it was wanting to give it away post this year.

Members interjecting:

The Hon. DEAN BROWN: It was wanting to give it away. Here is the transcript of the interview with the shadow Minister for Tourism on the ABC in which he said—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —that 'the use by date is gone; let's give it to Victoria'. I point out to the honourable member that Mr Ecclestone has acknowledged the fact that South Australia still has a contractual right up to and including 1996. He has re-affirmed to me again during this visit that, if for some reason Victoria is unable to stage the event post 1996, it will come back to South Australia but, based on what he said, it will have to be on the same contractual terms as signed by Victoria, and that includes, I understand, a bigger escalator factor. However, we cannot gain access to that contract, so at this stage I have no knowledge of the exact terms and conditions under which Victoria has signed post 1996. I understand that it is for five years from 1997 on but that the escalator factor is about double what it has been under our contract.

I highlight to the House the absolute hypocrisy of the Labor Party regarding this issue—the fact that through its incompetence we lost the Grand Prix and it then wanted us to give it away. We as a Government have staged a very successful event and what is the Opposition now saying? 'Keep it.'

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: This highlights the fact that for nine years the Labor Party could not even run a grand prix as well as the Liberal Government has in its first year in office.

The SPEAKER: Order! The member for Davenport.

GAMING MACHINES

Mr EVANS (Davenport): My question is directed to the Minister for Recreation, Sport and Racing. What impact are gaming machines now having on traditional gambling sources associated with the racing industry? The Minister previously informed the House that there has been no apparent early impact on traditional gambling sources following the introduction of gaming machines, however recent media reports have given a different picture, particularly in relation to the TAB.

The Hon. J.K.G. OSWALD: The honourable member's recollection of my statement on 13 October is correct. Up to that time, the TAB's turnover had increased by 6.3 per cent for August and 7.8 per cent for September compared with the previous year. In the October accounting period there was a reduction in TAB turnover of about 2.3 per cent compared with last year. It was reported in the *Advertiser* on 14 November that the TAB had noted some effect and was seriously monitoring its competition. The article further quoted the board's General Manager as saying that the TAB had been less affected by poker machines than other gambling organisations and, further, that the TAB had actually had a record turnover at five recent major meetings during the spring racing carnival. The underlying point, however, is that the TAB is seriously monitoring the impact of poker machines.

The article is contrary to an earlier report in the *Advertiser* of 29 October 1994 which stated that the TAB is predicting a 4 per cent decline in its projected turnover this financial year. My office contacted the board concerning these comments and was advised by the General Manager that the earlier article had been categorically incorrect. At this stage, no such budget revision has been undertaken.

More noticeable is the downturn in on-course tote turnover in harness and greyhound racing, the two night-time codes, although it is not possible to say with any certainty that this is totally the result of competition with poker machines. There are other influences upon racing turnover, particularly the on-course totalisator, such as the attendance or not of one or more of the larger volume professional punters, who have a significant effect on the total turnover of a particular club's race meeting and, indeed, the winning or losing run that these types of punters may experience from time to time. It should also be noted that, within the greyhound code, whilst on-course tote turnover at Angle Park has decreased significantly, Gawler's turnover was, in fact, up in August, September and October compared with 1993.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition.

KANGAROO ISLAND FERRY

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Will the Government make any financial contribution to assist the operators of the Glenelg to Kangaroo Island ferry to build new all weather berth facilities following the cancellation of the ferry's first and second voyages, and will the Premier detail to this House what Government financial commitments have been made so far to establish facilities at the Glenelg jetty which are now considered to be inadequate?

On the day of the Premier's launch of the *Superflyte* fast ferry service, the Managing Director of the company, Mr Trevor Kitcher, said that he would like to be able to berth his ferry in an all weather facility. The Minister for Transport said that the Government had already spent several hundred thousand dollars putting in pylons at the Glenelg jetty and towards marketing the new venture. She said in the *Advertiser*:

> We think that was a sound investment, but we are not spending one cent more until the validity of this ferry is proven and we know it will be here for the long term.

A few days later it was reported that interstate international tourists who were booked on the ferry's inaugural services had their trips cancelled, and questions have been raised about the financial and operational studies that the Government made into its involvement with *Superflyte* before committing Government funds to the project and about the undertakings that the Government has received from *Superflyte* in return.

The SPEAKER: Order! Before calling on the Premier, I point out that the Chair will not tolerate lengthy explanations any further.

Members interjecting:

The SPEAKER: I suggest to members that, if they wish to remain in the Chamber for the rest of today, they not interject when the Chair is on his feet.

The Hon. DEAN BROWN: I am astounded that the Leader of the Opposition should stand here and try to knock a fast ferry service from Adelaide to Kangaroo Island. The first thing he wanted to do was to highlight the fact that due to exceptional weather circumstances, which affected the whole of the eastern two-thirds of Australia over a three or four-day period, the first two services were cancelled.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. DEAN BROWN: I invited the Leader of the Opposition to join us for the inaugural service on the Friday, but he did not bother to come. Such is the lack of interest the Leader of the Opposition has in putting into place new tourism infrastructure in South Australia. Other members of the House including the member for Hart came.

The Hon. G.A. Ingerson: The Leader doesn't go to anything.

The Hon. DEAN BROWN: I know. I have attended eight major events in Adelaide over the past three or four weeks and the Leader of the Opposition has not been to one of them. There were 1 200 employers of South Australia at their annual meeting, at which I have never failed to see the Leader of the Opposition except this year, when he did not turn up. There was a function at which 400 people received The Young Achiever's Award: the Leader of the Opposition was invited but he did not turn up. There was the seventy-fifth anniversary—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: There was the seventy-fifth anniversary of the Real Estate Institute of South Australia at which 1 200 people were present. The Leader of the Opposition was invited; he did not turn up.

Members interjecting:

The Hon. DEAN BROWN: He is becoming the hidden man.

The SPEAKER: Order! There are too many interjections.

The Hon. DEAN BROWN: I am told he is so embarrassed by the failures of Labor over the past 11 years that he is still too scared to go out and face the public.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I do not know how much further members want to test the tolerance of the Chair. I suggest they not test it any further or some namings will take place on both sides of the House, and the Chair is not making an idle threat. The honourable Premier.

The Hon. DEAN BROWN: I get back to the *Superflyte* ferry. In fact, the Government saw this as a very significant part of building up the tourism infrastructure of South Australia. For the first time here is the opportunity for tourists visiting Adelaide, who perhaps come here for an international conference, to avail themselves of a fast ferry service across to Kangaroo Island, one of the very significant, albeit secret, tourist destinations in South Australia; a tourist destination that has world significance. I draw to members' attention that recent letter to the *Advertiser* from a person from overseas who had just visited the Great Barrier Reef, Ayers Rock and Kangaroo Island and who assessed Kangaroo Island as the best of those three.

For the first time we have a world-class, very fast ferry service from Glenelg across to Kangaroo Island and returning on the same day. The Government in getting this initiative going committed $200 000 to the service, with approximately half to be spent on putting in the piles at the Glenelg and Kingscote jetties and the other half on overall promotion of the ferry service. In fact, I understand that the piles cost about $90 000, with the remaining $110 000 then to be spent on promotion, including the inaugural service provided which was hosted by the State Government.

However, I also point out that the Government has a levy included in the fare structure so that, every time a passenger uses the return service to Kangaroo Island either way, the Government receives a very small levy out of that to help repay that money. In terms of the additional and better facilities required to allow the ferry to dock during rough weather it was acknowledged, even before the fast service, that the ferry could not remain at Glenelg jetty under high wind conditions because of the passenger safety factor.

We could have sat back like the previous Government and said, 'Well, there is a service there, but we need to try to do something in case of bad weather.' The former Government would have put it in the too hard basket; nothing would ever have happened, and another entrepreneur would have packed up and left South Australia completely disgruntled. In fact, the proprietor of the super ferry said that he had never had any Government anywhere in Australia deal with him in such a quick and responsive manner as had the Government of South Australia. He told something like 450 guests, who were on Kangaroo Island for the lunch that day, that the service and the response time from this Liberal Government of South Australia were absolutely fantastic.

It is acknowledged that we need better facilities, and the proprietor has already indicated publicly his willingness to put about $1 million into providing sheltered facilities to allow the ferry to take on passengers at Glenelg. In doing the detailed work for the restructuring and cleaning up of the Patawalonga, we are looking at installing somewhere—we have not yet worked out exactly where—a secure, all weather facility to allow the *Superflyte* ferry to berth and to board passengers regardless of the weather conditions out in the open sea. As part of the planning and the design work for that project, restructuring and cleaning up of the Patawalonga is already under way.

So, some sort of facility will be provided to allow the *Superflyte* ferry to come into sheltered waters. I cannot indicate the cost of that proposal at present because it is still being designed and has not yet been costed. It is a real tribute to this Government that, within one month of that proprietor's coming to South Australia and expressing his interest and commencing the service, he located the piles in the water which would allow the ferry to be berthed, and that it has been able to operate every day except for those first two days under those unique weather conditions.

GREENHOUSE GAS

Mr VENNING (Custance): My question is directed to the Minister for the Environment and Natural Resources. Following the findings of the recently released national greenhouse gas inventory that nearly one-third of Australia's greenhouse emissions come from the clearance of native vegetation, will the Minister indicate his response to this finding and indicate what action he is taking in connection therewith?

The Hon. D.C. WOTTON: It is true that the national greenhouse gas inventory found that some 31 per cent of Australia's emissions of carbon dioxide derived from the clearance of native vegetation. The estimate is a preliminary one, as at present there is considerable uncertainty regarding the extent of clearance in Australia and the amount of carbon it contains which is released upon clearance. When the Federal Minister for the Environment released the inventory he indicated that its findings 'give a strong signal that reducing land clearing could make an important contribution to reducing our greenhouse gas emissions'. I agree with the Minister's assessment, and that is why at the ANZEC ministerial conference held in Adelaide a week or two ago I put a proposal to the Federal Minister that the Commonwealth introduce taxation deductions for landholders who agree to retain native vegetation on their properties.

My proposal is based on my intention to take positive action, where appropriate, to maximise the value of the native vegetation to the landholder. My department is currently putting together a written proposal for me to put to the Minister. A preliminary estimate of the application of such a provision in South Australia suggests that it will cost only $27 per hectare in its first year or a total of less than $3 million. For this an allowance would be paid to protect over 100 000 hectares. I see the proposal as being a very practical and sensible one, and I am awaiting with interest the Federal Minister's response to the proposal I have put to him.

MENTAL HEALTH

Mrs GERAGHTY (Torrens): Can the Minister for Family and Community Services give an assurance that the

application for a grant of $6 000 by the Ain Karim Community will be given urgent and favourable consideration; and, if not, why not? The Minister would be aware of the work done by Ain Karim, a community service run by the Sisters of St Joseph which cares for the intellectually disabled. Through grants and fund raising, the sisters provide housing for these people who would otherwise be left in the care of often aged parents. Ain Karim provides an invaluable service to the community, and the small amount of $6 000 provided by a Government grant will ensure that this valuable community service is able to continue.

I am perfectly happy to look at this particular group to which the honourable member has referred. As I have pointed out to the honourable member and other members of the House, the matter of funding a number of these organisations is one that is receiving consideration. I also point out to the House, as I have previously, that it was the previous Government that had a look at the priorities that should be considered for funding under the Department of Family and Community Services and also those fundings that come under the Ageing portfolio.

I realise that respite is a vitally important matter. I have had representation from the Carers' Association, and I think I am to meet with them later this week, so that they can give me further information on the many people within that association who provide respite care. I will give further consideration to the matter and bring back a considered reply for the honourable member.

PRISONS, DRUGS

Mrs ROSENBERG (Kaurna): Will the Minister for Emergency Services advise the House of the current status of the investigation into drugs in prisons and its terms of reference?

The Hon. W.A. MATTHEW: I am aware from the comments that the honourable member has made to me that she was particularly concerned about the increased use of drugs in prisons during the 10 years of Labor Government. As members would be aware, drug incidence detected in our prisons increased by 1 889 per cent in that period. I will repeat that figure: 1 889 per cent. As a consequence, the incoming Government undertook to commence an investigation into drugs in prisons, and I can now reveal to the House that for the past three weeks an investigation has been under way into drugs in South Australia's prisons. In order to maximise the results of the investigation, the investigator requested that the Government delay this announcement until preliminary discussions had been completed. The investigation is being conducted by Mr Arthur Grant, who has had an outstanding 33 year record with the Northern Territory Police Force and who has had extensive experience in the Criminal Investigation Branch and was also an Assistant Commissioner for 13 years until 1992.

The investigation is concentrating on a number of main areas including the following: to investigate the nature and extent of drug use in South Australia's prison system and, in so doing, to inquire into and report on the prevalence of the use of drugs in prisons; to investigate how drugs, alcohol and other contraband is getting into South Australian prisons and, in so doing, to inquire into and report on the effectiveness of existing measures to detect and prevent drugs from getting into our prisons; and, in consultation with relevant authorities, to examine the impact of prison programs and examine training given to staff to dissuade prisoners from using drugs and to make any recommendation for improvement.

The investigation will concentrate on establishing the facts relating to the distribution and use of drugs and alcohol in prisons and the distribution of other items of contraband. To date, the investigator has held discussions with representatives of the Public Service Association and has advised me that he has been encouraged by that union's support and cooperative attitude towards the investigation. Interviews have also been conducted by police officers, in particular the Holden Hill and Adelaide CIBs.

Management representatives from the Department for Correctional Services, including senior management from each institution, the directors of community corrections and staff have also been included in preliminary discussions. It is expected that the investigation will result in recommendations for improvement to existing programs, systems and procedures and, if necessary, legislative change to reduce the incidence of drugs in prisons. All evidence of criminal offences uncovered by the investigation will be handed to the police for appropriate action. The investigation is expected to be completed early in the new year.

If the situation that was prevalent under the previous Government had been allowed to continue, people who were addicted to drugs were going out still drug addicted, as were many people who had never used drugs previously. This investigation becomes an essential part of the Government's rehabilitation program.

PRE-SCHOOL HEALTH CARE

Mr De LAINE (Price): Will the Minister representing the Minister for Education and Children's Services investigate the possibility of ensuring that staff of preschool facilities are trained to administer health care needs to children who require it? Currently there is a problem in this area where staff are usually not trained to administer health care needs to children. For example, sometimes there is the urgent need for a child to be treated with oxygen, ventolin or adrenalin injections, and the only way that that child can attend the preschool is if one of the child's parents also attends.

The Hon. R.B. SUCH: I will seek a detailed response to the honourable member's question from the Minister in another place and bring back a reply.

SOUTHERN CROSS HOMES

Mr ATKINSON (Spence): Can the Deputy Premier confirm that Southern Cross Homes' share in the Adelaide Casino has been sold? If so, for how much and to whom?

The Hon. S.J. BAKER: The matter of Southern Cross Homes is under negotiation right at this moment.

TRANSPORT FARES

Mr ATKINSON (Spence): My question is directed to the Premier. Did the Minister for Transport attend the Premier's Office on Friday 4 November and, if so, was she told that her latest proposal for distance-based TransAdelaide fares and an end to off-peak discounts was unacceptable to the Premier?

The Hon. DEAN BROWN: On Friday 4 November, did you ask? What time of the day, do you know?

Mr Atkinson: I think you'd know whether or not you saw her, Dean.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I think that was the very day I was on the ferry to Kangaroo Island, and the Minister was on the same boat. We did not talk about public transport fares. So, she did not come to see me in my office: I can be sure of that. I was on the ferry and on Kangaroo Island for the entire day except very briefly at 6.30 at night when I came back for a Cabinet meeting. The Minister did not raise that subject with me on that occasion. The answer to the honourable member's question, therefore, is 'No'.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Mr LEGGETT (Hanson): I refer to an article entitled 'Adelaide Wins '95 Gay Games' in the *Advertiser* of Wednesday 9 November 1994. I am surprised that such an event should be highlighted on page 1 of our paper when events such as Easter rallies and interdenominational Christian gatherings over the past years have scarcely rated a mention. I am aware that the Gay Games, now proposed for Adelaide in 1995, have already been held overseas—not that I have watched them on television—but I understand that this is the first time they are to be held in Australia and, specifically, in Adelaide.

What troubles me and many of my constituents in Hanson is the need for such an event to be held. Surely, gay competitors with obvious athletic skills would want to reach a standard of excellence and emulate the feats of athletes, both men and women, who are chosen to compete in the modern day Olympics every four years. Surely that would be the ultimate goal of any athlete. Why not devote their time and energy into preparing for that challenge rather than have a homosexual assembly or games here in Adelaide? The answer to this lies in a statement made to the media by Adelaide *Gay Times* newspaper publisher, Mr Ray Mackereth, as follows:

> The purpose of the games was a matter of unifying gay people around Australia.

In other words, it is a show of strength, an exercise to promote an alternative lifestyle. My main question and concern is: why hold these games on the most revered of Christian festivals—Easter, the time when Christians commemorate the trial, death and the resurrection of Jesus Christ? I find rather feeble the argument reported in the *Advertiser*—that they wanted four consecutive days in which to compete and no other time was available.

This time also coincides with a visit to Adelaide during Easter 1995 by Her Royal Highness the Duchess of Kent. Why cannot the Gay Games organisers fine tune the program over three days and hold the event on a normal holiday weekend, if indeed the games have to be held at all? I am aware that in our society equal opportunity laws mean that such carnival games can be held and cannot lawfully be stopped. From reports it is apparent that hungry entrepreneurs have already indicated their interest in the event. A spokeswoman for the Australian Gay and Lesbian Games 1995 Committee said that heterosexual masseurs and physiotherapists have already indicated their interest. As this is the Year of the Family and as we continue to focus on family values, I can appreciate comments made in the *Advertiser* of 9 November by leading church officials in Adelaide, and I endorse such comments regarding the impact it would have on the public, and the publicity it would get, despite the fact that gays are in the minority. Views expressed by leaders of Catholic and Anglican churches show concern that these games may be used to promote the homosexual lifestyle.

Other leaders have also expressed concern about the effect the games could have on family life, and they hoped they would not receive support from official quarters. I am delighted that this Government is in no way supporting such an event. Perhaps the whole saga is best summed up by the State Sports Minister (Hon. John Oswald) when he said that he did not believe that an event like this would generate wide community support. I trust and respect the Minister and his comments, and I encourage the community to not support such an activity if and when it comes to Adelaide in 1995.

The Hon. M.D. RANN (Leader of the Opposition): Today we have seen an extraordinary statement that has been authorised by the Full Commission, and I want to read one part of it as follows:

> This Full Commission wishes to place on record its concern that these proposals were formulated at that time and could have given rise to concerns of political interference in the processes of the commission. This commission will continue to carry out its statutory duties without fear or favour. Our decision has not been influenced by these events, and we regret it has become necessary to make this statement. The commission's independence must be preserved, and we will not permit interference by any party with the exercise of our function.

What an extraordinary statement for the Full Commission to make today about this Minister and this Government, who I earlier referred to as the Arthur Tunstall of industrial relations. The Senior Judge acting in lieu of Frank Cawthorne is Judge McCusker. He was already a member of the full bench set up to hear the State wage case while the Minister was trying to replace him as the person who would preside over the full bench. This is unprecedented. It is like trying to change the umpires just prior to the grand final once the teams have got to know who will be officiating over the game.

We have heard stories about countries that do not have our judicial tradition of independence, where a judge has been pulled from a case because it involved a relative of a Minister or a concern of the Minister or of the Government. What an outrage that in this State our industrial relations and judicial independence have been so sullied. These concerns go in concert with our concerns in respect of changes to the Industrial Relations Act involving the independence of the commission. That is what we warned about, and that is what is happening.

Today, we have seen a few whoppers. I used the word that was used by the Premier earlier in the year, so it cannot be unparliamentary. First, we heard that I failed to give my phone number to the Deputy Premier. That is a whopper. What happened is that a staffer of the Deputy Premier rang my office, and they claimed that they had the home telephone numbers of MPs and were just trying to complete the list. That is what they said. They were not talking about petrol rationing or a crisis, they were just completing the list. It was a furphy. The poor officer concerned was being asked to do the bidding of the Deputy Premier, and did so, I believe albeit unwittingly, in a dishonest way. They were trying to get the home numbers of MPs and were just trying to complete the list.

The second call came from the Deputy Premier's electorate office, and I understand that my secretary said that I would be most happy to give the Deputy Premier my number personally, if he was prepared to ring me. He was not, because he has become so incredibly arrogant. When the Deputy Premier's office was asked what the matter was about, his personal assistant replied, 'I don't know; I'm just an underling here.' My number was not given to the officers concerned but would always be given to the Deputy Premier or any member of the Government if they had the gumption and the courtesy to ring me personally for my home number, just as I am sure they would be very happy to give their numbers to me and to other members of the Opposition. So whoever told the Deputy Premier that I was not prepared to give him my telephone number was not telling the truth.

Of course, we also heard something else. Someone has rung in and said that I was driving a gold Honda. That is an absolute whopper. Indeed, whoever it is who tried to mislead the Government about my driving a gold Honda is telling an absolute lie, because I do not drive a car. I think those matters should be put on the record, because that is what we have seen in this State with this attempt to try to pervert the course of this Parliament.

It was very interesting to see the Liberals hosting Ron Walker and their mate Phil Gude, special guests of honour at this Grand Prix. We know who was in bed with Phil Gude and Ron walker, who was politically working with them, and why they were being hosted. The Premier of this State, who is now trying to get headlines, a front page story, is trying to secure the 1996 Grand Prix. He is the one who tried to give it away. Everyone knows that, and he will not get away with this nonsense. As for these dinners that I was supposed to—

The SPEAKER: Order! The honourable member's time has expired.

Mr BUCKBY (Light): I wish to applaud a couple of agencies in South Australia. Yesterday, I attended a Leap graduation program at Freeling. Twenty Leap participants have just completed restoration of an historic railway building. It involved Employee SA as the major sponsor and the District Council of Light, which supplied the building and purchased the land from the Department of Transport. This program is as much a success in relation to the participants as it is to the supervisors of the program. Steve Pike and his assistant Sylvia Hadmerill both took an innovative approach towards control and tuition of the 20 participants in the Leap program. Everybody has ended up winning. Out of the 20 participants who started, 17 have found employment, started TAFE training or have applied and are awaiting apprenticeships. Only three have ended up with no job or job prospect at this stage, but two of those withdrew from the course at an early stage, one because of personal problems and the other because it was not exactly what he wanted to do.

So it has been a success both for the Freeling community and for those 20 young people and their commitment to the program. Two of those people rode pushbikes each morning to Freeling, one from Kapunda and one from Gawler, a distance of about 10 miles in one case and 15 miles in the other case, just to get to that Leap program each day. They did it for six months, and they stuck to the task. It shows that we have young people in South Australia who are very concerned to obtain a job, who are prepared to put their bit into this community, and who are seriously looking for employment.

The different skills that they acquired during the restoration of this building involved stone masonry. The building was built some 80 or 90 years ago and had been rendered with cement, and they had to chip back that cement. They exposed the stone and repaired cracks in the wall. One wall was structurally impaired and, through tying that wall to other walls in the building, they have ensured that the building will remain in a stable condition for probably another 100 years.

The District Council of Light has just negotiated with the Minister for Transport the purchase of another five blocks of land, all of which will be landscaped and will be the subject of other Leap programs in the district so that we can continue the work completed by these 20 young people. The council has also gained from Australian National two railway carriages that will stand at that site. So, the building will become a tourist facility and one where local craftspeople can work and sell their craft. It will therefore be a real win for the community and, as I said, a win for those people involved in the Leap program. I also commend the Minister for Transport and the Minister for Employment, Training and Further Education. One afternoon I received assistance from those two Ministers.

Mr Atkinson interjecting:

Mr BUCKBY: They are both State Ministers. They both came to Freeling to inspect the site. They were very impressed by the work being done and added their support to the project, for which I am very grateful, as is the District Council of Light. The real instigator of this project was Councillor Lynette Reichstein of the District Council of Light. She looked at the building and decided that it should be restored within the Freeling township and put the proposition to council. Council then very fervently continued with that.

Mr BECKER (Peake): I am amazed at the standard of the grievance debate from time to time. The Leader of the Opposition's contribution this afternoon will go down as one of the poorest I have heard.

Mr Atkinson interjecting:

Mr BECKER: Have you found your pushbike yet?

Mr Atkinson: I've got a new one.

Mr BECKER: It's about time. Make sure you lock it up properly. I wish to bring to the attention of the House the situation in the Thebarton council area. I am quite concerned about members and the public attacking local government bodies for carrying out the wishes of the people.

Mr Atkinson interjecting:

Mr BECKER: There is only one thing to do with Barton Terrace and that is to make it a drag strip. The member for Spence did not do anything in all the years that his Party was in government. He could have moved motions and private member's Bills in this House, but he never did so. Therefore, I challenge him to do something now that his Party is in opposition. The people say to me, 'Why is he jumping up and down about Barton Terrace when he hasn't done anything?' Actions speak louder than words.

Mr Atkinson interjecting:

Mr BECKER: Don't go around printing it in the newspapers; stand up here in this House and move a private member's Bill or motion to give instructions.

Mr Atkinson: Will you vote for it?

Mr BECKER: No, I'm not interested in it; it's your issue. I am quite peeved about the way in which the Thebarton council is being attacked for carrying out the wishes of the ratepayers. The biggest problem in the Thebarton council area

is a road called Ashley Street, where the first few hundred metres are controlled by the West Torrens council and the remainder is controlled by the Thebarton council. The residents wanted peace and quiet and to protect their residential environment from the thousands of cars that were taking a short cut along Ashley Street to go from Holbrooks Road to South Road. I cannot blame the council—

Mr Atkinson interjecting:

The ACTING SPEAKER (Mr Bass): Order! The member for Spence continues to interject. He has the call next, and I suggest that he uses the call to speak. In the meantime, please remain silent.

Mr BECKER: Over 8 000 cars a day were using Ashley Street as a short cut through to South Road. Therefore, the council implemented a traffic management plan and put up signs to discourage motorists from outside the area from using the road. All the problems have occurred because people outside the area are abusing the local road system. It is a bit like—

Mr Atkinson interjecting:

Mr BECKER: I will move that you be not heard if you carry on like this. I am not frightened to get up and move in that way. The council is quite within its rights to bring in laws to appease the local ratepayers, and it is quite within its rights to police those laws. Whether the person who enforces those laws, be they a parking inspector or whoever, is construed to be overzealous or not, the point is that they are quite within their rights to do so. I am advised that, in 1993-94, 4 800 notices were issued, 95 per cent of which were for non-residents. The notices paid by the due date amounted to 69 per cent or some 3 312. Notices for further follow up amounted to 20 per cent or 960; 528 notices proceeded to summons, which represents about 11 per cent; and 384 summonses proceeded to court—about 8 per cent.

What we are finding in the inquiry into the compulsory third party property motor vehicle insurance investigation being undertaken by the Economic and Finance Committee is that about 12 per cent of motorists do not register their cars—12 per cent of motor vehicles on the road are not registered—and about the same percentage of people do not have a driver's licence or do not pay the licence fee. When you make laws and introduce fees that are so high that the people cannot afford them, the people will not register their cars or take out a licence. The same thing happens with parking, speeding and traffic infringements: about 12 per cent of the public do not pay their fine. That is why the council had to take action to recover the moneys.

The ACTING SPEAKER: Order! The honourable member's time has expired.

Mr ATKINSON (Spence): I rise to congratulate Dr Andrew Southcott, the newly preselected Liberal Party candidate for the Federal division of Boothby. Dr Southcott had a quite clear win over his many opponents for Liberal preselection for that safe southern suburbs seat. Boothby has been held for most of this century by the Liberal Party, although it has been held from time to time by the Labor Party—the most recent Labor term in that Federal division was 1946 to 1949.

Mr Becker: Who was that?

Mr ATKINSON: Tom Sheehy. It has been held by the Liberal Party ever since and is regarded as a blue ribbon seat. I certainly think that there will be improved representation in Boothby should the Liberal Party retain the seat at the next Federal election, because Dr Southcott could not be a worse local member than the current local member, Mr Steele Hall. Anyone who has tried to drive a motor vehicle to Mr Hall's so-called electorate office would realise how difficult it is to negotiate the various traffic restrictions at that site in order to get in the front gate and to get some service. Indeed, I have received the impression over the years that Mr Hall likes to move his electorate office to keep ahead of his constituents. Whenever they find out where he is and start coming in in any numbers, he moves on to somewhere else.

It is fair to say that Mr Hall's values have always been out of touch with those of the people he purports to represent. He has certainly chosen not to live among them and he has given them very poor representation over the years, as the Federal *Hansard* will testify. Just why the Hall faction is referred to as the 'Moderates' in the Liberal Party mystifies me, because its values bear no relationship to those of the Australian people. It appears to me that someone in the Hall family is very good with the media. They have friends in the media and are able to portray their faction as the 'Moderates' and to append the adjective 'extreme' to anyone in the Liberal Party who is prepared to stand up to their machine.

The outcome in the Boothby preselection, which saw the defeat by 91 votes to 61 of Senator Robert Hill, shows that the Liberal Party's new powers of Federal intervention to obtain the best candidate in House of Representatives preselection does not work. If ever there was a case for Federal intervention, it was the Boothby preselection, where the Liberal Party's Leader in the Senate was running for preselection, hoping to transfer to the House of Representatives. It was important to the Federal Liberal Party and important to the Leader (Alexander Downer), who is supposed to have supported Senator Robert Hill in the preselection, that Senator Robert Hill be preselected, yet it seems that the Liberal Party at Federal level did not regard Senator Hill as the best candidate, because the Federal Party did not intervene to put him in as the candidate.

Instead, we have a 27-year-old surgical registrar, Dr Andrew Southcott, as the candidate. I congratulate him and wish him well, but I would be very surprised if the Federal Liberal Party did not regard Senator Hill as the better and the best candidate for the seat of Boothby. So, the Liberal Party's system of preselection is still failing it. Many members in this House took sides in this preselection. It is well known that members opposite and some Government members on this side intervened in that preselection. They were very busy on the phone. Indeed, the member for Coles could not make it to the last sitting of the House because it coincided with the last day of the Boothby preselection.

Members interjecting:

The ACTING SPEAKER: Order!

Mr ATKINSON: So, there will be a lot of bad blood in this place for a long time.

Mr EVANS: On a point of order, Mr Acting Speaker, it is well known through the Whip that the member for Coles rang in ill on that day, therefore the inference that the honourable member is making is totally fallacious.

Members interjecting:

The ACTING SPEAKER: Order! I cannot uphold the point of order, and the honourable member's time has expired. The member for Hartley.

Mr BECKER: On a point of order, Mr Acting Speaker, can you not request the member for Spence to withdraw the remark about the member for Coles, because it is not true? The member for Coles was ill.

The ACTING SPEAKER: As I have said, I do not accept the point of order. The member for Coles has the opportunity at any time to make a personal explanation in this House, and that is for the member for Coles. The member for Hartley.

Mr SCALZI (Hartley): I am aware that the member for Spence is a former journalist, but I would have thought that, with his heavy load of so many shadow ministries, he would not have found the time to be on the Liberal State Council or to be a journalist reporting preselection for the Federal electorate of Boothby. I do not wish to make further comments about that speech and what took place. It is a Party issue. Preselection took place, we have a result and we go on with it.

Members interjecting:

The ACTING SPEAKER: Order! The member for Peake is out of order.

Mr SCALZI: Today I wish to talk about support for tertiary places at our South Australian universities and to support all the tertiary institutions in this State. I commend the Minister for Employment, Training and Further Education for his campaign in trying to ensure that South Australia is not hard done by in the Federal Government's move to take away places in South Australian institutions to the benefit of other States. I note that in previous debates members opposite have made much of State cuts in education, and so on. I wish they were consistent and would make the same protest to their Federal counterparts to try to ensure that our students have the opportunity to complete their education and not just concentrate on primary and secondary education for, without the ultimate goal of tertiary education from which jobs would result, we really cannot complete the lifelong process of education.

Members would know that I have had a long interest in this area and have made known my views. In fact, I have written to principals and school councils in my area outlining the problems with future places, urging them to write to their Federal members and Senators, and to have a bipartisan approach to ensure that we have a hearing as a State. I speak today because in only the last couple of weeks one school councillor, in particular, came to me outraged at the suggestion that his children would not have the same opportunities for tertiary places, fearing that they might have to go interstate to complete some of the courses. The member for Spence mentioned Senator Robert Hill. One of the press releases that I have shows Senator Hill's strong opposition to the reduction of such places for South Australian students. According to Senator Hill:

> The proposal ignores the fact that for the past three years Victoria has had the highest number of unsuccessful university applicants in Australia. It also ignores the vital role that universities will play in rebuilding the manufacturing and high technology based economies of these States. There is no justification to rip existing places from these States, where there is still large, unmet demand for places.

Much of the success we have had in South Australia in attracting firms such as EDS and Australis to this State has been based on the fact that we have an excellent tertiary sector and university places.

The ACTING SPEAKER: Order! The honourable member's time has expired.

SHOP TRADING HOURS (EXEMPTIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

DOG FENCE (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations) obtained leave and introduced a Bill for an Act to amend the Dog Fence Act. Read a first time.

The Hon. J.K.G. OSWALD: 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 proposes a series of miscellaneous amendments to the *Dog Fence Act 1946*.

It amends the definition of 'dog proof fence' to make it more flexible. The current definition of a dog proof fence is contained in the *Animal and Plant Control (Agriculture and Other Purposes) Act*, and refers to a single configuration of netting fences with no provision for alternative configurations to cope with differing circumstances (eg. areas subject to frequent flood damage, etc). The current definition does not allow the introduction of electric fences which can be a cost effective alternative to netting in many areas.

The amendments clarify responsibility for the fence by clear identification of the ownership of the fence structure and the land upon which it is sited.

They also provide for greater flexibility for Board involvement in replacement of parts of the fence. Under existing provisions, the Board can only fund fence replacement in the event of owner default.

The amendments consolidate the provisions relating to the recovery of amounts payable to the Board and strengthen the Board's capacity to recover such amounts by providing for these amounts to be a first charge in favour of the Board upon the land in respect of which the amount is payable.

The Board, at its discretion, on grounds of hardship or otherwise, may remit the whole or part of an amount payable to the Board under the Act, or postpone payment or allow payment by instalments.

An enigmatic expression in Section 25 of the Act which refers to rateable land is replaced. The expression 'separate holding' is not defined in the Act and could be interpreted to mean that a holding comprised of several titles, each of which is greater than the prescribed minimum rateable area, would be liable for a separate charge upon each title. This would result in a total rate charge disproportionate to the area of land held. By deleting the word 'separate' this undesirable potential is removed.

The amendments recognise the change of name of an organisation which nominates two members for appointment to the Board and at the same time clarifies a prerequisite for nominees to the Board to be occupiers of land rateable under section 25 of the Act.

The Bill also introduces an alternative rating system to enable the cost of the dog fence to be spread more equitably across land holders. In this respect, the Local Government Association has given measured support to the Board by agreeing to facilitate the collection of dog fence levies in areas where councils opt to participate on a voluntary basis.

Explanation of Clauses

Clauses 1 and 2:

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 strikes out the definition of 'dog proof fence' and replaces it with a definition which allows the board to determine the appropriate type of fencing for the circumstances. It also inserts definitions of 'land' and 'owner' in relation to land. 'Land' is defined as including any interest or right under a lease, licence or agreement to purchase Crown lands. The definition of 'owner' in relation to land provides that where the land is leased or held under an agreement to purchase the owner is the lessee or the person on whom

the right of purchase is conferred. The clause also strikes out the definitions of 'chairman', 'suburban land' and 'town'.

Clause 4: Amendment of s. 6—Members of board

Clause 4 amends section 6 of the principal Act to make the Minister responsible for nominating the person who is to chair the meetings of the board. It also reflects the change of name of the United Farmers and Stockowners of S.A. Inc. to the South Australian Farmers Federation Inc. and replaces the definition of 'occupier of rateable land'.

Clause 5: Substitution of s. 15

Clause 5 substitutes section 15 of the principal Act to provide that the member appointed to chair the board is to preside at meetings of the board.

Clause 6: Substitution of ss. 20a and 21

Clause 5 repeals sections 20a and 21 of the principal Act and replaces them with a new section 21. The proposed section deals with the replacement of parts of the dog fence, allowing the board to construct a dog proof fence or alter a fence to make it dog proof, in order to replace an existing part of the fence. The board may enter into an agreement for contributions for the cost of this work to be made to the board or by the board. Where the board replaces part of the fence with another fence because it is not practicable for it to be fixed, and the new fence is under the same ownership as the old fence, the board may recover the cost of the work from the owner.

By proclamation, and on the recommendation of the board, the Governor may declare a new fence to be part of the dog fence in place of an existing part of the dog fence.

Clause 7: Amendment of s. 22—Duty of owner to maintain dog fence and destroy wild dogs

Clause 7 alters the maximum penalty for an offence against section 22 to bring it up to date with current penalties.

Clause 8: Amendment of s. 23a—Dog fence on Crown lands

Section 23a of the principal Act provides, in part, that the board may erect a fence on Crown land for the purpose of completing part of the dog fence. Clause 8 amends section 23a to allow the board to replace as well as complete part of the fence.

Clause 9: Amendment of s. 24—Payments to owners of dog fence

Clause 9 is a consequential amendment.

Clause 10: Amendment of s. 24a—Provisions as to ownership of dog fence

Section 24a deals with the ownership of the dog fence. Clause 10 inserts a new subsection which provides that where part of the dog fence adjoins an area in which a local board is established, the ownership of that part of the fence is vested in that local board.

Clause 11: Amendment of s. 25—Imposition of rates on rateable land

Section 25 of the principal Act provides that the board may declare any separate holding of more than ten square kilometres of land to be rateable land. The proposed amendment removes the word 'separate', allowing the board to declare any holding of more than ten square kilometres to be rateable.

Clause 12: Amendment of s. 26—Special rate in respect of local board areas

Section 26 of the principal Act provides that the board may declare a special rate on separate holdings of more than 100 hectares. The proposed amendment removes the word 'separate', allowing the board to declare a special rate on any holding of more than 100 hectares.

Clause 13: Amendment of s. 27—Payment and recovery of rates and special rates

Clause 13 removes the provisions imposing a fine for the late payment of rates or special rates.

Clause 14: Insertion of s. 27a

The proposed section 27a provides that the board may, with the approval of the Minister and after consultation with the Local Government Association of South Australia, by notice published in the *Gazette*, declare a council to be a participating council and before 31 December in any year, declare that a contribution for the next financial year is to be paid to the board by each participating council. In respect of the rural land of a council the rate is to be not greater than 1 per cent of the general rate revenue to be derived by the council for the next financial year in respect of that rural land, and in respect of the urban land of the council the rate is to be not greater than 0.25 per cent of the general rate revenue to be derived by the council in respect of that urban land for the next financial year.

A declaration made under this section must be served on each council to which it applies not later than 31 December of the year in which the declaration is made. The amount must be paid by the council to the Dog Fence Fund not later than 31 May in the financial year following the making of the declaration.

Clause 15: Amendment of s. 28—Charge to be payable by occupiers of land outside dog fence

Clause 15 amends section 28 of the principal Act to reflect the change of name of the United Farmers and Stockowners of S.A Incorporated to the South Australian Farmers Federation Inc.

Clause 16: Amendment of s. 31—Subsidy

Clause 16 is a consequential amendment.

Clause 17: Amendment of s. 33—Dog Fence Fund

Clause 17 is a consequential amendment.

Clause 18: Amendment of s. 41—Recovery of amounts payable to board

Clause 18 strikes out subsection (1) of section 41 and replaces it with clauses which provide that where the board is empowered to recover the cost of any work from a person under the Act, the amount becomes payable on the expiration of 28 days from the day on which notice of the amount is served on the person. If the amount is not paid within 28 days after this, the person is liable to a fine of 10 per cent on the amount unpaid. This fine, together with the amount to which the fine relates, may be recovered as a debt due to the board by action in a court of competent jurisdiction. Until paid, in the case of an amount payable for the cost of work carried out in respect of a fence, the amount is a first charge in favour of the board on the land of which that person is owner. In any other case, the amount is a first charge in favour of the board on the land in respect of which the amount is payable.

The board may remit the whole or any part of an amount payable to the board or allow postponement or payment by instalments.

Clause 19: Amendment of s. 42—Penalty for failure to supply statement

Clause 19 alters the maximum penalty for an offence against section 42 to bring it up to date with current penalties.

Clause 20: Amendment of s. 43—Penalty for damaging or removing dog fence

Clause 20 alters the maximum penalty for an offence against section 43 to bring it up to date with current penalties.

Clause 21: Amendment of s. 45—Penalty for leaving gate open

Clause 21 alters the maximum penalty for an offence against section 45 to bring it up to date with current penalties.

Clause 22: Amendment of s. 46—Penalty for failing to apply amounts paid for maintenance of dog fence

Clause 22 alters the maximum penalty for an offence against section 46 to bring it up to date with current penalties.

Schedule

Statute Law Revision Amendments

This is a statute law revision schedule to ensure modern, gender neutral language.

Mr CLARKE secured the adjournment of the debate.

PUBLIC SECTOR MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 921.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition does not support this Bill. Whilst we accept that Governments have the right to legislate to improve the efficiency of the Public Service, we are opposed to the service becoming Party politicised. It is interesting that this afternoon, when there was a rally of members of the Public Service Association on the steps of Parliament House and the association had requested each of the major Parties represented in this Parliament to be present to give their viewpoint to the assembled members of the PSA and for those parliamentarians to hear what people were saying about the Bill, the Premier, who seeks under this Bill to become the common law employer of public servants, who is the Minister responsible for this Bill and, if it were enacted, who would be the Minister responsible for the Act, did not have the gumption to attend that meeting at 12.30 p.m. today. He did not have the gumption to hear what his future employees (as he would like them to be) had to say about his and his

Government's betrayal of promises made to public servants—not only to members of the PSA but to all public servants.

Just prior to the election last year, in Party advertisements, leaflets and the like, the Premier, then Leader of the Opposition, put out a statement to the Public Service Association in answer to a series of questions that had been put to him by the PSA. The same questions were put to each of the Leaders of the main political Parties in this State. One of those questions was with respect to what was the Liberal Party's policy with respect to the Government Management and Employment Act—whether it would be amended and, if so, what it would be about, what areas it would touch, and whether it would be scrapped. Members of the Public Service Association had reason to ask those sorts of questions in light of the legislation enacted in Victoria, in particular, with respect to public servants and also in light of what was happening in Western Australia.

The Premier made quite clear—unequivocal in his response as Leader of the Liberal Party—that the GME Act would be retained. That is a direct quote of the answer given by the then Leader of the Liberal Party to members of the Public Service Association. That was dutifully reported in a special election issue to 25 000 members throughout South Australia. It is another act of betrayal by this Government with respect to its pre-election commitments. It seemingly does it without any compunction and without so much as a trace of contrition for the complete about face on Government policy.

As an Opposition we will be moving a number of amendments in Committee to restore, in our view, the political independence of the Public Service and, if those amendments are not substantially agreed to, we will oppose this Bill in its totality. The Premier in his second reading explanation had a number of things to say. I will go over them, as I want to demonstrate in this debate how false are many of the statements made by the Premier when he introduced this Bill. I refer to page 914 of *Hansard* where the Premier, under the heading 'General aims of the Bill', said:

> The Bill has two quite specific aims. The first is greater management flexibility while maintaining the traditional and necessary independence of the Public Service. The second is responsive and effective service to the South Australian community through greater performance orientation and emphasis on accountability and outcomes.

He also stated:

> Responsibility for general employment determinations has been moved from the Commissioner for Public Employment to the Minister responsible for the Act. It is appropriate for the employing authority, the Government, to be responsible for setting the general personnel and industrial relations framework for the Public Service. This is consistent with other States.

Further, he stated:

> The role of chief executives has been expanded to include increased responsibilities in personnel management, including for executive employment and for resolution of grievances.

The Premier also stated:

> Appointment arrangements of non-executive employees have been simplified and allow for appointment with tenure or under contract. It is intended that most Public Service employees will continue to be employed with tenure.

Further he stated:

> It is intended that clear performance standards will be defined for each agency and work unit as part of performance management in agencies. This is an important element in the Government's priority for a greater performance orientation in the public sector. In any of the above cases of termination the processes of assessment will have protections for due process as under the Government Management and Employment Act. Employees will still have the right to appeal against administrative decisions directly affecting them, but these appeals will be handled in a simpler, less legalistic manner.

I will come back to those words later. On page 915 of *Hansard* the Premier went on to say, in reference to a number of concerns expressed to the Government after the draft Bill had been distributed:

> A second area of concern was over tenure for non-executive employees. It was suggested that the Bill will allow Government to introduce contract employment widely for non-executive employees. This will not be the case. There is no intent to vary current employment practices for non-executive employees. As I said earlier, it is intended that most employees will continue not to be employed under fixed term contracts.

He continued:

> Employee rights to tenure and conditions of employment will remain unaltered under the Bill. The change will simply reduce considerably the administrative work associated with the appointment of employees. A third area of concern was that the change from the Governor to the Chief Executive being responsible for termination of excess employees would somehow reduce employee protections. Protections are in fact essentially the same as at present for retirement of excess employees. They ensure that employees will only be terminated as a last resort and only after the agreement of the Commissioner for Public Employment. It has also to be stressed that the Government presently has no retrenchment policy.
>
> A fourth area of concern was about appeal rights. Employee rights of appeal are still maintained. The concern is really with the change in the avenues for appeal. There is concern that the new process of handling appeals against administrative decisions without an independent tribunal will not guarantee natural justice.

The Premier concluded by saying:

> The Government believes that natural justice has been protected with less administrative cost.

On all counts, the Premier is wrong both as to fact and on merit. The Government's Bill does not do what the Government has said it will both in its second reading explanation and in the thousands of letters that the Government sent to its public servants on 2 November 1994 in which the Premier sought to give a summary of his second reading explanation.

I will examine the Bill in far more detail in Committee, but during my second reading contribution I want to highlight a number of points which the Premier made in his second reading explanation but which, in reality, do not match what is contained in the Bill. Under clause 27, the Bill allows the Premier directly to determine the structure of the Public Service, the conditions of employment other than remuneration and the processes to be followed in fixing remuneration levels and other employment conditions, as well as the classes of positions that are to be executive positions within the Public Service. All executive positions lose tenure and are placed on contract with only a four weeks' notice provision. No reason for a person who has been given the sack need be supplied at all, and there are no appeal rights for that person unless they are set out in the contract.

Under clause 30, the employment contract overrides the Act itself. If there is anything in the contract which is inconsistent with the provisions of this Bill, the contract prevails. So, why have an Act of Parliament to govern the conditions that affect public servants? Contracts are individual ones; they can be as broad or as short as the Government of the day or the person concerned may want, but once anything has been entered into the contract any jurisdiction or other protections that would otherwise be vested in the hands of the employee *vis a vis* the new Act are gone. That is a pretty extraordinary arrangement. I know that many members on the other side and the Premier will no doubt say that we should not worry about these contracts; they will be

only for the most senior public servants, highly skilled people who are much sought after, with a high degree of bargaining power which will be vested in them because of their exceptional skills; and, therefore, it is not a question of the Government as the employer having a big stick and being able unfairly, or by using duress, to coerce public servants into signing contracts.

However, under this Bill non-executive persons can be subject to individual contracts. I am not referring to the high fliers but possibly to a base grade clerk in the Public Service. Such a contract would, again, override this Bill to the extent of any inconsistency. Broadly speaking, those powers are set out in clause 36. The Bill is all encompassing. There is no delineation to say that a base grade clerk cannot be heavied. If the Minister instructs a CEO to enter into an individual contract with any public servant, no matter what their station or bargaining power or whatever may be their power relationship *vis a vis* the Government as the employer, it can be entered into. The Premier might well say, 'That is not our intention; we would never do that.' I am afraid that no-one in the Public Service has any confidence in the Premier's word. That is most eloquently illustrated by the fact that his pre-election promises to the Public Service on a whole range of issues, whether it be that there would be no change to the State superannuation scheme or that the GME Act would be retained, were made as solemn commitments by the Premier as Leader of his Party when soliciting votes, which he was perfectly entitled to do, during the lead-up to the election—solemn commitments disposed of with a mere click of his fingers.

Why should anyone in the Public Service or any member of Parliament trust the word of the Premier when he or any of his supporters might get up and say, 'It is not the intention to issue individual employment contracts to base grade clerks in the Public Service'? Because so many of the Government's promises have been broken since the election no-one, least of all public servants, can have any faith in the Premier's word.

Under clause 45, excess employees, both present and future, can have their employment terminated with as little as a fortnight's notice. That contrasts with what the Premier said in his second reading explanation about the Bill retaining all these rights and privileges for public servants together with tenure of employment for the overwhelming majority of public servants. I am afraid that the Premier speaks with forked tongue on this issue.

The Premier also referred in his second reading explanation to the maintenance of an individual appeal mechanism. I do not think he actually used the word 'independent' but he certainly used the words 'appeal mechanism', and he said that natural justice would be preserved, that the public servant who is to be the subject of discipline, who has a grievance or who wishes to bring an appeal against a promotion would have the due process of natural justice catered for. That is what the Premier said in his second reading explanation, and they are the words he used in letters to public servants and in his public utterances ever since this debate began.

However, when we look more closely at the legislation, what do we see? The only appeal mechanism is for a person who feels aggrieved to raise the matter with their chief executive officer or, if the chief executive officer is responsible for initiating the action, it can be hand passed to either the Commissioner for Public Employment or an unspecified number of people on a panel. We do not know who will comprise the panel, but we do know what is not prevented and that is that any chief executive officer who individually does not handle the appeal can quite simply compile a panel of managers, thus achieving a peer group review of the manager who may have taken the action which is the subject of the appeal. To call that an appeal process, or to try to clothe it with a mantle of respectability with the due process of natural justice being carried out, defies the imagination.

There is no independent appeal process under the Government's Bill. I have spent some time over the past few days looking at various reports, including the reports of the Committee of Inquiry into the Public Service of South Australia of 1975 and the Royal Commission into the Australian Government Public Service, and it intrigues me that this Government has come up with one of the most radical changes ever to the Public Service in this State's history. We have been given a very perfunctory second reading explanation. which contains nothing that highlights the Government's concerns surrounding the current operations of the Public Service. We get warm, fuzzy, meaningless words about wanting to make the Public Service more accountable, user friendly and efficient, with total equality in management, best practice and benchmarking—every buzz word that has been bandied around about management specialists and the like for the past decade or more.

As members will find out later in my remarks, those are not new words, many of them being encapsulated within this committee of inquiry report, the Corbett report, back in 1975. While the Premier regaled us with all those buzz words, he gave no instances of where the Public Service has not been responsive, or where the general levels of public servants' employment conditions set by the Commissioner for Public Employment have impeded the Public Service. One would have thought that wanting to break with the political neutrality of the Public Service was a major step.

If we are going to break with a 150 year tradition of political neutrality for the Public Service, one would have thought that the Premier would at least try to make out a case by citing chapter and verse where the present structures of the Public Service make his goal unattainable. If he is able to do that then, of course, the onus is very much on us and on the members of the Public Service who oppose this Bill to try to counter it. But, instead, we get this marshmallow effect of all the buzz words, all the rhetoric, but no examples of what is wrong with an independent appeal mechanism in the Public Service.

Why should we deny public servants an opportunity to have their grievance heard before an independent body, with an independent chairperson and other panel members drawn equally from those nominated by employees and by the Commissioner for Public Employment? We have not been told why the denial of that natural justice is in the best interests of this State, or why it is worth knocking over a 150 year tradition encompassing the Westminster style of Government of non-Party politicisation of the Public Service.

Mr Lewis interjecting:

Mr CLARKE: I hear the rabid member for Ridley over there, who, I guess, will not be with us for much longer, Sir, now that the redistribution has come through. He will, no doubt, get knocked off in preselection for his seat. But, when he wants to talk about natural justice, I suggest he pick up a dictionary.

Mr Lewis: At least I am not as dishonest as you and your predecessor.

Mr CLARKE: I take exception to that and I would ask the member to withdraw that comment of 'dishonest'.

The ACTING SPEAKER (Mr Bass): The Deputy Leader of the Opposition has requested that the member for Ridley withdraw the word 'dishonesty'. Does the honourable member withdraw?

Mr Lewis: No, Mr Acting Speaker.

Mr CLARKE: I do not really give a fig about the member for Ridley's views, and I think 67 other members of Parliament have the same attitude towards the member for Ridley, as will be amply demonstrated come the next preselection. Before I was rudely interrupted by the member for Ridley—

Mr Lewis interjecting:

Mr CLARKE: Well, I did not know there was a full moon.

The ACTING SPEAKER: Order! The member for Ridley will stop interjecting and the Deputy Leader of the Opposition will stop playing into his hands and address the Chair.

Mr CLARKE: Thank you, Mr Acting Speaker. As I was saying, nowhere has the Government made out a case to date. I hope a few backbenchers will contribute to this debate, particularly those in marginal seats—and that is basically those involving anything less than 17 per cent after the Taylor by-election. We want to let all public servants know just how these marginal seat Government members vote and what their thoughts are on public servants. They were so keen to get votes at the last election that they promised everybody everything. Now their chickens are coming home to roost, and we will be ensuring that public servants know precisely how every member of the Government votes on these particular issues.

As I have said, at no time has the Government put forward any position as to why these basic areas of natural justice should be withdrawn from public servants. Of course, I can hear the Premier's words right now: 'Trust me.' Why should any South Australian, or public servant in particular, trust the Premier? As I said earlier, it was the Premier as Opposition Leader who wrote in such unequivocal terms to the Public Service Association prior to the election stating 'The GME Act will be retained.' There were no 'ifs', 'buts' or 'maybes'; it was, 'Read my lips.' We know what happened to George Bush, and I suspect that is just the start of what is going to happen to this Government.

Of course, this Premier, by his own actions, is a discredited person. He is the same person who promised the electors prior to 11 December 1993 that there will be no funding cuts to our hospitals, but his first budget cut off $65 million from hospitals over the next three to four years. It was the Premier as Leader of the Liberal Party who promised that there would be no cuts to health but that, indeed, more money would be spent. There would be no cut to the education budget; indeed, they would spend $240 million more on maintenance of public schools. With the first budget of the Liberal Government, however, there was a $40 million cut.

The Liberal Party promised no extension to shop trading hours, but you ratted on thousands of small retailers and shop assistants and brought in precisely what it said it would not do. You promised public servants there would be no change to their superannuation, but changed it.

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. There are two points I want to raise. First, on the question of relevance, I do not know what shopping hours has to do with the GME Act. The second point involves the use of the second person pronoun 'you'. Quite clearly, the honourable member is not addressing his remarks to the Chair.

The DEPUTY SPEAKER: The Chair was listening carefully to the range of issues which the honourable member is canvassing, and the Chair was reasonably satisfied that he was relating his disparate views to the issue at hand, although the matter of inferring improper motives of the Premier and justifying that allegation by bringing in George Bush in the United States did really stretch the Chair's patience a little. However, I will listen carefully and bear the member for Ridley's points of order in mind.

Mr CLARKE: Thank you, Mr Deputy Speaker. I would always support the member for Gordon as Speaker in this House, particularly with the current incumbent.

Mr Ashenden interjecting:

Mr CLARKE: We do not have to worry about the member for Wright; he is a 'goner'. He may as well sit there, read the newspaper, collect his wages and not worry about it, because he will not be here in three years.

Members interjecting:

The DEPUTY SPEAKER: Order! Interjections are out of order.

Mr CLARKE: The Premier and his Government are saying to thousands of public servants, 'Trust me.' I note that the Minister for Industrial Affairs, the Arthur Tunstall of industrial affairs in this State, nods in agreement. He says, 'Trust me' but, after what he has done with WorkCover, the Industrial Relations Act and anything else he touches, how can anyone seriously expect this Government to be trusted? Hence my comments in drawing the attention of the House to the large range of broken promises that the Premier and his Government have entered into since winning office. Despite the clear evidence of the Premier's bad faith in all these broken promises, he continues to ask us to trust him: 'Never mind my words in this Bill, just watch me in action.' Well, Mr Premier, we have seen you in action, we have witnessed your deceit, and your too-smart-by-half attitude to everyone around you. Like thousands of public servants, I neither believe nor trust you on this or, for that matter, anything else.

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. The Deputy Leader persistently uses the second person pronoun 'you'.

The DEPUTY SPEAKER: The member for Ridley has a point of order. Will the honourable member address his comments through the Chair and use the electorate of the member to whom he is alluding.

Mr BRINDAL: I rise on a point of order, Sir. I heard the Deputy Leader refer to the Premier as being deceitful. He said, 'We have witnessed his deceit.' I think, Sir, that that is a reflection on the Premier and is unparliamentary, and I believe the honourable member should withdraw that remark.

The DEPUTY SPEAKER: It is for the Premier to take offence at any suggestion of that kind, and the Premier is preoccupied.

Mr CLARKE: I appreciate that the Premier is busy with the member for Coles in working out retribution for those who voted for Robert Hill in the preselection, as the members for Unley and Mitchell will find out only too soon when their preselections come to the fore. Have you noticed the number of new members who have recently joined your branches? I do not believe that they are necessarily all that friendly or well-disposed towards you. The Opposition is not opposed to making the Public Service more responsive to the needs of Government and the community. However, our view as to how we achieve this goal differs markedly from that of the

Government.We do not support a Bill which, because of its lack of checks and balances, allows for the intrusion of Party politics within the Public Service, introduces individual contracts of employment for all and sundry and provides no effective right of appeal for public servants.

This Bill has been conceived by someone who does not understand or appreciate the role of the Public Service but equates it with the private sector. Whilst some elements of the Public Service can be compared to the private sector, how do we measure the work of, say, Parliamentary Counsel? Do we measure it by the amount of legislation that it brings about in this House under our respective instructions or the number of times it gets knocked over by the Supreme Court where the decisions of the Supreme Court are at variance with the intention of the Parliament? How do we measure the work of FACS officers? Do we measure it by the number of children they might save from physical or sexual abuse in their homes or by the number of children that they retrieve into the system who come from an abusive parental background? Do we say they fail in their duty if they cannot woo society into being more tolerant and loving? If the number of reported cases decreases, are they a failure because they have not detected enough child abuse?

The work of a public servant covers a myriad of functions and is not readily identifiable in the sense of placing a yardstick alongside it which will say, 'This is how much profit or loss we made out of this operation'. How do you measure those types of functions with respect to any of the areas of the Public Service? We all agree that public servants must strive for best practice—and I am getting into the jargon again, emulating the Premier—modern management, husbanding of scarce resources, innovation and acceptance of new and challenging roles. All of those can be and have been achieved on an ongoing basis in the South Australian Public Service without this type of draconian legislation.

Since it was elected, this Government has slated 5 500 public servants to go under TSPs. The work level of public servants has not diminished. In fact, the requirement for the Public Service to service the needs of our community has grown. Every member of Parliament knows that, because in their offices every day constituents raise concerns with respect to schools, welfare services, kindergartens, the monitoring of our laws with respect to pollution controls and the like. We all find the same answer: there are not enough people to go around and there are not enough resources. The work has not diminished but the work force has, yet we and the community generally expect public servants to produce a Rolls Royce service on a Volkswagen budget.

Public servants are expected to loyally serve the Government of the day. In their deliberations on Government policy they have to weigh up the public interest and offer the best advice possible to the Minister and to the Government. It is then up to the Ministers to decide on the various contending options and for the Public Service to carry out the Government's instructions. I remind members, particularly those who contributed to a debate on the GME Act in 1992 and 1993, of some of the words used. I quote the Minister for Industrial Affairs, then the shadow Minister, who, on behalf of the Opposition and dealing with appeal provisions (*Hansard*, 11 November 1992, page 1395), said:

> It is the Opposition's view that the present system of appeals is both equitable and fair and provides appropriate checks and balances against possible abuse of appointment provisions under the GME Act.

The Hon. G.A. Ingerson: I have been known to get it wrong; you know that.

Mr CLARKE: I know that the Minister is not the best Minister this Government has, and you only have to read Alex Kennedy's comments in the *City Messenger* with respect to the Minister for Industrial Affairs to learn that. However, after having been in this place for some 12 years I give him credence that he would have meant what he said in November 1992. I would hate to believe that the Minister says one thing in Opposition and immediately changes his mind and does a 180 degree turnaround the moment he gets into Government, after he has tricked the electorate. I also quote some comments of the Hon. Mr Lucas, who was then Leader of the Opposition in the Legislative Council and who no doubt will deal with this Bill when it reaches another place. In relation to appeal provisions (*Hansard*, 2 March, page 1377) he said:

> We support the view that the Public Service Association has put to us in that respect that some reasonable appeal mechanism is a safety valve against nepotism and patronage which can and does exist within the Public Service.

He also said on the same day, at page 1379—

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. Standing Order 120 provides that an honourable member may not refer to debate in the other House of Parliament.

The DEPUTY SPEAKER: Yes, the honourable member is reading from a previous debate in the other House. If the honourable member could allude to the debate rather than quote directly from it, that would be more appropriate.

Mr CLARKE: I thank you Mr Deputy Speaker, and I appreciate that the member for Ridley would want to take this point of order, as no doubt would a number of other members on the Government side, because they are too shamefaced—

The DEPUTY SPEAKER: Order! It is not really a question of whether the honourable member wishes to take a point of order but rather whether the point of order is appropriately taken, and in this case it is. So I ask the honourable member not to be critical of his fellows.

Mr CLARKE: I well appreciate the embarrassment that members opposite would have with respect to hearing their own words repeated back to them. I refer to a speech that was given by the Hon. Mr Lucas on 2 March 1993, where he agreed with the PSA's view about the need for an independent appeal mechanism. He said it again at page 1379, and he also said—

Mr Brindal: What did he say?

Mr CLARKE: He said that he believed there needed to be an independent chairperson for the appeals body. The honourable member can look it up, if he wishes. The other point—

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. Quite clearly, the honourable member is flouting the ruling of the Chair and the Standing Orders by referring directly to the page of *Hansard* in which the debate of the other place was reported.

The DEPUTY SPEAKER: Order! Without question, the honourable member did quote page 1379 for the second or third time in the debate; the point of order is correct.

Mr CLARKE: That was partly in response to an interjection, Sir, but I accept your ruling. I wonder whether the clerk would go outside and check whether there is a full moon tonight. The Hon. Mr Lucas—

Mr LEWIS: I rise on a point of order, Mr Deputy Speaker. If it were in connection with the honourable

member's current mental state that he invited me to do that, I would do so. However, if he was reflecting on me, I take exception to that.

The DEPUTY SPEAKER: Order! I accept the honourable member's objection, but in any case no member is under threat: there is no full moon, I can assure the honourable member. It is about a three quarter moon; I had a look last night.

Mr CLARKE: I am extremely concerned for the next week when it does become a full moon. The Hon. Mr Lucas also made clear in the debate that it was the Liberal Party's firm view—not his personal view—that it was essential to protect public servants and the public interest by having an independent appeal mechanism. On about 11 November last year the Minister for Industrial Affairs also believed it was extremely important and also referred to the fact that it was essential that there be a Government Management Board within the GME Act.

An honourable member: The G&ME Act.

Mr CLARKE: I am extremely grateful that the Minister can remember all that. I only hope he will remember his contributions, his words and promises to the public servants about all these issues. I trust that he will remember all that during this debate and, when he has to vote during a division, he will remember his words and the promises he made to the public of South Australia when he was the shadow spokesperson on industrial relations. Of course, he and the Premier were so worried about losing the unlosable election, because of what happened to the Federal Liberal Party in the March election, that they could not help but promise everything to everyone.

With respect to the Public Service generally, the Hon. Mr Lucas also said that it was his firm belief that he did not want to introduce into our State Public Service the spoiled system of the United States where, with a new President and congress elected, literally thousands of public servants were swept out and a new lot of carpetbaggers were swept in to enjoy the spoils of office.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister interjects about carpetbaggers. The only carpetbaggers I see in this House sit immediately opposite me. I would like to draw the attention of the House back to the facts, unlike the Premier in his second reading explanation. I refer the House to some comments that have been made and, although they are extensive, I will read them, because they are important. I refer to the Report of the Committee of Inquiry into the Public Service of South Australia. It was chaired by Professor Corbett, and it was a very extensive inquiry into the role and functions of the South Australian Public Service. It made a number of recommendations with respect to amendments to the then Public Service Act. Under the heading 'the Role of the Public Service,' at 1.31 the report states:

> As a starting point in this inquiry we have had to make certain assumptions about the South Australian system of government and the role of public servants in it. The system is, of course, derived from what is commonly called the Westminster model, the Cabinet-parliamentary system of government as it evolved in Britain and in some of the overseas colonies and dominions. We have assumed that this system will continue.

Well, they assumed right, because the Labor Party was in Government in 1975, but in 1975 they could not anticipate this Bill, which would end the Westminster system. It goes on:

> More than that, we see somewhat less reason for modifying it here than in other places where it has come under severe criticism. In a larger or a more rapidly-developing community, culturally more heterogeneous, or economically and administratively more complex than South Australia, it might be wiser to assume that the main outlines of the system would change radically in the near future. We have had made the opposite assumption in the South Australian case: the system seems to us to be relatively stable and durable.

Paragraph 1.32 states:

> Traditionally, in a system such as this, the Minister is held responsible politically for the acts of the public servants who are his subordinates.

I apologise that this is all in the male gender rather than 'he/she' and gender neutral. But, nonetheless this was in 1975. It continues:

> The Minister answers in Parliament and in public for the actions and omissions of his department. It is not true to say that he is solely and exclusively responsible, because the press, the public and of course the members of Parliament can usually attribute blame, whether fairly or not, and on rare occasions give praise, to public servants as well as to Ministers, since public servants are no longer inconspicuous, anonymous, faceless and voiceless, as they have been portrayed in caricatures of the Westminster systems. Nevertheless the Minister is responsible to the public, in the political sense, for his Public Service subordinates. It is he and his ministerial colleagues who run the risk of defeat in the House and at the elections. Public servants are protected from that risk by the conventions and legal safeguards built into the system, safeguards which are meant to ensure impartiality and non-partisan objectivity in the service given to the public, and in the advice given to Ministers.

Paragraph 1.33 states:

> The public servant is protected, and has security of tenure in order to ensure that his advice is honest and courageous, even if it sometimes has to be politically unpalatable to his Minister. This advice is confidential; the public servant is not permitted to say in public what he has advised his Minister to do, nor should the Minister disclose the views of this advisers, or attribute opinions to individuals within his department.
>
> Public servants are not supposed to make public comments on policy questions for which their Minister is responsible, nor are they free to disclose information acquired in the course of their work. It is often argued that the good qualities of this system bring with them inevitable defects.

This is coming to the point of what the Premier was trying to say in his second reading explanation. The document continues:

> Public servants, immune from political dismissal, not required to explain publicly the reasons for what they do, and exercising considerable power, could become arbitrary, lazy, insensitive to criticism, flint hearted and narrow minded.

Actually, they describe this Government to a tee. It continues:

> Delay, passing the buck, caring more for technicalities than for the substance of just and fair treatment—these are the hallmarks of bureaucracy, and these are the defects to be feared in a system of government such as the Westminster model. The Ministers are supposed to prevent them, but when Ministers are unable to examine departmental matters in detail, and have to rely on what their officials tell them, then there is every danger of bureaucracy in the worst sense. Besides, there is always the danger that the permanent officials in a department will develop a strong departmental line of policy, which they then try to foist on Ministers of whatever political persuasion, sticking to it through thick and thin, by every means short of open defiance of the Ministers' explicit orders.

Page 12, item 1.36, contains the authors' conclusions as follows:

> Our verdict on these various critical questions, and on others related to them, will be seen in the following chapters. It is neither an unqualified confirmation of the pessimistic theorists' strictures nor an unqualified exoneration of the State's Public Service from the charges such theorists would raise against it. It is difficult to sum up a diverse set of findings, but in a nutshell our findings are that the State's Public Service is sound enough, small enough, sufficiently amenable to ministerial authority and sufficiently imbued with

professional responsibility and traditional Public Service values so that it can, by suitable reforms, be made to live up to the Public Service's proper role in the Westminster model and can be prevented from degenerating into the arbitrary, irresponsible bureaucracy which the system's pessimistic critics fear.

There are threats to its soundness, of course. They come both from within the Public Service and from the society around it. Pressures to deviate from Public Service probity never end. We have tried to analyse the dangers and to answer them with appropriate recommendations, because we do not think the system can be relied on always to correct its own faults unaided. However, our recommendations are by no means radical or drastic, nor do they require fundamental restructuring of the role of the Public Service in the system, because we have found that the situation in the South Australian Public Service does not call for changes of that degree of severity.

The Corbett report went on to make a number of recommendations which, as I understand it, were by and large enacted into legislation by the then Dunstan Labor Government. The inquiry looked at a whole range of issues from pay and conditions, to grievance mechanisms, to the role of the then Public Service Board and to the role of the Commissioner for Public Employment. Members spoke openly with large numbers of public servants and to those in academia interested in the process of government in order to come to their deliberations.

Members should contrast that type of approach— the conduct of an in-depth, independent inquiry into the role of the Public Service, into all the key aspects of Public Service employment and into the related roles—with the approach of this Government in the introduction of this legislation. Members may well recall—I cannot think of the exact date—a series of questions being asked of the Premier not long after this session resumed. I think it might have been in late August or thereabouts. The questions related to a draft Public Service Bill, some 51 pages in length. I asked the Premier in Question Time who had authorised the drafting of that legislation and whether he had consulted anyone about it, particularly those most affected by the legislation, namely, the public servants themselves.

Members will recall that the Premier was highly dismissive of that question and said that the document had absolutely no standing whatsoever—that it had not been considered by the Cabinet. I find it curious that apparently on the instructions of no-one there could be a rewrite, comprising some 51 pages, proposing an entirely new public sector management Bill with no-one claiming the credit or responsibility for instructing Parliamentary Counsel, apparently, to waste time in drawing up this 51-page document. That happened, apparently, without any Cabinet approval or without any authority from any Cabinet Minister, including the Premier himself. Frankly, I do not believe that answer and never have; it is ridiculous even to contemplate that Parliamentary Counsel would draft a 51-page document without some specific instructions from Cabinet or the Premier on this matter.

After the dismissiveness regarding this 51-page document, some few weeks later a draft, which someone claimed to have fathered—I assume it was the Premier again—was released. It was produced not as a result of any inquiry or report based on substantial independent analysis of the workings of the Government Management and Employment Act but from somewhere within the bureaucracy, presumably the Premier's office directly. It was released quietly—but not quite unobtrusively, because we did find out about it—and without any public input into the drafting of a major piece of legislation that fundamentally overhauls the way public servants relate in a Westminster style of government.

It was announced with great fanfare. It gave public servants, I think, a two or three week consultation period. The Premier claimed that a month's public consultation was allowed, but I do not think it was as long as that—

Mr Brindal: It was five weeks.

Mr CLARKE: I think they had to have their comments in within two or three weeks and then Cabinet considered it.

Mr Brindal interjecting:

Mr CLARKE: The member for Unley says that it was five weeks. If the honourable member told me that the time of day was 5.13 p.m., even though I am looking at the clock, I would have to go outside and check the Town Hall clock to make sure that he was not trying to mislead me. However, the fact of the matter is that whether four or five weeks was allowed for consultation, it was absolutely inadequate.

Mr Brindal interjecting:

Mr CLARKE: The member for Unley provokes me. I point out that the Government established a so-called independent committee of inquiry to investigate the extension of shopping hours even though it had already made up its mind. The Minister had already told the Small Retailers Association not to worry about the committee because the Government would fix it up. The association was left to regret those words very much, because the small retailers were the ones who were fixed up. However, the committee took some months gathering evidence directly from unions, small retailers and large retailers.

Quite frankly, we all knew what the Retail Traders Association, the small retailers, the shop assistants and the large companies would be saying. However, on that occasion the Government was prepared to go through that exercise and then give the community eight weeks to comment on the report. But with respect to the Public Service and the massive rewrite with this new Public Sector Management Bill, stripping away the political independence of the Public Service, introducing contracted employment conditions for all and sundry, and stripping away independent appeal rights, the Government allows a maximum of about four weeks' consultation after the Bill has already been drafted and presented.

The process of consultation that the Government undertook in this area was a mockery. What is even more of a mockery, as I said earlier, is the fact that at no time has the Premier or the Government produced in documented form any evidence as to why the current Act does not work. All we have are the warm, fuzzy, cliche ridden words that we hear at any management seminar, whether it be private or public sector, where we all go around hugging one another and feeling warm and fuzzy, but in terms of—

Mr Brindal interjecting:

Mr CLARKE: You are absolutely right: there would never be an occasion on which I would actually ever hug the member for Unley.

Mr Brindal: You'd ruin my reputation.

Mr CLARKE: It wouldn't do much for mine, either, I can assure you. So, the process of consultation entered into by members of the Government was an absolute joke. They knew what the result would be. They got a bit of a fright when their proposed section 15(2) was put in, which meant that any Cabinet Minister could go around and direct a CEO to assign, transfer, terminate or pay a particular employee in the Public Service in his or her agency.

Mr Brindal interjecting:

Mr CLARKE: I know that is not in the current Bill. It was in the Bill that the Premier formally circulated, inviting comment and discussion. That is not in the current Bill. The Government realised it was on an absolute loser on that one. Its aims and objectives were a little too transparent.

Mr BRINDAL: On a point of order, Mr Deputy Speaker, is it in order to canvass what might have happened in some draft that was apparently previously circulated for consultation rather than the Bill that is currently before the House?

The DEPUTY SPEAKER: I will allow the member for Ross Smith to canvass that point. The Chair took the view that he was commenting rather favourably on the Bill in its present form rather than the Bill in its past form: he was one of the critics in both circumstances.

Mr CLARKE: That very objectionable provision in the first official draft that was circulated to the community generally was withdrawn by the Government. I give Government members some credit: they realised they were on a loser, with respect to that issue at least, and were prepared to back away. However, what disturbs me is the sort of thought process that brought about that type of initial draft. Quite frankly, whilst that clause has been deleted in so far as this Bill is concerned—

An honourable member interjecting:

Mr CLARKE: I would like to thank the member for Spence for throwing me off my track.

The DEPUTY SPEAKER: I can understand the honourable member's mirth.

Mr CLARKE: I would think that would be more appropriate regarding one of the members opposite. If ever there was a loser, it was Ollie North. However, the present Bill and the type of thinking that goes through it—stripping the Public Service of its independence and stripping the Commissioner for Public Employment of his role—is indicative of what Government members want to turn the Public Service into. Perhaps they want to do it from pure motives. Perhaps if I actually stretch my credulity to the limit, they are doing this from pure motives, but it is wrong in principle. We are not Coles Myer and the Government of this State is not running Coles Myer.

You have only to look at some of the allegations that are being made with respect to Coles Myer now at the most senior levels of that organisation to see what took place, with that type of corruption, if it is proved to be so, and that type of nepotism, if that is proved to be so in the court cases currently going on. It is monstrous to try to bring into our own Public Service a culture totally alien to the system of its independence, to serve the Government of the day irrespective of its political colour and to serve the public interest. If the Premier wants to say, 'We want our public servants to develop a culture akin to that of Coles Myer; we want our CEOs—'

The DEPUTY SPEAKER: If the honourable member is alluding to a case that is currently before the courts, that is improper and I ask him to steer away from that.

Mr CLARKE: I will refer to Qintex, the Christopher Skase example, and some of the other more celebrated cases, without referring to them, although all members here are well aware of those cases. What we do not need in this or in any State is to develop a management culture where we can—

Members interjecting:

Mr CLARKE: And he is serving time. That confirms the point, as with Bjelke-Petersen, that what you need is independent public servants, where public servants who believe that their Ministers may be doing something wrong or illegal have the opportunity to bring that to the attention of others, to ensure that the public interest is served. We cannot afford a situation to develop in this State where our public servants are not free to do that and, more particularly, where we engender a culture that would allow that type of anti-social and fraudulent behaviour to flourish.

We are dealing with hundreds of millions of dollars of taxpayers' money. We have a budget of over $5 billion. We let out contracts and the like to a host of organisations in the private sector which live on and feed off taxpayers' dollars, and to think that we could bring in a Public Service Act that engenders the type of culture that you get in the private sector, and where people are frightened to stand up to their employers because they worry about losing their job or losing advancement, where they are not kept in the picture as to what is truly happening within particular areas, should not be tolerated for any reason, no matter how many buzz words the Premier might want to use.

This is an appropriate time to remind members of the Fitzgerald report into the Queensland Government, officially known as the Report of a Commission of Inquiry Pursuant to Orders in Council, dated on a number of dates starting from 26 May 1987 to 29 June 1989. Fitzgerald had a number of comments to make about the Public Service in Queensland and the need for it to be non-Party political. At page 129 of the report, under point 3.5.1, 'Politicisation', Fitzgerald said:

> The Westminster system of parliamentary democracy is based on the proposition that Governments answerable to the people decide policy, and public servants implement it. There are conceptual and practical difficulties with this model, but it essentially states the basic constitutional position. The boundaries between the creation of policy, in which political considerations may legitimately be taken into account, and the application of that policy, in which political considerations have no place are, however, easily blurred. Ministers and their senior officials share a common interest in success, which can lead to more influence for the Minister and the department, and improved prospects for its senior officers.
>
> They also share a basis for mutual antagonism towards the Minister's political opponents, whose criticisms may reflect on the department as well as the Minister. There is a natural human inclination for a subordinate to seek to give effect to the wishes of a superior, and policy can be sufficiently broad and elastic to allow public servants to exercise considerable discretion. With the passage of time it probably becomes easier for bureaucrats to claim, and even believe, that dubious considerations are either coincidental or covered by what has become an established approach to policy.
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> A system which provides Executive Government with control over the careers of public officials adds enormously to the pressures upon those who are even moderately ambitious. Merit can be ignored, perceived disloyalty punished and personal or political loyalties rewarded. Once there are signs that a Government prefers its favourites (or that a particular Minister does so) when vacancies occur or other opportunities arise, the pressure on those within the system become immense. More junior public servants rapidly become aware of the need to please politicians and senior officials who can help or damage their careers and not to provoke displeasure by making embarrassing disclosures. The advantages of cooperation and discretion and the advantages of any other course are manifest.
>
> One of the first casualties in such circumstances is the general quality of public administration. Politicians have neither the time nor the qualifications and skills to make informed judgments upon the numerous complex issues which they confront. They are dependent on their advisers. Of course, politicians are entitled to political advice from staff appointed for that purpose, but that is not the job of bureaucracy. Its role is to provide independent, impartial, expert advice on departmental issues. Public officials are supposed to be free to act and advise without concern for the political or personal connections of the people and organisations affected by their decisions. Public servants used to dealing with a particular Government tend to give advice which supports predetermined policies. People who seek to enter the walls of the forbidden city, where politicians and bureaucrats live in harmonious control, are resented and treated as impertinent outsiders. The process of giving advice

becomes incestuous. It is more about confirming opinions than challenging them. Research or new information, if it manages to penetrate at all, is rejected if it does not fit the rigid but unwritten agenda.

When a Government creates a bureaucracy people by its own supporters or by staff who are intimidated into providing politically palatable advice, the Government is effectively deprived of the opportunity to consider the full range of relevant factors (including but not confined to political considerations) in making decisions. As a result wrong decisions are made. When problems crop up because of such decisions the politicisation of the bureaucracy means that the Government is unlikely to realise their extent and significance. The bureaucracy can also help the Government to hide what is happening if that is what is wanted. Inevitably, with time, the problems assume such dimensions that they cannot be contained and they create major political difficulties. The community and the Government pay the price for the short-term political benefits by failing to recognise or respond to the problems.

Other major consequences of the politicisation of the bureaucracy are that reliance upon inappropriate considerations in the decision-making process is made easier and more frequent and the prospects of disclosure and political embarrassment or worse are reduced. Not only are wrong decisions made, but some are tainted by misconduct. That has been amply demonstrated by the evidence before this inquiry.

Fitzgerald also considered the issue of appointments, promotions, appeals and discipline. I ask members of this House to consider the situation in Queensland, involving a long-term conservative Government. Equal criticism could have be made of long-term Labor Governments in Queensland between the period from 1915 to 1957. We have a Government, this Government, overawed by its own self-importance and by its overwhelming majority in this House. It believes it has a God-given right to do anything and to break whatever undertakings it may have given people prior to the last election. But at the end of the day members on the opposite side and those on the far left of this House must remember that many of them will not be returning to this House. It will be a good thing for democracy as well, let alone the extra personal comfort we will have sitting on that side of the House while the Government is in its proper position in Opposition on this side of the House.

Fitzgerald also commented on appointments and promotions—and this is very important, because we have a Premier who wants to be the common law employer of public servants in this State, to make decisions across the board with respect to general conditions of employment:

Cabinet Ministers should not be concerned with Public Service appointments, promotions, transfers and discipline, other than those of chief executives, to which special considerations apply. A Minister's legitimate concern with personnel is to see that honest and efficient policies and systems are designed and fairly implemented. The more important the office the more imperative that appointments be made with scrupulous propriety. There will obviously be diversity and competing claims among those who are eligible for employment, but it will be wrong for those who know politicians and senior bureaucrats to be preferred, while a pool of talent is ignored or disqualified for no good reason. Inappropriate appointments, particularly to important positions, are very disruptive of public administration and increase the exposure of the decision-making process to the risk of improper influences. Detailed decisions on personnel should be left to suitable people to whom authority has been delegated and that authority should be exercised impartially and openly.

The Public Service Management and Employment Act of 1988 considerably reforms the administration of the Public Service in this State. All the reforms are consistent with modern theories of public administration, the reduction in the role of central agencies such as the Public Service Board, the increase and responsibility for efficient administration by chief executives, the employment of people by contract, the creation of a redeployment/redundancy scheme and promotion by merit alone. There are three things, however, that should be addressed. . . Secondly, it is not clear why there should be an extended power to limit appeals against promotions. At the very least, while it may not be feasible to have appeals to an independent body in the case of all appointments to the most senior positions, interview and reporting procedures should be established to ensure that the claims of all candidates are objectively judged on the merits and that an opportunity is given for candidates to answer adverse comments that may turn out to be unfounded and even malicious.

Finally, it is not immediately apparent why appointments and promotions, and appeals against promotions, and disciplinary action should be formally subject to the decision of the Governor in Council. Arguably independent—

and I stress the word 'independent'—

bodies charged with these functions should be able to make a decision; not just a recommendation.

Fitzgerald also referred to contract employment within the Queensland Public Service and said that it is not such a bad thing, particularly in so far as the senior ranks of the Public Service are concerned. We are not quarrelling with the contract system with respect to chief executive officers of the State Public Service.

Whilst members opposite may have been a little bored by my reading out that large slab of findings from the Fitzgerald Royal Commission into the Queensland Public Service scenario—well, maybe not 'scenario' but the abuse of the Public Service under that long-term Queensland National Party Government—regarding the politicisation of the Public Service and the need to be watchful for it, I hope they take sufficient heed of the warnings, which are not many years old, when they deliberate on this legislation. I fear they will not, because they are not interested in a politically independent Public Service. We have seen how they voted regarding the judiciary in the Industrial Court and Commission of South Australia. The former President of the Industrial Relations Commission was elbowed aside by the Minister for Industrial Relations, and the tenure of office of that position was reduced to six years. At the end of that period of six years, it will be subject to the whim of the Government as to whether that person will be reappointed.

In a statement today, the Full Bench of the State Industrial Relations Commission attacked the attempt by the Minister for Industrial Relations to remove its presiding officer, who was hearing the State wage case, when the composition of that Full Bench was known to all parties including the Government. The Government itself appears as a respondent in State wage cases and, as an employer, it has a vested interest in any decision that is made. So, it is not a figment of our imagination. It is not the drawing of a long bow concerning the fear that I have already spelt out: the politicisation of our State Public Service to the detriment of all South Australians. Whilst it has been in office for only 11 months, this Government has launched major assaults on the pillars of our Westminster system, the judiciary and now public servants. Who will be next?

Mr Brindal interjecting:

Mr CLARKE: The member for Unley points at me as though I will be next. I may well be on the hit list, and I am sure that the member for Unley would very much regret my not being in this place. I will disappoint him. In three years time I will be seated where the Deputy Premier now sits. I bear no malice towards the member for Unley. I assure him that as Deputy Premier I will place him back in his former employment as principal of the Cook Primary School so that he can visit the tea and sugar train at least once a week, and he can take with him to Cook the member for Lee. I promise to look after those two members when they both lose their seats at the next election.

Mr Becker interjecting:

Mr CLARKE: There will be no difficulty with that. The words of Fitzgerald should be very much heeded by this House. Whilst at the end of the day the numbers in this House are such that I cannot imagine that any of my amendments will actually succeed—

Mr Brindal: They might. Who knows?

Mr CLARKE: There may be a full stop or a comma that the Premier will agree to (I hold out some hope) but I point out that, as the Government knows only too well, we operate under a bicameral system and this legislation will have to get through another place. I assure members opposite that unless the Government comes to its senses and restores the role of the Commissioner for Public Employment instead of the Minister who is in charge of the Act being the employer, unless it comes to its senses regarding clause 36 which will allow all and sundry in the Public Service to be offered an individual employment contract no matter where they are placed within the pecking order, and unless it restores an independent appeals mechanism for public servants, this Bill will not get through the Parliament.

It will then be in the hands of the Government as to whether it wants to work cooperatively with the Opposition. If it is suggested that there are necessary changes to be made and an indication given as to where we can facilitate them, we will look at them, but if the Government thinks it can just bludgeon this Bill through both Houses of Parliament simply because it has an over inflated view of the world in terms of the size of its majority in this House, it will have to think again. As the voters have demonstrated consistently in the three by-elections in Elizabeth, Torrens and Taylor that have been conducted since the last State election, the huge numbers of people who turned against the Labor Party at the last election are coming back in droves. If the member for Unley would like to resign his seat and contest it again in another by-election—put his money where his mouth is—we would have a twelfth person sitting on this side of the House. I invite any member, even those in rural electorates where we have to get a huge margin to win those seats—you, Sir, as the member for Gordon may wish to offer yourself as a sacrificial lamb because we think we would put up a pretty good show in the seat of Gordon—

Members interjecting:

Mr CLARKE: I am just coming—

The DEPUTY SPEAKER: The honourable member has been dwelling in the realms of fantasy for the last few minutes. I invite him to return to the Bill.

The Hon. J.W. Olsen interjecting:

Mr CLARKE: I will conclude my remarks, but my point was very relevant. The Minister interjects, but he has not been present to hear three-quarters of what I have had to say, particularly regarding the Fitzgerald inquiry, so he would not have been able to pick up the thread of my argument. I simply say that this Government is too arrogant by half and will suffer the same fate as all previous Governments which have had a delusion of grandeur. We have no problem whatsoever with confronting the people at any time in a general election.

Mr Condous: You've got a good track record.

Mr CLARKE: I am glad that the member for Colton has interjected, because it means that he is listening. Many of his constituents are public servants, and when we call for a division on our important amendments and we have to cross the floor, I will be only too pleased to see what the member for Colton's view is about public servants, the people who live in his electorate.

Mr Condous interjecting:

Mr CLARKE: The member for Colton says that none of them voted for him on the last occasion so it will not make any difference. I assure the member for Colton that, given the paucity of numbers on this side of the House, many public servants voted against us and assisted the honourable member to arrive in this place. I also assure the honourable member that his Premier and the Minister for Industrial Relations and the like are doing a magnificent job as campaign managers for the Labor Party, helping us to woo back to the fold so many of those people, and we are looking forward to the next State election when the people will remind the Government of that.

I conclude on this point. I have outlined the Opposition's concerns. We will deal with the Bill in more detail in Committee. I have already made quite clear that the Government should be under no delusions with respect to the numbers in this House *vis a vis* another place. Let the Government be under no illusion that we, as an Opposition, are determined to prevent the Party politicisation of our Public Service. Be under no illusions that we want to insist and will be insisting on the restoration of the rights of the Commissioner for Public Employment, the rights of independent appeal processes and those other areas that I have already outlined in my second reading speech. So, whilst members opposite might want to treat us with contempt during the course of the next two days in the debate on this matter, do not let your egos get too inflated over this matter because your day of reckoning is coming and coming very fast. The member for Peake has already decided that another four years after this is too much. He knows he is a goner and has decided to retire. With those concluding remarks, I commend the Opposition's amendments to the House, which we will be putting in the Committee stage, and I look forward to hearing the contributions from members opposite on this very important matter.

Mr BRINDAL (Unley): I would like to thank the Whip and the members of my Party for allowing me the great privilege of following the member for Ross Smith in the debate. I always feel twice as good a debater when I follow the member for Ross Smith because he is a very easy act to follow. The member for Ross Smith is improving in his contributions to this Chamber. I think all members here would have to acknowledge that.

An honourable member interjecting:

Mr BRINDAL: The member for Peake says, 'You must be joking.' In fact, I am not, and in that regard I remind the member for Peake of the low base from which the member for Ross Smith started. To rise even incrementally higher is to rise not very high at all, according to the standards on this side of the Chamber. I will not delay the House beyond the dinner adjournment. Like all members on this side of the House, I listened to the member for Ross Smith with interest. In fact, we listened and we listened, but not much of interest was forthcoming. I do not know how somebody can speak for an hour and a quarter without saying very much at all.

Mr FOLEY: I rise on a point of order, Mr Deputy Speaker. I have sat in this Chamber and had to listen to countless points of order from the member for Unley and the member for Ridley and I make the following point: what is the relevance of this contribution to the second reading of this Bill?

The DEPUTY SPEAKER: The Chair awaits with great interest.

Mr BRINDAL: I specifically take up some of the points made by the member for Ross Smith to show how spurious many of them are in the context of this Bill. Members on this side of the Chamber have the privilege of being able to contribute to the thoughts of the Government,which is more than I can say for the 11 members opposite. However, I am quite sure that the member for Ross Smith said a number of things with which everyone in this Chamber would agree. The member for Ross Smith rather cleverly made some good points and related them to this Bill. However, I contend that they have nothing at all to do with this Bill. He rants and roars and makes points. The point that I am addressing in the context of the debate is the relevance of the member for Ross Smith's remarks on this Bill. It is quite in order if the member for—

Mr Foley interjecting:

The DEPUTY SPEAKER: Order! The member for Hart is inviting the member for Unley to address the Bill. The member for Unley is attempting to rebut the contribution of the Opposition's lead speaker, and the member for Unley has the floor.

Mr BRINDAL: The member for Ross Smith quoted from the Fitzgerald inquiry. He said something about daring to penetrate—and I wrote down the words—'the walls of the Forbidden City.' He was referring to what he then went on to describe as a cosy relationship between the Public Service and the Government. He deplored that. Every member of this Parliament, and probably every member of the public, including a very hard working and dedicated Public Service, would deplore any situation in which the Public Service became merely a creature of a political Party rather than a creature of its own, to some degree, independent thinking to provide advice to an executive Government and to act always as it thought in the best interests of the Public Service. We would all deplore that. I point out to the member for Ross Smith that in my working life—and I point out again to the member for Ross Smith that I am about the average age of the entire teaching force in South Australia, and that many teachers make up that tight age group—we have had, in that 23-odd years, only three years of Liberal Government.

If I had spent my entire teaching career (as I would have) in a service to which the Government of the day had a particular political and philosophic direction, and that had been my way of life for 20 years, I would say to members opposite that it is very difficult, no matter how independent and well meaning, not to drift toward a philosophy that had been ingrained for my whole working life. That is not to impute any improper motive; that is not to say that any member of the Public Service is not good and honest and hard working, but it is to say that after 20 years of continuous government by a particular political point of view it is time to open some windows to let in some air and to re-examine the structure, and I think that is very valid.

When the honourable member talked about the walls of the Forbidden City I was very much thinking that he must have been referring to the past 10 years in South Australia and not to the years under Bjelke-Petersen in Queensland. The member for Ross Smith continually held up the wonderful process which is so much beloved by him and those on his side of the House, because it represented the structure that was put in place by his predecessors on the Treasury benches. Because I have been the author of something does not mean it is immutable, or there for all time, or by definition necessarily right.

I reiterate to the member for Ross Smith that there is much to be commended within the Public Service, and by and large anything that is not good about the Public Service is far outweighed by the genuine capacity and hard work of public servants and their genuine commitment to the people of this State. Nevertheless, if we were to say that any system is without blemish or fault then I would say it is not a human system, and the Public Service no less than that.

I remind the member for Ross Smith that, in the regime of which he was so proudly a member, it could be contended not that mateship was the problem but that networking increasingly was. If the member for Ross Smith had spent any time in the Education Department he would realise that networking within and by small groups of public servants reached a most sophisticated stage and was much more dangerous and more insidious than mateship could ever have been because, by definition, if I have a few mates and I patronise them, that is wrong. However, the number of mates that I might have at any one time is very limited.

If, however, I network, that is far more insidious and carries a far greater degree of problem than does mateship, because networking by definition is picking out like-minded people who are politically correct—and I mean politically correct not in terms of ALP or Liberal but in terms of a particular way of looking at the world—and that network is much wider, is much more capable of subverting the system and is much more capable of abuse than is any system of mateship.

The successors of the very Government that perpetrated this sort of action upon the people of South Australia are sitting on the other side of the Chamber. I say to the member for Ross Smith that, were he to go out and ask public servants whether they were entirely satisfied with their current structure, he would get a very swift answer.

Mr Clarke: Have you read this Bill?

Mr BRINDAL: Yes, I have. This Bill is not radically different from measures introduced by the previous Government. This is an example of the devious debating tactics of the member for Ross Smith. He obviously could not understand that, when the Premier said a document had no status, it could be a completely correct statement, without having to substantiate the litany of conclusions arrived at by the member for Ross Smith. Just because it had no status does not mean that it was not written, or that somebody did not ask for it to be prepared. It simply means that it had no status, that it meant nothing. I do not understand how the member for Ross Smith cannot see that.

Similarly, when the member for Ross Smith was quoting from the Corcoran documents, he said this:

> The system cannot always be relied on to correct its own mistakes unaided.

The conclusion of that document was that at that time the Public Service needed little in the way of legislative changes to make the conditions that were then deemed necessary as a result of that inquiry. Today we have a different Government, and this Government, while it is saying not that there is anything wrong with the Public Service but that the Public Service has much to commend it, is also saying, as it may validly say as the legitimate Government, that it is a time when the system cannot be relied on to correct its own mistakes unaided such as they are and that some legislation necessarily should come before this place to do just that.

The member for Ross Smith made much of the fact that appeal rights are denied. I believe that the member for Ross

Smith is guilty of wilful misrepresentation of this Bill in this matter, and I look forward to his contribution in Committee to substantiate his remarks. Employee rights of appeal are still maintained. The concern is really—if the member for Ross Smith has a concern—with the change in the avenues of appeal. There is concern that the new process of handling appeals against administrative decisions without an independent tribunal will not guarantee natural justice, and I accept that concern. However, the appeal process has been changed so that the chief executives must take prime responsibility for resolving grievances, and they must do it according to guidelines.

The Bill still provides a further step. The Commissioner for Public Employment will hear appeals in more serious cases or in cases where a chief executive has been personally involved. The Commissioner for Public Employment can also delegate this role to an independent body. Therefore, the Government believes that natural justice has been protected with much less administrative cost. So for the member for Ross Smith to say that we are throwing out appeal mechanisms is patently wrong. We might be changing the appeal mechanisms, but they will still be there—

Mr Clarke interjecting:

The DEPUTY SPEAKER: Order! I point out to the member for Ross Smith that that is quite sufficient.

Mr BRINDAL:—and natural justice for public servants will be maintained. If the member for Ross Smith does not believe that this Government listens, I will repeat the words that he used. He spoke to this Chamber about how an original proposed draft with no status at all quickly achieved even less status when it was discovered that it contained some unacceptable provisions, such as the right of the Minister to interfere. As the member for Ross Smith said, those provisions were dropped. The Government Party, the Executive Government, the Minister responsible, indeed everybody who talked about it, said, 'No, you're right; that perhaps is not tenable; that is perhaps draconian.' Therefore, it was dropped, and rightly so.

[Sitting suspended from 6 to 7.30 p.m.]

VOCATIONAL EDUCATION, EMPLOYMENT AND TRAINING BILL

Returned from the Legislative Council with the following amendment:

Page 4 (clause 7)—After line 17 insert new subclause as follows:

(6a) The same number of members must be appointed by the Governor under subsections (5) and (6) to represent the interests of employers and employees respectively.

Consideration in Committee.

The Hon. R.B. SUCH: I move:

That the Legislative Council's amendment be agreed to.

I wish to acknowledge the positive contribution of members of the Opposition, particularly the Deputy Leader, and also members in another place for supporting in speedy fashion what is historic legislation in regard to vocational education, employment and training in South Australia. It heralds a new era and will allow more flexible delivery of training to serve the needs of industry and meet the needs of individuals and the community at large. Again, this legislation is an indication that where people work together, from the union movement, employers, education and training people, Governments—both State and Commonwealth, because this legislation complements the Federal ANTA legislation—we can achieve a lot. As I said when I introduced the Bill, it is important that training issues not be seen in a polarised political way because it is not helpful for the community, industry or the people who work in those industries if we lurch dramatically in terms of our policy approach to training.

As I have indicated, this amendment has my support. It is a reasonable amendment which will help to enhance what is already a significant piece of legislation. The legislation results from several years of extensive consultation, detailed consultation this year with submissions and interaction with more than 100 bodies, industry training advisory bodies and peak bodies such as the UTLC and the employers' chamber, and it has also been available for public comment.

This legislation has probably had the most rigorous examination of all legislation and, as a result, it is a workable piece of legislation. Nevertheless, it is important that in due course we review it to make sure that it is doing what is intended, that is, to provide excellent training for South Australia and South Australians. I remind members that training is not an end in itself. If training does not serve the needs of the community, industry, enterprises and employees, then it is a failure. I am sure that this legislation will be successful because it charts the future. It means that we can now complement legislation throughout the rest of Australia because we are part of a national approach to training. This is most significant as it means that not only will people get accredited training—we will continue that, of course—but it means that we will now have a more genuinely national system of training so that, if someone is trained in South Australia or any other State or Territory, their training will be recognised as they move throughout Australia, which is increasingly the case in today's rapidly changing world.

So, overall, it is a very pleasing outcome for this legislation. In relation to the point that was raised in this House several weeks ago when the legislation was introduced—the matter of languages—I am very pleased that the universities, after considerable encouragement from me this year, have now rapidly moved to a position where, hopefully within two weeks, there will be an announcement in regard to provision of languages at universities. There has been an element of serious risk in regard to the provision of languages at the tertiary level. We as a community cannot afford to allow language provision to diminish. In fact, we need to expand it rapidly, and not only in the area of trade or economic languages—we also need to recognise the importance of existing community languages and to move to a situation where more South Australians are bilingual. To that end, as I indicated, I believe the universities will be in a position within a matter of weeks to make a significant announcement in regard to the establishment of a new approach to the provision of languages—a more cooperative approach between the three universities that will better serve the needs of South Australians.

In the earlier debate it was indicated that the South Australian Institute of Languages would continue until we had satisfactory alternative arrangements. My understanding today is that the South Australian Institute of Languages staff are very happy with the proposal put forward by the three universities in regard to what will be announced in a couple of weeks. I think everyone will be pleased when they see the additional focus that will be given to language provision at the tertiary level. Once again, I thank all those who have contributed to bringing about the realisation of this legisla-

tion. I look forward to its being actively implemented and I am sure it will serve the people of South Australia very well into the future.

Mr CLARKE: The Opposition agrees with the amendment of the Legislative Council and we congratulate the Government for accepting that amendment. I thank the Minister for his kind words concerning the Opposition's attitude in this matter. I look forward to his Leader's actually accepting many of my amendments on another matter that will be debated during the course of this evening. I trust that he will show the same spirit of cooperation and leadership as the Minister has shown in relation to this matter. I support the Minister's statements and, in particular, the amendment made by another place.

Motion carried.

SMALL BUSINESS CORPORATION OF SOUTH AUSTRALIA ACT REPEAL BILL

Returned from the Legislative Council without amendment.

FINANCIAL INSTITUTIONS DUTY (EXEMPT ACCOUNTS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ELECTRICAL PRODUCTS (ADMINISTRATION) AMENDMENT BILL

Returned from the Legislative Council without amendment.

PUBLIC SECTOR MANAGEMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1014.)

Mr FOLEY (Hart): I debate this Bill tonight with a degree of concern about the intent of this Government. Having had some experience, albeit limited, in the roles of the political structures and Governments, I think I am in a position to make constructive comments. And I do that from a constructive position: I am not addressing this Bill in order to score political points or, for that matter, in an attempt to curry favour with particular segments within the community, such as the Public Service. Indeed, there have been many moments where, in my former occupation, I was involved in many decisions of the former Government which, to put it mildly, inflamed sections of the public sector.

From my experience as an adviser to a Government Minister and for a period as an adviser to a Premier, I can say that an important factor is to have a public sector which is free and which, where possible, is in a position not to feel intimidated or threatened by the Government of the day. It is important for the democracy of any State based on the Westminster system to be confident that the public sector is not unduly intimidated or unduly influenced by the elected Government of the day.

Having been in a position where the temptation, the desire or even the ability to influence some of the outcomes of the middle to lower echelons of the public sector might have been extremely appealing, the reality was that we were not able to do that. That was a very good feature of the Westminster system and indeed of the structure of our State Public Service. It is worth putting on record that, whilst there have been occasions when I have been brought into conflict and confrontation regarding issues and decisions of the Public Service Association and, indeed, have had differing views on various aspects of the State Public Service, there is one very important feature of this State's public sector that has probably been without parallel in this country, and that has been its integrity.

We have seen what has happened in Queensland, very much highlighted by the Fitzgerald inquiry of 1989, which led to much reform and internal upheaval within the Queensland Public Service. Of course, we have seen evidence of some very disturbing elements of the public sector and its involvement in the Government of the day in Western Australia, not to mention at times almost endemic corruption within the Public Service in New South Wales. The reality is that our Public Service in this State, from some of the highest echelons down to the lower levels, has been very fine indeed. Whilst one can criticise performance and, at times, direction, the reality is that our State Public Service has been a very fine body which has, in its operation, remained in a position where it has been able to distinguish itself from the Government of the day. It has not been intimidated, nor has it been vulnerable to pressures from the Government of the day.

I am concerned that this Bill has the potential to break away some of the structures we have had in place—almost an unwritten law. The Minister, who was a Minister in the former Tonkin Government, would be well aware that the Commissioner for Public Employment has played a very important role. In this Chamber tonight we have both a former Deputy and a present Commissioner for Public Employment who know only too well the issue to which I refer, and that is that the Minister or the Premier of the day could have a view, and they would, at the end of the day, have to defer to the advice of their senior officials in the capacity of Commissioner or Deputy Commissioner for Public Employment to ensure that the proper processes were undertaken.

What this Bill attempts to do in a couple of critical areas is to take away from the Commissioner for Public Employment what have been some very important functions, and I quote from the second reading explanation of the Premier as follows:

> At present the Commissioner for Public Employment is involved in the day-to-day operational tasks of agencies in selection and appointment, classification and executive officer employment. This will change with the Commissioner's primary functions being to develop guidelines on personnel management, provide advice, and monitor and review agency performance against the general public sector aims and standards contained in the Act.

That is very much watering down the powers and the role of the Commissioner for Public Employment. As I said earlier, as someone who has been in a position to observe the role of both the elected Executive Government and the Public Service, I believe it has been very important that the Commissioner and his or her deputy have a degree of power that the Minister or the elected Government of the day simply cannot intrude upon. Under this Bill, which I think makes it very clear, the Commissioner no longer will be in control of those powers. The Minister or the Premier will be in a position to exert enormous influence over the Public Service.

For any democracy, particularly one that has until recently prided itself on a real division between the elected Government and the Public Service, it is a concerning moment. I want to look a little more specifically at some of the clauses.

On the issue of contracts, I draw attention to clause 36(1) of the Bill, which provides:

> The conditions of an employee's employment in a position in an administrative unit may—
> (a) be left to be governed by the provisions of this Act; or
> (b) subject to the directions of the Minister, be made subject to a contract between the employee and the Chief Executive of the administrative unit.

That is significant power for the elected Government of the day and means that the Government of the day or the Minister has the ability to put in place a contract between the employee and the Chief Executive of the administrative unit. That is a power which has not been in place prior to this Bill and which, I think, gives the Minister of the day far too much ability to intimidate and coerce employees, and that should be vigorously opposed by this Parliament. To highlight my point, I quote from the Fitzgerald inquiry report, which was of landmark significance in the public administration of this country, as follows:

> Ministers and their senior officials share a common interest in success, which can lead to more influence for the Minister and the department, and improved prospects for its senior officers. They also share a basis for mutual antagonism towards the Minister's political opponents, whose criticisms may reflect on the department as well as the Minister.

That paragraph is simply saying that the elected Government of the day (particularly one as we have at present, with a record majority in this Chamber), the Minister and the chief executive officer are in an enormous position of power to influence, intimidate and direct the employees of that agency. That is an outrageous position in which to put any employee of an elected Government, so I strongly oppose that direction.

At present there is resort to an independent appeal mechanism—an independent appeal panel. Under this Bill a disgruntled employee can appeal to the chief executive officer of the department, a chief executive officer whose tenure is at the mercy of the then Government. That is an unfortunate position to be in. I do not begrudge an elected Government putting in place chief executive officers whom it believes will deliver the quality of service and advice for which it is looking. I am even prepared to admit that the appointment of chief executive officers will also require in some areas—not always, but in some areas—a degree of political sympathy as a prerequisite for that person's position.

I do not have a problem with that. However, we now have in place a mechanism that allows employees under that chief executive officer to be insulated from the political direction of the Minister via the chief executive officer to that person. Those are the significant powers currently enjoyed by the Commissioner for Public Employment and his or her deputy. Executives or employees in the Public Service in the middle and lower and even some of the higher echelons know that if they do not agree or have difficulty with policy direction or appointments to positions, they can appeal independently of that chief executive officer and, indeed, of the Minister.

The former Government has been criticised by Liberal members for a number of things. As I have said, in some areas that criticism was warranted. However, the former Government was almost scrupulous in the way that it ensured that the public sector in this State was not politicised. I think that former Premiers Lynn Arnold and John Bannon can be commended because they did not politicise or put undue political pressure on senior executives within the State Public Service. I do not think that under this legislation that will be the case in three or four years. This Bill will enable the elected Government of the day to exert enormous political pressure on the upper echelons of the Public Service. Consequently, the upper echelons of the Public Service can then put enormous pressure—not necessarily political—on the staff for whom they are charged with the responsibility of managing. That is an untenable situation.

Government in this State has run effectively for the past 25 years without the provisions that the Premier is bringing in in this Bill. Why do we need it now? I am prepared to say that the public sector must always be subjected to reform and pressures to ensure that it provides leading edge, quality and relevant service to the community of South Australia. Indeed, I have come into conflict with the public sector in former roles when I have been part of a process which has demanded reform and change. I have no argument with the Government in wanting change and reform. Any agency, whether in the private or public sector, must always have a degree of pressure to reform. That is the only way that a large organisation can remain healthy, vibrant and relevant. I have no argument with that. It is a question of how it is achieved. It is not achieved by giving the elected Government of the day the power to appoint and influence the middle to higher echelons of the Public Service without the safeguards inherent upon the powers of an independent Commissioner for Public Employment.

As I said, the former Government can be criticised for a number of mistakes that it made, but the one that it did not make was to politicise the State Public Service. In any comparison with Queensland, Western Australia and, indeed, New South Wales, the level of political appointments within this State's public sector were negligible, and for one very good reason: even if we wanted to do it, we could not. We were unable, and correctly so, to influence and direct the public sector to what we thought may well have been our best political advantage. At times I wished we were able to, but we were not.

A testimony to that and to the neutrality of our State public sector is the number of chief executive officers and senior people under the former Labor Government who are able to continue their careers in senior positions under the current Liberal Government. That happened for one very good reason: those employees were professionals who could go about their work without political persuasion, influence or intimidation. They were able to provide independent advice to the Government of the day without the fear that, if they were unable to deliver what that Government wanted, they would be out of favour.

The fact that a number of senior employees under the former Government are now still in senior positions in the State Public Service is directly attributable to the fact that the current GME Act and the general practice of the former Government were such that senior public servants and officials were employed for their ability, and their ability to tell the former Government what they felt was the right or wrong advice. Under this Act they will not enjoy that confidence. Under this Act, if they fall out of favour with the chief executive officer or the Minister they are out. Under this Act that can trickle all the way down to clerks at middle level ranking right down to the bottom.

I hope that the people in question do not have a problem with this, but I have to say that I do not have a lot of concern about the future and employability of the State Public Service chief executive officers. They are under contract, as they should be, and are performance based, as they should be. If they do not succeed they should be out. I do not have a problem with that. I do not shed a lot of tears if a Government

decides occasionally to chop off a few chief executive officers at the knees. I suspect that it is probably healthy if it happens occasionally. But I do have concern about the senior managers below the chief executive level—those who are the engine room of the State Public Service. They can be the directors directly below the chief executive officer or managers below those directors. They are the engine room of the Government.

If those senior managers are intimidated, influenced or almost scared to provide advice that is contrary to what the chief executive officer wants, which, in the main, will probably be what the Minister wants, we will then have a disturbing trend in our Public Service. It filters all the way down. Having said that, I would be a fool not to acknowledge that there are some fine chief executive officers who, even under this system, would walk up to a Minister of the day and say, 'Minister, you are wrong, wrong, wrong'. In my time in the Public Service I did not see a lot of brave chief executive officers. I saw a few, and I suspect that they are the ones who are still in the employ of this Government, because it knows full well that at least it will get value for money. I suspect that the chief executive officers of years gone by who were not prepared to give objective advice to their Ministers are no longer in those roles.

The problem with this Bill is that we run the very real risk of having a 'Yes, Minister' Public Service at the higher levels and of having political intimidation, even if the Government does not intend to do that. Even if the Minister of the day does not want to intimidate his or her Public Service, the nature of this Act will almost make it a reality, so that senior officers will feel compelled to give the advice that they think the Government of the day wants to hear. In conclusion, it is a sad day when the powers of the Commissioner for Public Employment have been so greatly diminished.

Mr BUCKBY (Light): I support the Bill. The Public Service in South Australia has given good service over the years and has shown an attitude to change and meet new challenges as time has moved on. This is exactly what the Public Service will have to do again, because we are not back in 1975 or even 1985. We are in 1994, and government and the process of business in this State and in the world as a whole has moved on, and the public sector will have to move on with it. The Government has held extensive consultation with the Public Service, and many of the suggestions and provisions in this Bill are the result of suggestions from public servants.

For the Government to restructure this State in order to make it competitive again a new Act is required. The old Act did not allow for reform and management accountability that is required in 1994, especially given the financial situation that this Government has walked into. The past State Government talked about, and the Federal Government continues to talk about, microeconomic reform. I think they are very slow and lazy on microeconomic reform because not a great deal is happening. It is happening slowly but nowhere near the speed at which it should be happening. This Bill is much more easily understood than the last Bill, and also for those of the Public Service trying to understand the provisions of this Bill it is also much more easily understood.

Earlier, the member for Ross Smith read from Professor Corbett's book printed in 1975 regarding public servants and their role. I remind the member that time has moved on because we are not in 1975. Public sector management in all Western economies (and in fact all over the world) has moved on. I recently attended a seminar where one of President Clinton's advisers in the Public Service spoke about the restructured role of the Public Service in the United States. There they are moving in exactly the same direction as this Government, as executives of the Public Service are being put under contract, as are chief executive officers.

Resources are such for any Government in any country now that the very best has to be received from the Public Service: the very best of service and the very best of those resources has to be demanded from the public service. In the 1990s, the Government is no different than private enterprise in that each has to use those resources efficiently. In fact, the public demands now that we use those resources efficiently. That is one of the reasons why there was such a large swing at the 11 December election, because the South Australian public saw that the resources in South Australia were not being used, were not being managed and were not subject to performance by the previous Government.

In the 1990s a corporate plan is required by any company or Government. It has to ensure that the policy objectives of the Government are achieved. Part of that corporate plan is the setting of those very objectives. The Audit Commission report on this revealed that insufficient emphasis was being given to strategic planning elements or the identification of time frames within which to achieve these elements.

This Bill, by contracting of the executive, sets the performance measures. In the 1990s, client expectations are greater. As I have said, there are finite resources. There are more stringent requirements for accountability and there is a greater requirement for openness of administration. Greater emphasis on best practice and service outcomes need to replace the traditional preoccupation with process and inputs. The Public Service requires change in the 1990s to make it more competitive and to provide this Government and the public of South Australia with an efficient and performance related sector.

This Bill has two particular aims: first, to provide greater management flexibility whilst still maintaining the independence of the public sector and, secondly, to deliver responsive and effective service to South Australians. In the private sector all the time we call for greater efficiencies. In this day and age it is right that we should expect responsive and effective service from the Public Service.

Some major changes are contained in this Bill. The responsibility for general employment determination has been moved from the Commissioner for Public Employment to the Minister responsible for the Act. I pick up what the member for Hart said on this issue. He said that if a public servant has a grievance regarding a particular issue in his or her department, he or she can complain to the chief executive officer. What he did not say was that, if a satisfactory agreement cannot be reached between the chief executive officer and the employee, the employee can go to the Commissioner for Public Employment to have the grievance heard. If the Commissioner decides not to hear the grievance, the Commissioner can call for an independent person to do so. So, the independence of the Public Service is maintained: the responsibility does not sit just with the Minister and the chief executive officer.

This Bill is consistent with those in other States. It is right that the Government should set the general personnel and industrial relations framework for the Public Service. This Bill allows the Government to bring reform to the public sector and, as has been said, the commission will no longer be involved with day-to-day operational tasks but will

develop guidelines on personal management, provide advice and review agency performance.

This is an advantage because it places the Commissioner for Public Employment one step away from the Public Service. It allows him or her to look at the performance of the Public Service, assess it, provide advice to the Government and chief executive officers and, in general, ensure its smooth running.

As has been stated, a second area of major change concerns chief executives. All chief executives and those at executive level will be placed on performance contracts which will spell out the grounds for termination and allow four weeks' notice and a termination payment. The member for Hart agreed with performance contracts for chief executive officers, but he was not in favour of those for senior managers. He said that decisions of senior managers filter all the way down through the Public Service to the clerk on the front counter.

That is the very reason why we require contracts for executives. While the chief executive officer can give directions to senior executives, senior executives must have some sort of incentive to ensure that what the chief executive officer requires for policy in the department is carried out. That incentive is a performance contract. Senior executives will ensure that the policy is carried out because they, too, will have a performance contract and will have to consider whether or not a particular service is being delivered in an efficient manner.

In saying that, I do not mean to put down present senior executives. Since I have been a member of Parliament, in all my dealings with the Public Service I have had very good service, and I appreciate that. However, as I said we are moving into different times when we will have to get the very best out of the Public Service, and the public of South Australia is demanding that.

One should also note that no ministerial direction may be given to a chief executive relating to the appointment, assignment, transfer, remuneration, discipline or termination of an employee. That lies strictly with the chief executive officer. That is part of his contract and, as chief executive officer, it should be that that is his or her responsibility. This point has been a concern to public servants and, as the members for Hart and Ross Smith mentioned earlier, they are concerned that there may be ministerial interference in this area. I do not believe that that will happen. It is set out in this Bill that it is the responsibility of the chief executive officer and the Minister. The Minister sets the policy, and the chief executive officer carries out the policy.

Mr Clarke: Would you trust Bjelke-Petersen?

Mr BUCKBY: The Deputy Leader of the Opposition asks me whether I would trust Bjelke-Petersen.

Members interjecting:

Mr BUCKBY: Exactly!

Members interjecting:

The ACTING SPEAKER (Mr Bass): Order! The House has been quite good since dinner. I think it should remain that way.

Mr BUCKBY: The Minister drives the policy issues, and the CEO is responsible for the performance and should monitor that performance. The Opposition has made much of the fact that there may be contracts for other employees. The Premier has stated that other employees will retain their tenure.

Mr Clarke: That is not what the Bill provides. Have you read the Bill?

Mr BUCKBY: I have, and the Bill provides that, at the Minister's discretion, he may. It is not the intention of this Government to have those below executive level on contracts. Their tenure will be retained. One of the major issues raised in consultation with the Public Service was the independence of the Public Service, as has been pointed out. As has been said, the Minister is not able to direct chief executives in relation to personal matters affecting individual employees in their portfolio. That is the role of the CEO. As a result of that, public servants should not have that worry at all. As I said, it is not the intention of this Government to bring in contracts for non-executive employees. Tenure remains unaltered. The appeal rights are still maintained, different though they may be—

Mr Clarke interjecting:

Mr BUCKBY: There is independence there, because an employee can still go to the Commissioner for Public Employment. It goes through the chief executive officer first—

Members interjecting:

The ACTING SPEAKER: Order! If you two wish to conduct a conversation, you can do it outside.

Mr BUCKBY: As I was saying, an employee can go to the chief executive officer. There is provision for consultation. If the honourable member reads the clause, he will see that, if an employee and the chief executive officer cannot reach agreement, the employee has every right to approach the Commissioner for Public Employment, and he or she can also ask for an independent person. As I said, the chief executive officer is the first port of call. We are not changing anything with respect to union involvement. Unions are still able to represent employees. There are no changes in that area.

Mr Clarke interjecting:

Mr BUCKBY: The member for Ross Smith says there is no requirement to consult with them for change. Surely under enterprise agreements that is the choice of the employee. In summary, I support the Bill. It is a movement in the right direction from this Government which will ensure the effective and the efficient use of our resources and which will move the public sector into the 1990s.

Ms STEVENS (Elizabeth): I begin by quoting from a document 'Revitalising South Australia: A Vision for the Public Sector' printed in December 1992. The document states:

> Challenges facing the public sector
>
> Governments and the communities they represent are questioning the size and role of the public sector and the relationships between elected Parliaments, the Executive Government, local government, the public sector (including the semi-Government entrepreneurial business activities) and the users or recipients of services. There are questions about how much Government, countries or States can afford, questions of levels of service, and expectations of more for less.
>
> The public sector in South Australia is no different. It is inevitable that comparisons have been drawn between the performance of agencies in South Australia and those of other States. Traditionally, we have had a progressive public sector with a reputation for a high level of service at a reasonable cost. We must remain at the forefront of initiative and adopt practices which are equal to the best in Australia across the whole range of public sector activities.
>
> The public sector throughout Australia will be expected to improve its performance in the face of uncertainty; to cope with increased demand with fewer resources; to be flexible yet accountable; and to be commercially competitive whilst under careful scrutiny.

These are real challenges that require new solutions—solutions that can only be implemented by the public sector itself working closely with Government, its customers and the private sector to transform the economy of South Australia and guarantee a quality of life for the next generation.

As I said, South Australia has already been pre-eminent in many areas. We have often led the field in social reform and our public sector legislative and management reform has been used as a model by other States.

We agree that we cannot rest on our laurels. A more cost-effective public sector is an imperative, but reform must be the product of a vision of better and more responsive services. The purpose of the public sector is, first, to support the Government in improving the State's economy and standard of living by facilitating economic and social development and the creation of opportunity; and, secondly, to work for the community of the State by delivering sustainable high quality services.

In the Premier's preamble to the Bill he states that it is a new way of managing the public sector. It certainly is a new way of managing the public sector in South Australia, but it is certainly not the most significant and long overdue recognition 'that the men and women of the public sector have a role far greater than just the provision of essential services'. Like the member for Ross Smith, I have no argument with what the Government says that this Bill is supposed to be about, but I certainly share his grave concerns about what it does. We know that the public sector today, with the private sector and the private non-profit sector, has a very important role to play in our State's future.

It concerns me that previous speakers have said that under previous Governments over recent years nothing has happened in relation to the public sector and that it has fallen behind. It is important to look back on some of the background of what has happened in the public sector over recent years. I will quote from a speech that the Hon. Chris Sumner gave to a meeting of the Royal Institute of Public Administration in December 1992. He talks about the background of reform in South Australia, and it is important to understand this in the context of what we are doing today. He said:

The role of Governments and the public sector has expanded and developed greatly since the 1940s and 50s. One of the major debates at the political level here and elsewhere is whether this expansion has been too great and whether it now imposes too great a cost on the taxpayers' capacity or willingness to pay. Obviously this debate provides a backdrop to today's deliberations...As far back as 1975, the Corbett report was the catalyst for the commencement of decentralisation and the delegation of powers from central agencies to operating departments. The early eighties saw delegation of personnel powers to Government departments, and this process set the scene for the subsequent statutory devolution with the introduction of the GME Act in 1986.

The GME Act followed the review of Public Service management led by Bruce Guerin in 1983-85. That review was very influential in resetting the basic principles of public sector operations and placed emphasis on service orientation and management responsibility and accountability.

He later says:

In the financial arena (at the beginning of the 80s under the Tonkin Liberal Government), program budgeting was introduced to supplement the traditional line budgeting approach.

Another improvement in budgeting practices has undoubtedly been the introduction of global ('one-line') budgets.

Later, Mr Sumner mentions the structural efficiency principle and particular departments in South Australia. He mentions the restructuring of the Department for Family and Community Services, which has been used as a model for the public sector. He says:

It is far from the case that nothing has been done to date. However, further reforms are necessary if the State is to ensure a competitive economic edge and to improve the standing of living of its citizens, but the processes and the efforts are not new.

For 10 or more years the public sector and the role of Government therein has been examined and has been evolving. We have seen leaner management structures and reduction of staffing levels. We have seen progress toward defined outcomes, accountability, and decisions taken closer to the point of delivery of service. We have seen a move to flexibility to meet client needs and a bias for 'Yes.'

An honourable member interjecting:

Ms STEVENS: And efficiency as well. No-one doubts that that is what was needed. However, the Bill before us has a number of problems. While none of us doubts that the issues I have mentioned are important and need to happen, we also need to understand that what we are talking about is the public sector. We are talking about public money, public accountability, public interest, public servants and the Public Service. We need a system that incorporates checks and balances to ensure that all those things are there. We are not talking about Coles Myer; we are not talking about BHP, which is answerable to a smaller group of shareholders; we are talking about Government services that are answerable to the whole of the people.

I was interested to hear my colleagues on this side of the House quote from the Fitzgerald report which outlined the importance of the independence of the public sector from the Government of the day. That is a fundamental omission from this Bill. I hope that members opposite will think carefully about that and, in the days following, read what those members have said and perhaps get hold of the Fitzgerald report and read it in detail. If ever there has been an example in our country of where that went wrong it is certainly the events that were covered in that report.

Essentially, the point is that the public sector needs to be independent from the Minister of the day. There needs to be an arm's length relationship between the Minister and the department. It is very important for the Minister to get advice without fear or favour. As the member for Hart said, public servants should be able to feel free to say, 'Minister, this is wrong for these reasons,' and not to be frightened that something could lead to termination of their position.

The other important point is that, when you have a system where there is a close intertwining between the Minister and the Public Service, the potential for corruption is increased. Of course, they were the issues that came out so strongly in the Fitzgerald report. Obviously we need to balance all this. The reason why the Government wanted to remove the Office of the Commissioner for Public Employment and decrease the role of that person as provided in the Bill might be that the Government feels that the Minister does not have the potential really to make the public departments work in the way that that person wants them to, and there may be a fear that the department will run the Minister. I say that that is the role of the Minister, and a strong and competent Minister needs to be able to deal with that situation, take on CEOs, and be able to direct them in the way that the Government wants the policy to go.

The other issue which has been raised by my colleagues but which I want to raise again is the appeals process—the need for employees to be able to have natural justice and to be able to feel that they have been dealt with fairly. Many of the clauses in relation to employees and contracts, etc., without an independent appeals process, deny them that. It is

important that that provision be included, and I know that it is contained in our amendments.

When the member for Ross Smith gave his speech, I was interested to hear quotes from the Minister for Industrial Affairs, when he was in opposition last year, and also from the present Minister for Education and Children's Services in another place, when he also was in opposition. Both those people spoke in favour of an independent appeals tribunal in the last review of the GME Act. I find it interesting that, one year later in government, they have changed that position completely and now say that is not needed.

Like the member for Ross Smith, I am surprised that, in the explanation of the Bill that the Premier gave there was no real rationale about why things should be changed, why those safeguards that have worked well in the present Act have been removed, and why there will be so much of an improvement with their going. We have not been convinced that that should be the case. My belief is that improvements in the Public Service can and should be made within a framework that sees the Public Service independent from the Government, with proper and fair procedures for employees. Our amendments will do this, and I ask all members to look at them carefully, because in the end we will see a much better Public Service and a much better Government resulting from them.

Mrs HALL (Coles): I rise to support this Bill. Since winning office nearly one year ago, this Government has built a reputation for introducing legislation that makes good sense. This Bill does not depart from that tradition but it does enrich it, though. It is the first step along the road to restoring the South Australian public sector to a position of pre-eminence. South Australia faces many challenges as the new millennium nears. Global trade and communications have signed the death warrant for economic isolationism. Progress must be made, if purely to avoid regression. The Bill recognises this reality and seeks to bring our Public Service into line with today's universally accepted performance standards, to streamline the operation, to make it clearer and to put it at the forefront of our efforts to maximise the State's potential.

Public servants are a much maligned bunch and I think most unfairly so. Without them and the work they perform no Government would survive, let alone thrive. John Stuart Mill saw the bureaucracy as a threat to freedom and representative Government, but he never had the chance to see our State Public Service, where an overwhelming majority of employees are conscientious, capable and innovative. I believe they want to be the best and be recognised to be the best. In fact, this Bill would not have been tabled in its present form without the contributions of public sector unions and large numbers of employees.

That month long consultation has served us well and provides a fine example of what can be achieved when a cooperative approach is adopted. Certainly, there has been criticism of the consultation process, that it was not long enough for all those affected to have time to reflect on the Bill. However, the results of the formal four week consultation process show that information and responses by the Government provided the answers to concerns. The consultation process included three letters from the Premier, and a Government hotline to answer queries and receive comments; I understand that more than 200 calls were received.

Briefings were provided through each CEO in all Government agencies affected. In middle to late September copies of the draft Bill were provided to all recognised organisations under the GME Act and the United Trades and Labor Council. At the end of this consultation period the agencies provided reports on the comments, suggestions, questions and concerns raised by public sector employees. That was then all considered before the final Bill was introduced to Parliament just two weeks ago.

The Premier has stated that he wants the Public Service to be a full partner in South Australia's future. This Bill goes a long way towards achieving that aim. The Bill encourages even greater levels of achievement and accountability. I am sure that most South Australians will applaud the move to place executives on performance based contracts. On the other hand, I am sure that they support the retention of tenure for those thousands occupying non-executive positions. This Government has introduced a Bill for reform. Like most initiatives of the Brown Government, its hallmark is fairness. An analysis of the Bill that I have seen is instructive and many of the descriptions use language and phrases that I quote, as follows:

> Reflecting new terminology. . . providing greater clarity. . . providing greater flexibility. . . highlights the importance of people. . . bringing clarity into the workplace and prominence to the importance of managing diversity in the workplace. . . provides a framework of performance standards.

I hope and trust that another area the Bill will facilitate is gender equality. Of the CEOs in administrative units in the South Australian Public Service employed under the GME Act, figures of June this year show there are 24 CEOs of whom just four are women. That is just over 16 per cent. I do not believe that in 1994 anyone believes that 84 per cent of the best management skills reside with the males of the South Australian public sector.

This figure is particularly relevant because the same research shows that women comprise 54.5 per cent of the total State public sector work force. Surely, four out of 24 CEOs in South Australia in 1994 is not good enough. I hope that the greater flexibility reflecting changes in our society enables this question of gender imbalance to be remedied under this Bill. This Government does not seek to interfere with the working conditions of those employed in the South Australian Public Service. Rather it seeks, with the passage of this Bill, to ensure that all of our public servants are part of a vital and more dynamic team. I commend the Bill to the House.

Mr ANDREW (Chaffey): I am pleased to support this Bill, the Government's commitment to it and all the issues contained within it. By way of background and introduction, I refer to the advice of the Audit Commission report, which can be summarised as follows:

> Strong leadership will be required from the Government to bring about a sustained improvement in the public sector performance with a greater role for Ministers in championing reform within their own agencies.

I will not harp and go into the history and detail of the escalation and degree of State debt that we inherited from the previous Government; we all know where it came from and who is responsible for it. However, because of this, we as a Government now have to be responsible and look to all the options and reconsider them in terms of public sector management and how we can better manage this State and its economy.

I do not want to detract from what I believe is a very sound and strong Public Service in this State. The public

sector currently performs very well in this State. I want to place on record my personal acknowledgment of the service provided. A very wide range of Government departments is represented in my electorate. Since being in this job I have had a very close relationship with a good cross section of departmental senior officers and staff right down to the front line level. I would have to say, from my personal experience, that we have a very cooperative and supportive Public Service that is very keen to get on with the job. However, that does not take away the responsibility from this Government to work with the public sector in a combined effort to produce a better result for this State.

Undoubtedly, the Public Service has and can play a positive role in this State recovery process, but it must be given the means to focus on results and on the purposes of the programs that it undertakes. It must also recognise cost effective constraints so that its performance can be measured, just as performance is measured in the private sector today. It is appropriate and important that the Government sets the framework for this reform process.

In supporting this Bill, I want to concentrate on a couple of the major aspects contained within it. In particular, I refer to the chief executive officers and the Commissioner for Public Employment. I must say that I see the reforms in relation to those two positions as particularly significant and valuable in the reform process that we are promoting. First, I would like to make some special mention of part 2 of the Bill, because it refers specifically to the general public sector aims and standards. I believe that this section sets the framework and principles upon which Public Service employment is based.

Part 2 sets out a very clear statement and direction for public sector management. It provides a re-focusing and a clear focusing in comparison with the principles of the Act, and I particularly note that the requirements are that the public sector is to be a responsive, effective and competitive Public Service; it is to be adaptable, so that it can quickly change to meet changing demands and circumstances; it is to be effective and resourceful in terms of its management operations; and, without doubt, overall it is to provide an improved service delivery to our State. These aims are specifically directed to establish an environment which is concerned with customer service and which is capable of addressing some of the inadequacies identified by the Audit Commission report.

The Government acknowledges the vital role of its employees in the public sector, and this Bill recognises that they are an important resource, as I said. Conscious of the need to revitalise this State, the Bill also recognises the importance of training and ongoing development, and those aims are encompassed in this Bill. Personnel management standards, such as selection on merit, fair treatment and equal opportunities, have been reaffirmed: they are important and will be maintained under the Bill.

The Public Service must be oriented to service, to the community and to the Government, specifically with respect to employee conduct, standards and expectations. These aspects are highlighted in that performance standards are to be met and the best utilisation of resources will be ensured. These aims and standards, in the context of the Bill as a whole, establish the framework for an environment in which the Public Service is free of restrictions which prevent internal reform and where strategies, not bureaucratic processes, can be implemented and incorporated to achieve better practice and better service delivery.

The Bill indicates a commitment to the reduction of Public Service expenditure, and this is something that needs to be highlighted so that all public servants can see that they have a responsibility in this area. I am pleased that the Bill demonstrates the Government's appreciation of values other than just economic principles. Although I opened on this aspect and it is fundamental in terms of the need for the Bill, this Bill contains equity provisions with respect to equal opportunity and selection on merit as well as provisions for a safe and healthy working environment and conditions. The latter has always been the case, but the Government wishes to highlight these provisions, and I note that the Commission of Audit has identified that historically unsatisfactory performance has been related to problems in the occupational health and safety arena.

I know that the Government will go out of its way in terms of the framework of this Bill to see that the number of claims from the workplace in this arena, particularly regarding stress claims, is minimised and reduced. These aims and standards outline the platform on which management of employee relations will and should be built upon. Again, the Commission of Audit recognised that significant improvements will demonstrate that management is concerned with the well-being of employees.

I turn to the aspect of the involvement of chief executive officers under this Bill. Built into the aims and standards of the public sector workplace will be one of the greatest single responsibilities of the chief executive officer, that is, in relation to the conditions of employment. His or her conditions will be subject to contract and to performance standards set by the Premier and the Minister responsible, and the emphasis will be via the Government focus on results, on service and on accountability, and on the chief executive officer's role in maintenance and improvement of Government policy direction. Also, specifically with relation to the chief executive officer's employment, a prominent feature will be the indication of performance standards in the terms of contract.

Again, I refer to the Commission of Audit, which identified the need for reform in this area—a need for reform in the area of assessment of service needs, and in reporting, accountability and long-term planning, including with respect to the budgetary process with attention to what is produced in goods and services rather than just in terms of input cost. Attention should be given to outcomes, and these will be reflected in the performance contracts and standards that will be indicated in the contracts written for chief executive officers.

Similarly, it is important to reflect that we are putting a human face on resource management and, again in relation to the chief executive officer, greater reform is required and will be addressed, because he or she will have the responsibility in terms of human resource management and so provide greater access to education, training and development. There will be greater emphasis in terms of industrial relations cooperation; greater emphasis in terms of performance management of the staff; and greater exposure to management systems and expertise.

Further, the chief executive officer will have greater responsibility in the management of surplus employees and redeployment issues regarding staff involved in that arena. Therefore, to respond adequately to this challenge the Government must be able to appoint and direct with a reasonable amount of certainty those responsible for the

administrative units, in other words, setting performance standards through the contracts with chief executive officers.

I refer to the other major aspect I indicated earlier, that is, the chief executive officer's general responsibilities. To achieve the objectives, aims and standards earlier mentioned, the chief executive officer must have increased responsibilities in personnel management. In particular, it is appropriate that the chief executive officer will have, as indicated under this Bill, the power to negotiate and confirm the contracts for other senior executive positions. Further, chief executive officers with personnel management responsibility will have the power to manage employment in this broad area.

This will include assignment between senior executive positions and dealing with excess positions and with incapacity of individuals, whether it be physical or mental incapacity. He or she will also have a significant role in terms of conduct, control and conciliation with respect to disciplinary matters. Now, more than before, the chief executive officer will have greater power and a greater role to resolve grievances and conciliation, and I note that, in the very few situations when appeals may not be lodged through him or her, the chief executive officer must consult with the Commissioner for Public Employment.

I turn now briefly to the role of the Commissioner for Public Employment, under part 5 of the Bill. I believe that it is important to gain a clear concept of the Commissioner's functions. Under the existing Bill, the Commissioner has a role in determining occupational groups and classification structures as well as a role in the conditions of service and standards of qualifications, all of which are binding on the Chief Executive. However, what is required with the task ahead for the Government is that the Government be directly responsible for public sector framework, and this can be done by removing functions from the Commissioner that have entrenched rigidities into the system; in the process, some of these, as indicated, will be turned over to the chief executive officer.

Therefore, because of these historic constraints, significant reforms will now be possible. It will be possible for the Commissioner for Public Employment to be involved directly with personnel issues and practice, for example, through developing guidelines, providing advice and monitoring review, and taking an overall view of the operation of the public sector. In addition, I note that in the Bill the Commissioner's independence is reinforced and maintained. For example, the Commissioner must comment on a number of factors in relation to his annual report. This will include the observance of personnel management standards, which would include significant breaches or evasions, measures taken to improve aspects of the operation of the system or, alternatively, the extent of disciplinary action and procedures that have taken place.

Also, I note that the Commissioner for Public Employment will be involved in significant reforms, and not just through the annual report, because by the presentation of this annual report the public will have access to independent scrutiny of the public sector and the personnel practices being retained and operated. The functions of the Commissioner will allow a greater degree of independence for that position. Specifically, that will include the conduct and review of practices by his own initiative and his investigative powers or involvement with respect to conduct or discipline relating to employees.

At the risk of trying to be a little simplistic, often it can be dangerous to provide analogies or metaphors to give a clearer perspective of what is happening in this arena, but I suggest that we might draw the analogy of this Bill with a ship being the same as a Government department. It has the same crew and the same public sector employment, but possibly it has a new captain as the chief executive officer, and we now have a new shipping owner in the form of a Government and a directing Minister. I should like to think that the Bill will put the ship in for a refit; that is, give it a new and longer life. I suggest it has the same superstructure, but in this case, with respect to this Bill, rather than have a scrape down of the old rust and give it a new coat of paint, for the sake of South Australia we need not to tighten a few chains and belts to make sure that the worn slop is taken up on the rudder cables so that the crew is more responsive to the direction that is given, but, more importantly, to realise that this Bill reflects a whole new technology which has come to pass in the last 10 years.

We might mention that, for the sake of the refit, perhaps the diesel engines need to go for gas propulsion. More importantly, we might install a whole new navigational system, as is happening with global positioning navigation technology these days. When we start to install such new technology, we find that there might be room for new cargo and for the ballast to be moved around a bit so that the staff or crew have to be a little more readjustive or reflective in terms of where their role fits in relation to their responsibilities with respect to their previous tasks or roles as part of the crew, so that readjustment will continue.

Under this Bill the captain or chief executive officer is given greater authority and more discretion to contract out roles and responsibilities to his senior officers. Perhaps this does nothing more than reflect the skills available in terms of senior executive officers and the changing route that needs to be taken, the cargo to be carried or the job at hand that needs to be done. As indicated by this Bill, the crew are likely to have better conditions, but they will need to be more responsive in the process.

In summary, I believe that the results of this new Public Sector Management Bill will assist to restore confidence in the community for total financial management of the State under this Government's control. It will provide a refocus for the Public Service, which will enable the opportunity for both fairer private sector competition and activity. It is appropriate that the Government reset the framework for the public sector operation here in South Australia. It will be done against a balanced outlook, against the traditional and necessary independence of the Public Service and will ensure that the administration units are able to be more responsive and more acceptable to the greater autonomy created for the chief executive officers. I commend the Bill to the House and have much pleasure in looking forward to the application of this Bill moving this State into the twenty-first century.

The Hon. FRANK BLEVINS (Giles): I oppose this Bill, of course. It has absolutely no merit. There is nothing I can say that will in any way praise the Bill. Other than perhaps certain parts of the Bill, to me it does not seem to make a great deal of difference whether we have it or not. With some of the extravagant claims made about this Bill by members opposite, I do not think they have read the same Bill that I have been reading. Within the Bill there are some quite offensive clauses which will be dealt with in Committee. The Deputy Leader has outlined very well and very clearly, as is his usual way, the Opposition's view on those clauses, and they will be dealt with in Committee. By and large the second

reading explanation is nothing but a load of waffle about changing times and so on. It was absolutely meaningless. Except for the few offensive clauses, I do not think it would matter a damn whether or not this Bill passed: there is that little in it.

As with a great deal of legislation that has come before this place in the past 10 months or so, the Bill is based on out and out outrageous lies: not just verbal lies and lies spoken to the unions and spoken in this Parliament—there are plenty of them—but they wrote down these lies. This is how barefaced these people are. Leaving aside that they might tell lies in Parliament from time to time, they wrote to the relevant unions and said, 'We think the GME Act is fine.'

Mr ROSSI: On a point of order—

The SPEAKER: The honourable member cannot take a point of order out of his seat.

The Hon. FRANK BLEVINS: He can't take a point of order out of his place—how long has he been here? Not only did they tell them lies to their faces—they are called barefaced lies—but they wrote all this stuff down. They said to the PSA, 'Absolutely no way, we think the GME Act is perfect—a great basis for cooperation. We can assure you it will not be touched.' They told them the same on superannuation. Two days before they brought in a Bill to change superannuation they said, 'We'll not touch the superannuation.' It was in writing—signed by Ministers. What can you call that? It is unparliamentary, I agree, to accuse these Ministers of telling lies: you cannot say that in here, but what else do you call it? What other word is there when somebody writes down something, knowing full well that it is untrue?

The SPEAKER: I am pleased that the member for Giles is choosing his words carefully, but the Chair is watching.

The Hon. FRANK BLEVINS: It would have been a sight better had the Government chosen its words carefully, too, rather than deliberately misleading the unions and this Parliament in the way that it did. I do not oppose this Bill because I particularly owe anything to the PSA, because I do not. When the Labor Government left office about 10 months ago I would argue that South Australia probably had the best paid Public Service in Australia. The Grants Commission figures show that it was somewhere around 5 per cent above the national average.

Certain sections of the public sector, whether it was the police, nurses, prison officers, the STA or a number of other areas, were actually the highest paid in the whole of Australia. Again, I would argue that the conditions of public servants in this State were second to none. Overall, there were no public servants in Australia who had better working conditions than those we had here. Ratios of classifications of public servants to the people they served are important. For example, our ratios of prison officers to prisoners and teachers (including preschool) to students, as well as police officers per capita, were the best in Australia. I was proud of that and thought it was something about which the Government had a right to be proud. What thanks did the then Government get for this from the various public sector unions? I can tell the House that it got very little.

I was at the fine demonstration today on the steps of Parliament House. There was a bigger demonstration when I was on the menu—when it was me they were cooking—but I am still here, whereas a lot of them are not. I think my credentials in opposing this Bill are absolutely impeccable, because since the 1985 election I do not think I have ever heard or read one kind word from the PSA and most (not all) of the public sector unions for the previous Government which gave them, as I said, the best wages, conditions, highest staffing ratios, and so on. The Labor Party owes them nothing. So, why am I and the Labor Party opposing this Bill? I will tell members why I oppose this Bill, because otherwise it is something that members opposite probably would not understand: it is called principle. Despite the difficulties I have had over the years with some sections of the PSA and with public sector unions, I believe that it is of fundamental importance to everybody in South Australia to have a quality, independent Public Service. Where this Bill deviates from that principle (and it does so in significant areas) I believe it ought to be opposed.

The main difficulty I have with this Bill is the question of political control. I will indicate later why the Government wants this political control. Apart from spite and the desire to get certain individuals, I cannot understand what benefit this Bill is to the Government. Perhaps when the Premier responds to the second reading he will enlighten me. It seems to me that there is no good purpose in this Bill. As far as I can see, there is nothing in it that is of any advantage whatsoever to the public of South Australia. To have a politicised Public Service is detrimental to the public of South Australia. The question of the impartiality of advice from public servants has been raised on a number of occasions.

I think that is important, but let us not get carried away with it. To imagine that all public servants are pure as the driven snow, totally unaware of the political colour of the Government and in no way tailor their advice because of that is absolute fantasy. Let us remember that 99 per cent of public servants would not give advice to the Government, anyway, because they are not in a position to do so. They are workers who, in the main, do a specialised job whether it be as a secretary or an Ag. scientist. They go to work at 8 a.m. and finish at 4 p.m., in the same way as an employee of BHP does. They do a job for their employer, transfer their expertise, hopefully add some value to whatever they do—in the main I am sure they do—and go home, but they would never be able to influence a political decision even if they stayed in the Public Service for 30 years.

Again, that side of it does not particularly concern me. However, given that is the position, why are these clauses in the Bill which allow the Minister virtually to hire or fire at will? Why bother? The Government would not know what 99 per cent of them do, anyway. The people concerned certainly would not be involved in giving the Government advice. Why does the Government want to buy a fight? So it can sack these individuals! Perhaps there are thousands of public servants who do nothing. I have never found them, but maybe that is the case and the Government wants to get rid of them. I would have thought in the light of the experience of the past couple of years that if the Government produced a TSP it would not have a great deal of trouble with getting a worker to leave, and that would apply in either the public or the private sector.

The biggest fights I had involved people to whom a TSP was not offered. They screamed, 'Why can't I have one?' Wives would telephone me and say, 'You won't give my husband a TSP and we want to open a chip shop.' Again, it does not stand up; it does not hold water. What is the motive? The only motive I can see in all this is ideology: the hatred of the Public Service by this Government. It just does not like the public sector. It believes that the public sector is inherently inefficient, that it is controlled by the unions.

Mr Kerin interjecting:

The Hon. FRANK BLEVINS: The member for Frome says 'Yes'. He may think that is correct, but he is quite wrong. That is absolutely not the case. It is just that ideologically the Government believes that anything at all it can close down in the public sector and give to its mates in the private sector is better. That is what it believes, and that is rubbish, because I can tell members now that the human infrastructure in the public sector is equally as important as the physical infrastructure, whether it be roads or bridges, etc., because the community does not consist just of that sort of hardware but of what we now call human services, such as health, education, family and community services—all those areas which cannot necessarily be touched, measured, weighed or compared with the private sector. They are equally as much the fabric of this society as are roads and those sorts of things. The damage that is being done to that by this Bill is the reason I oppose it. I can have my blues with the public sector from time to time, and we all win some and lose some on those kinds of arguments, but we have to concede that, if we want any kind of a civilised society, the best way to bring that about is a vigorous and efficient public sector delivering those services that people who we represent will not have otherwise.

It is all right for the eastern suburbs crowd who run this Government. They can afford to buy their own health and education services. They do not give two hoots about whether there is a decent State education or health system. They could not care less. They can afford to buy their own, and make a profit out of it, but for the people that we represent, if the public sector does not deliver good health and education services and so on, they will not get them because they cannot afford them. It does not just apply to the western, northern or southern suburbs of Adelaide—it particularly applies outside the metropolitan area.

There are a few farmers out there who send their children down to St Peters or Scots, and there may be members here who have had that 'privilege', but the overwhelming majority of people outside the metropolitan area rely desperately on having a decent public sector. You ought to hear them now. You ought to hear what has happened to the Department of Primary Industries—not necessarily my favourite department—and what they are saying about it on the West Coast. Members in here cry about the desperate poverty facing their constituents on the West Coast. In private members time they put up resolutions on a Thursday morning, yet they stand by and watch this Government remove all those services from non-metropolitan areas that are desperately needed. This Opposition, when it was in Government, ensured that those services remained. There was not a vote in it for us, but it was the decent thing to do, and we did it.

Mr Foley interjecting:

The Hon. FRANK BLEVINS: I do not know, but I think we did better in the country than you guys in the metropolitan area. We more than held our own. Another thing that concerns me is the loss of expertise in the public sector. You will not be able to build up that expertise again. You ought to look carefully at what the Auditor-General said about this, and he will have a lot more to say about it. By getting rid of public servants and putting public services under private control, you are losing that expertise in the public sector. You will be held to ransom by some of these cowboys with whom you are getting into bed. There is nothing in that for the public in the country or the city. You will not be able to put together, for example, the information technology program. Ten years down the track, these characters will say, 'We are not too interested now; we have had our 10 year contract.' In the last four years of the contract they will deliver rubbish. That is what they will do. They will maximise the profits. If that means delivering rubbish, that is what they will do. What can you say to them? The public sector cannot do it any more. They have gone. If members opposite have any decency, they ought to think about these things.

We hear Ministers every day saying how they are attempting to transfer overseas this expertise in the public sector. We have been pretty successful in this State over the years. Whether it is the Department of Lands, the Department of Agriculture, TAFE, and so on, we have been able to go into other countries, make contact, and make a bit of a profit—but not much—in doing it. All these people are going. The staffing levels are down to bare skeletons. They are privatising everything, giving it to the private sector. All that expertise is lost. All those contacts are lost. We will not be able to put them together again in five minutes. Where is the benefit to the State?

I am not arguing about making these organisations efficient. I sat down as the chair or convenor of GARG, and I told these people, 'If you are not efficient, you are dead.' I told them that, as far as I was concerned, there was nothing socialist, nothing left wing, about people in the public sector appropriating a lot of the wealth the public sector creates for themselves. Why, for example, should a single mother pay more for her electricity because ETSA is 30 per cent overstaffed? There is nothing socialistic in that; that is a straight out rip off. I have a few words with these people all the time, but it is a long way from doing that to then saying, 'We are going to give it all to these sharks that come in.' They will get it for next to nothing—that is what Governments do—they will then jack up the prices and bleed the State until it is helpless. I believe this Bill reinforces that anti-public attitude of this Government and it should be opposed right the way down the line, and I certainly will be supporting my Deputy Leader in doing so.

Mr BROKENSHIRE (Mawson): When I have to follow the member for Giles it is a pity that, once again, I hear him going over a fair bit of rhetoric. I am not sure whether the member for Giles has read the Bill, because he is talking about issues that, when he was the Treasurer only 12 months ago, were the cause of the problem. We all remember that only just before the election, when he was Treasurer, he did not even bother to advise the then Premier, Lynn Arnold, that there was another $100 million blow-out in the budget. In fact, if I remember correctly he said, 'I did not think it was that significant that I needed to let him know.' Then he starts talking about TSPs and how we are supposed to keep providing these services and facilities.

In precising my debate tonight it might also be worthwhile reminding the member for Giles that, after the collapse of the State Bank and the $3 150 million that the State lost through the lack of efficiency and accountability, the Federal Government agreed to pay this State about $634 million as part compensation provided it was spent on targeted separation packages. Of course, it is also worthwhile reminding the member for Giles that, with all the savings and cuts that we have had to make to try to balance our books, with the increase in interest rates we have lost $160 million of the savings that we were looking for in the first year. Hence the vulnerability and hence the reason why, unfortunately, we have had to continue to make those cuts that were a commitment between the Federal—

Mr Foley interjecting:

Mr BROKENSHIRE: It has the same to do with the debate as what the member for Giles talked about. I wanted to precis my remarks by stacking up why we have had to do what we did in respect of that matter. It is very unfortunate that members opposite have had to mislead the community on the Bill. I have spoken many times in this House on how we need to be bipartisan on issues to get this State going, and yet the first chance members opposite get they start to hype up some emotion and misdirection by having a crack at the Government and misleading the public sector. Away went the member for Ross Smith on the ABC that night, screaming and jumping up and down before he had even had a chance to analyse the Bill. What is the Bill really about? The Bill is simply about the things that all South Australians on 11 December last year demanded of this Government. It is about accountability—something that everybody has been screaming out for for a long time. It is about TQM—top quality management.

Mr Clarke interjecting:

The SPEAKER: The Deputy Leader of the Opposition is out of order.

Mr BROKENSHIRE: Had we had it in this Government and in the public sector over the past six or seven years we would not have to make the decisions that we are now having to make on a daily basis. It is about being more responsive to the needs of the community. It is about being clearly focused and having a documented direction for the chief executive officers and the senior management of the departments so that they can get on with the job in an accountable fashion and in a manner which the community is demanding. It is not about knocking grass root members of the Public Service, and members opposite know it. The Opposition claims that there will be a change in tenure.

Members interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: Members opposite know that, and that is why they are becoming agitated—because I am starting to hit on the points that they have been using to mislead the community for over three weeks. Clearly, there is no change in the tenure, and the honourable member knows it. The Minister has no additional power regarding employment. The honourable member makes false claims, when it is about time he started to tell the truth on this matter. Both the existing and the proposed legislation make it possible to terminate the employment of an employee if a position is excess to requirements. It is our Government's policy, as we have spoken about—

An honourable member interjecting:

Mr BROKENSHIRE: I wrote the speech. I do not have staff available, as does the honourable member, to write my speeches. It is our Government's policy that the non-retrenchment policy stands, and members well know that. Let us look at the summary of this Bill. The present principles restyle—and that is all we are doing—the aims and standards. To make the member for Ross Smith happy, I quote from Part 2 of the Bill under the heading 'General Public Sector Aims and Standards', as follows:

> General management aims
> 4.Public sector agencies will aim to—
> (a) provide responsive, effective and competitive services to the community and the Government.
> (b) maintain structures, systems and processes that work without excessive formality and that can adapt quickly to the change in demands.
> (c) recognise the importance of their people [recognising the importance of the public sector] through training, ongoing development and appropriate remuneration.

That means paying people what they are worth, and it continues:

> (c) manage all resources effectively, prudently and in a fully accountable manner.

The constituency has been crying out for this sort of amendment for some. Finally, it provides:

> (e) continuously improving their performance and delivery services.

If we are to be competitive with the private sector, accountable and efficient to save money, obviously we have to be continually improving; hence the top quality management direction. In the personnel management area the public sector agency will do the following:

> (a) base all selection decisions on a proper assessment of merit;

What is wrong with that? What unfair accountability does that put on the work force? It continues:

> (b) treat employees fairly;

It will ensure that employees are adequately looked after, and, if members read the schedule, they will see more detail on that again. It continues:

> (c) afford equal employment opportunity and use to advantage diversity in their work forces;

That is all about flexibility. It continues:

> (d) provide safe and healthy working conditions; and [most importantly]
> (e) prevent nepotism, patronage and unlawful discrimination.

The member for Ross Smith appeared on the ABC the other night and said that this Bill would create nepotism. Nepotism has been present in the past in some areas. We have found plenty of that since we got into government, but this Bill is about correcting, and not encouraging, nepotism. That part of the Bill which refers to the role of the Minister responsible for the Act talks about general employer responsibilities presently with the Commissioner being transferred to the Minister responsible. It is purely talking about general employer responsibilities. The people who will be under pressure and under scrutiny are the chief executive officers.

Why should chief executive officers not be fully accountable? Why should they not be scrutinised? Why should they have open-ended contracts? Why should they have a contract which runs for six or seven years even if they are not performing? We all know, and the member for Hart often claims, that the problem with the State Bank—one of the largest problems we have had in this State—was a gentleman called Tim Marcus Clark. I have heard the member for Hart talk about that time after time, and we must remember that the honourable member was an adviser to the previous Premier during this debacle.

Time after time he blamed chief executive officers and senior people for not telling the Government of the day what was going on. He claimed that time after time. Here is an opportunity to put into place a Bill that once and for all will guarantee the people of South Australia accountability. Those officers will be subject to scrutiny and, if they are to be on these big salary packages, they will damn well have to perform. My constituency demands that we make sure that happens, and this is why we have brought this Bill into the House.

When we start talking about the initial draft and amendments from the initial draft, it is great to see some bipartisan-

ship. The Premier was prepared to put that draft out to the Opposition and the community, to send it personally to all departments, as the honourable member well knows, to let the Public Service know what we are thinking of doing and to allow it to comment, showing fully our hand and our cards. The Premier has been saying, 'Where do you think this Bill is not correct?' And, as a result, after proper conciliation with the community, he has come up with a very workable Bill.

The types of appointment arrangements for non-executive staff have been simplified to either tenured for most staff or in special cases contract employment. That spells it out in one line. It is not about scaring all the grass roots public servants by saying that they will all be on contract; far from it. In fact, in probably 95 per cent of cases, they will be on the standard tenure. As the Premier has clearly said in press release after press release, this is about sorting out those people and making them accountable for their departments. They should no longer tell the Minister what they think the Minister would like to know; they will be obliged to tell the Minister what the public needs to know so that the Minister can make the correct decisions.

The Bill provides for termination of employment only as a last resort if an employee is excess, is guilty of misconduct, has given unsatisfactory performance or, unfortunately, happens to have a mental or a physical incapacity. In the private sector that is commonplace, and we need to make provision to allow that to occur within the public sector, notwithstanding that if someone goes out on an incapacity they are clearly covered.

In relation to union involvement, there is nothing in this Bill that detracts from employees being represented by unions. We have been careful on that with our industrial relations Bill. The opportunity is there for an employee ombudsman, for an individual advocate or for the union to represent; that is still allowable in this Bill. So there is no argument there from the unions other than that they also unfortunately want to stir up debate within the community and mislead the community on some of the fundamental legislation that we must get through if we are to indicate to the people who are looking to invest and develop in this State that this State is going through reform and restructuring, and is accountable not only in economic terms but also in direction and accountability from the top down.

As Government members would also know—and they misled a lot of people on this matter—there are employee appeal rights. Indeed, there are pages of employee appeal rights in this Bill, and no employee will be dismissed without the opportunity of lodging an appeal, and so on. So, the safeguards are there; it is a clearly balanced Bill.

In summarising and supporting this Bill, I would like to have a few points recorded in *Hansard*. Since I have been a member of Parliament, I must confess that I have worked more and more closely with public servants. I have therefore come to realise—not that I did not before—since I have worked more closely with them, and in a sense have become a public servant myself, just how much hard work the Public Service has put into this community and how dedicated it is. It involves hard work and dedication by the vast majority of people. Most people to whom I have talked are looking forward to the challenges that are put before them in this Bill, because they will give them the opportunities to compete fairly and squarely, and they will give them flexibility and initiative and allow them to capitalise if they start to show some drive in a direction within their department, and so on. They will also give them more of an opportunity to compete generally with the private sector.

Those moving into the private sector realise that a lot of outsourcing has to occur and, when contracts are written by this Government, they are responsible contracts. What the member for Giles said was clearly incorrect, because there are checks and balances within those contracts. The other thing he omitted to point out is that where outsourcing occurs the great part about the private sector is that others will always compete and make sure that it is kept accountable. If they price themselves out of that business, they will miss out.

This Bill is not about kicking the grass roots sector; rather, it is about looking at middle management and up and making sure, as I said, that they are accountable for their options. I firmly and strongly support the fact that senior management has a bigger role to play than it has had to play in the past, and we must make sure that it is kept accountable. We know about the State debt; I have touched on that again. It is a matter of getting the house in order, as we have said time and again, and that means that not everybody will be happy with some of the measures that we have had to put in place. But in a balanced and fair Bill such as this, the vast majority will be happy. At the end of the day, when they have been consulted, that is the best one can hope for: we will never please all the people all the time.

The vast majority are right behind this Bill. That was proven today, because Government members were hoping for 2 000 or 3 000 people (and the member for Ross Smith in particular went flat chat to try to drum up that many people today to cause a debacle) to attend the Parliament House rally, but they landed flat on their face because they had no more than about 300 people.

That debacle proves, when we consider there is a public sector work force of 100 000, that the vast majority of workers are happy. Again the Deputy Leader had the audacity to cause emotion, unnecessary stress and diversion for many of those people by calling them away from their duties. I support public servants and the work they are doing. Recently in my electorate I sent a newsletter around explaining to constituents what the Public Service is doing and I suggested that people should back off from putting undue pressure on the Public Service through restructuring reform in order to let public servants get on with the job so that the rest of us can get on with the job.

Clearly, I will do nothing to work against the Public Service but I will do all I can to work with it. As members know, by having accountable senior executives and management and having the Ministers keeping more of an eye on the proceedings of the day, we are not going to encounter the debacles encountered in the past and we will have a State that once again can prosper and flourish.

Mr Atkinson: What debacles are they?

Mr BROKENSHIRE: You were a member of Parliament for four years through the main debacle and, if you were not aware of the debacle, it is an insult that you are here today. The debacle was particularly in the senior section; the accountability was not there and clearly, as the member for Hart said, on numerous occasions he was not getting the correct answer from senior executives. He did not have a Bill in place to ensure that those correct answers came forward. Instead of knocking the Premier and the Government, the honourable member should read the fine print and get out with the unions and tell grass roots members of the Public Service that the Bill will help and not hinder them. I wish to close my remarks in the debate by saying that the lines of

communication have not been good between executive management and the grass roots players in the Public Service, but this sort of Bill will help to improve that in the future.

The Hon. DEAN BROWN (Premier): I take this opportunity to thank all members for their contributions to the debate. It has been a lengthy debate. It is a controversial piece of legislation obviously in the mind of the Opposition, but I bring to the attention of the House what the clear objectives of the Government are and once again I would go back to highlight the points made in the second reading explanation. We want a public sector in South Australia that has applied to it modern management principles. We want a public sector able to respond to the needs of the broad community, a public sector in which the chief executive officers will operate in much the same way as we would find they would operate in any large organisation.

The Deputy Leader of the Opposition gave a great speech that went on for well over an hour talking about the difference between Coles Myer and the Government. Of course there is a difference between Coles Myer and government, but people who work in large organisations are people and many of the human relations issues are exactly the same or very similar whether you happen to be in Coles Myer, some large international company, a small company or in government. I know what it is like to have worked in the South Australian public sector. I was a public servant. My fear is that, as with the previous and the current restraints, many of our employees still feel the same way, that they are poured into a straitjacket the day they join the government. They are not able to express themselves or be creative; they are not able to carry out their duties effectively because there will always be an expectation that the responsibility lies higher up and they are accountable to no-one, except someone higher up whom they never see. I know the frustration that that used to cause in the public sector when I was there and I know that that same frustration applies today.

One has only to look at the present Act and the principles set out in it to understand the mentality that has applied. I refer members, particularly the Deputy Leader, to part 2 of the present legislation. Section 5 refers to the general principles of public administration. It provides:

(a) the public sector shall be administered in a manner which emphasises the importance of service to the community;

(b) the public sector shall be structured and organised so as to achieve and maintain operational responsiveness and flexibility, thus enabling it to adapt quickly and effectively to changes in government policies and priorities;

(c) government agencies shall be structured and administered so as to enable decisions to be made, and action taken, without excessive formality and with a minimum of delay.

Can members imagine a large international company setting down such a mission statement? This is effectively the present mission statement for the public sector of South Australia.

People within the public sector at present feel that they are there to comply with rules and regulations rather than to achieve. The whole purpose of this legislation is in fact to encourage them to get out and to achieve—to achieve as individuals, as an organisation and as a team and therefore to be achievers on behalf of the South Australian community.

It really disappoints me that the Deputy Leader of the Opposition should be wanting to turn back the clock in the way he did. The document that he put up as the example that we should be following was the Corbett review, which was undertaken in the mid 1970s. The world of organisational management has changed since the 1970s. Here we have an Opposition in this State that did so little when in Government for 11 years in terms of building up South Australia. Whether it was to do with building up the public sector and creating a more effective service or building up the general economy of this State, it ignored all of that. It was locked into itself and its Government and ministerial officers. The complaint that I had from the public sector when I came into government was that it had hardly seen a Minister, let alone a Premier, for the past four or five years. Public servants certainly had little interaction with the staff of the Premier's office. Time after time since I have been there, the response from the public sector to the Premier's Department has been, 'What a refreshing change this is.'

I am delighted that the member for Hart is in the House, because he was the senior adviser to the former Government; he was the man who sat in the position of power in terms of advice to the Government and the Premier's office. Frankly, it is a damnation of the way in which the present Opposition carried on in Government that we are witnessing this present response from the public sector.

However, it is distressing to think that today we are bringing in what is revolutionary in terms of trying to change the mentality and thinking within the public sector and we have an Opposition that quotes as its prime reference the Corbett report of the mid 1970s. I might add that the Corbett report was not even effectively administered or adopted by the then Labor Government in the 1970s.

Members should look at the whole thrust of this huge heap of amendments that have now been tabled. Although I cannot talk about them in detail, their whole thrust is to reestablish the Government Management Board. In that six-week period of the election campaign, when we had complete freedom to deal with the public sector in a truly independent manner, I asked immediately for the Chairman of the Government Management Board and the head of the Premier's Department to brief me as the alternative Premier. The one thing we were told at that briefing was that the Government Management Board had not operated for at least the past year and a half.

Even the former Labor Government had realised that the Government Management Board was no longer an effective or relevant agent of Government, yet what is it trying to do in these amendments? It is trying to turn the clock back and re-establish a Government Management Board, when the Labor Party itself found that it was not effective. It was totally irrelevant for the last 18 months under the Labor Government; it is still in the legislation; it is irrelevant now; it has not operated under either Government; yet, not only does the Labor Party want to take us back to the verbiage, the thoughts and the ideas of the 1970s but also it wants to re-establish structures that it found were not operative.

Let us look at some of the other key issues that have been raised, one being the accusation by the Deputy Leader, as the lead speaker for the Government, that we want to politicise the Public Service. That is not the case at all: anyone who tries to construe that this Bill achieves that in any way whatsoever should recognise that that is not the case at all. There has been—

Mr Clarke interjecting:

The SPEAKER: Order! I suggest that the Deputy Leader has had his say; he will allow the Premier to respond.

The Hon. DEAN BROWN: Would the Deputy Leader like me to stand here and talk about all the political appointments made by the former Labor Government over the past 11 years? Time after time we have found that political

stooges were pulled out of ministerial offices and shoved out into the Public Service. Would the Deputy Leader like me to stand here and repeat the list, which I have already mentioned in the House previously, of just some of the examples of political appointments that were made to the Public Service with a clear objective of doing nothing else but putting Labor Party stooges into what should have been an independent public sector?

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I can recall a Chief Justice who went from being Attorney-General in this Parliament straight to senior puisne judge with the announcement being made and the full expectation that he was going to become the Chief Justice.

Members interjecting:

The Hon. DEAN BROWN: I point out that there is nothing in this Bill that gives the Government of the day any more power to politicise the public sector. The crucial point is that any Government that is blatant enough to try to politicise the public sector, as the former Labor Government was, will do so. That is clearly understood.

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I am surprised that the member for Hart should say that someone like Mr Matthew O'Callaghan, who is truly independent and who was selected by a panel—

Members interjecting:

The Hon. DEAN BROWN: The Opposition is effectively saying that anyone who does not come from a union background is biased to the Liberal Party. That is the assumption.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The Chair does not wish to rigidly enforce the Standing Orders. I suggest that members allow the Premier to continue his remarks uninterrupted.

The Hon. DEAN BROWN: The point is that there is no power in this legislation whatsoever for individual Ministers to direct CEOs concerning the employment of individuals within the public sector, yet that is exactly the basis on which the unions have been trying to stir up people to come to the rally today. If we look at the publicity that was put out two weeks ago when the legislation was introduced into this Parliament, what do we see from the Deputy Leader of the Opposition? We see the claim that this Bill gives enormous powers to Ministers to direct the public sector on the employment conditions of specific individuals.

I challenge the Deputy Leader to highlight where that occurs. It was in the draft, but we removed it from the legislation introduced into the Parliament, and we removed it because quite specifically, through this very detailed consultative process we went through, the one issue that the public sector asked for was for that to be removed, to ensure that not only was there independence but there was seen to be independence.

I point out the consultative process that we went through. Never in my 20-odd years of political life in or out of this place have I seen any legislation that dealt with management of the public sector so widely consulted with the public sector before it was introduced into this House. Over a four week period we went through the following process.

First, I sent a letter to every one of the 80 000-odd public sector employees. We set up a mechanism whereby there would be briefings in every Government agency with the chance for every Government employee to come along and be part of those briefings. We made available draft copies of the legislation for that period. At the end of the consultative period, I sent another letter to them all, highlighting the changes that we were making, in particular one or two, and I will not go into the details but I picked it up in the second reading explanation. I stress that never have I known of any such consultative process.

But we went further than that. We set up a hot line in the Premier's office to answer any queries that any Government employee had concerning what was in the Bill and how it would operate. Furthermore, we invited Government employees to write in with their ideas, and I have received about 1 400 letters. As I say, this Government has bent over backwards, and we have picked out of that the key issues that were raised and we have responded to most of those key issues.

One other important issue has come up, that is, the appeal mechanism. We had great slabs of debate from the Opposition at some stage about the appeal mechanism. When the present legislation (the Government Management and Employment Act 1985) was before this House and when there were amendments to that in, I think, 1992, it was the Liberal Party in this House and in another place (at that stage in opposition) who fought to have put in place appeal provisions right up to the executive level. We took it to the wire and we won the day. With the support of the Australian Democrats, we forced the then Labor Government to back down on it.

We have put into this Bill virtually identical procedures for appeals. The mechanism is the same. The specific bodies and the procedure you go through are slightly different, but the important thing is that the appeal provision is there as we fought for in 1992. If the Labor Party had its way, those mechanisms would not have been there. It was the Liberal Party that preserved them, and we have preserved them again in this legislation. Of course, it had to be a slightly different procedure in this legislation, because the same bodies that were covered in the previous legislation were not in this. But I can assure members of the House that the appeal provisions are there, and it was on my personal insistence that they go in.

There was another claim by the Deputy Leader of the Opposition about inadequate consultation. I have noted the level of consultation, and I think it highlights how hollow the claims were in the speech made by the Deputy Leader for him even to raise the point of inadequate consultation. If anyone should be embarrassed about lack of consultation it was his Government, because it introduced measures into this House in 1992 that substantially changed the appeal provisions, and they had not even consulted with the PSA, let alone put out a draft to anyone within Government employment. So, there was absolutely no consultation regarding their amendments just two years ago, whereas we circulated a draft copy to all 80 000-odd employees within Government.

I think that I have now covered most of the key points. I am disappointed that the Opposition, in its response to my second reading speech, has dealt with it in such a dishonest and hollow manner and has failed to have the foresight to produce a more effective public sector in South Australia to meet the challenge that Government employees have been calling out for. I stress the fact that this Bill is and needs to be pioneering for the public sector because fundamental changes are occurring in the way that organisations are managed. We have only to look at the effectiveness with

which teams are now operating and the way that the matrix rather than the traditional hierarchical model, which still basically applies within Government, is going. What organisation today has the sort of pyramid structure that Governments still try to struggle under?

Vast, modern, world-wide organisations, much bigger than the Government of South Australia, have flexibility and responsiveness across their whole organisation and they operate as teams. They do not try to wrap someone up, put them in a capsule, and say, 'That is your lifelong job and you must not stray out of those confines and restrictions that we are trying to define through this very rigid system under which the public sector is operated.' There is a book to which I would refer Opposition members. It is a text which, at least in general philosophy, highlights the sort of change that is occurring. It is called 'Reinventing Government'. It reflects—

Mr Foley interjecting:

The Hon. DEAN BROWN: He said he read it two years ago. Perhaps that is why the former Government then dropped the Government Management Board over two years ago. I should like to highlight the areas that this book covers because it is what we are trying to achieve in the public sector. It talks about catalytic government, where one is steering rather than trying to row; community ownership of government; a competitive government; a mission-driven government; a results orientated government; and, very importantly, a customer driven government.

What has surprised me is that nowhere within Government until very recently has there been any overall program for the adoption of total quality management, for instance. That is something that I experienced in the private sector. Whether big or small organisations, we found that those which applied the principles of total quality management or other similar schemes—and there are a number of different schemes which work along similar lines, but the principles are the same—worked as teams; that is, there was ownership of the outcome of the organisation by all the employees and they worked as teams to achieve it.

That is what we are about as a Government, and I must say that is not what the public sector has in South Australia under the present Act. It is about time that we tried to help the public sector to adopt the principles of total quality management and gave it the flexibility to do so, but, very importantly, put the onus on the chief executive officers that if they do not perform they are out, just as any private organisation or any other effective Government around the world would do and as other Governments around the world are starting to do. That is the real onus: you appoint the chief executive officer, you give a broad policy direction in which the Government is heading and the outcomes you want, and you require that chief executive officer to lead that team. That is exactly what this legislation is about: it gives additional power to chief executive officers, but it preserves the independence of the public sector and it preserves an auditor to ensure that independence applies to the Commissioner for Public Employment. I urge all members to support this legislation.

The Hon. S.J. BAKER (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr CLARKE: I seek your guidance in this matter, Mr Chairman, as I did with the native title legislation. I have not had a chance to discuss it with the Premier. In clause 3 there are a number of definitions, and there are what are seemingly innocuous amendments, such as 'after Part 5' insert 'or 6', and Part 6, of course, deals with general employment determinations and positions. Those amendments, particularly the first, second and third amendments, only make sense if my more substantive amendments to clause 27, just as an example, are carried. I am quite happy to debate why I want my first amendment in the Bill; however, in doing so I will probably need to canvass the reasons which we will come to later in my amendments that deal with some significant changes to clause 27 where, instead of the Minister determining general employment conditions for public servants, it is the Commissioner for Public Employment. I am in the hands of the Committee: I do not mind either way. I can debate the more substantive issue around what is seemingly an innocuous amendment first up but which relates directly foursquare with that issue or I can do that later.

The CHAIRMAN: I have not had time to peruse the extent of the amendments, and they seem to be very extensive, running to 21 pages. But there must be in the honourable member's key clauses, such as clause 27 to which he referred. If some amendments will definitely stand alone, irrespective of whether clause 27 is agreed to, perhaps he could pursue them individually but, if the honourable member is convinced in his own mind that clause 27 is essential to all of his amendments, it may well be that he could canvass the issues in clause 27 while he is speaking to the amendment to clause 3 to insert 'or 6' after 'Part 5'. If he canvasses the broad issues which are in his mind when he seeks to amend a substantial number of clauses, it will then depend on the honourable member's knowledge of his own amendments, which is certainly more intimate than mine, whether he wishes to pursue individual ones subsequent upon the passage or denial of his first amendment. We could treat clause 3, page 1, line 26 as a test amendment after the honourable member has canvassed the range of issues, which is virtually what we did with the other substantial legislation a few days ago.

Mr CLARKE: That is what I was trying to get at, because to debate the first amendment by simply inserting the number '6' after Part 5 is somewhat meaningless unless I develop an argument around Part 6, which is substantially centred around clause 27.

The CHAIRMAN: Does the Premier wish to respond to the line of argument I have put forward which is to allow the Deputy Leader to canvass wider issues than are obvious in the amendment to clause 3 at page 1, line 26? We can then assume that that amendment, when it is finally put, will be a test amendment.

The Hon. DEAN BROWN: Under clause 3 there are three key amendments. One deals with the Commissioner's role, one deals with the tribunal in principle, and then the amendment at page 3, line 10, deals with the union consultation in principle. If we take those three and treat them as the test case, I am happy for the Deputy Leader to comment on a broader basis. If we deal with those three, all the consequential amendments will fall by the way. The Public Sector Management Board involves another broad principle and can be dealt with on the same basis. That takes us well into the amendments, and if we can quickly deal with those four

issues and take a vote on them we will get them out of the way.

Mr CLARKE: I assure the Premier that this will not be done as quickly as he might like, although I am in general agreement with the process, as it is the most expeditious way of considering these matters. The first amendment, which is to insert 'or 6' after line 26, is very significant in that it goes to the heart of one of the Opposition's main contentions. For those members who are not familiar with the Bill, Part 6 involves a fundamental change to the process in which the Government handles the Public Service. Clause 27 (1) provides that 'the Minister may determine': the first amendment (and obviously more substantial consequential amendments will flow from it) effectively would see the word 'Minister' deleted and the word 'Commissioner' inserted. In other words, the Opposition seeks to make the Commissioner for Public Employment the common law employer of public servants as he is currently.

I have canvassed the reasons for this in my second reading speech, but I want to go into it in a little more detail, because I do not think members appreciate that they are now voting on a Bill which makes the Premier, or whoever happens to be the Minister in charge of the relevant Act over the past number of years, the employer for all State public servants. The position is not just notional, as exists in the Commonwealth Public Service, where I think the Minister for Industrial Relations is the notional employer. The Commonwealth Commissioner handles and hands down the determinations and directives with respect to general employment conditions.

This is absolutely fundamental to our criticism of this Bill. We want a buffer, which currently exists, between the political masters of Government who come and go and the ongoing good government of the public sector. Under the Government's Bill, it is the Premier who will make determinations. This is not appealable. You cannot wander down to the Industrial Relations Commission and say, 'We think the Premier of the day has been a bit rough in determining our conditions of employment', and have the matter determined. Clause 27 provides that the Minister—that is, the Premier—may determine structures in accordance with which remuneration levels may be fixed for positions in the Public Service. Under this clause the Premier will set the classification criteria for public servants and can arbitrarily wipe out or change those classification criteria to give a person or a group of persons either an increase or a decrease in salary depending upon where they fall within those classification criteria.

Salary levels are set in an award but the criteria determining into which classification a person falls will be in the hands of the Premier. There are many conditions of employment other than remuneration which affect public servants, as the Premier would well know, whether they involve dirt money, travel allowances, overtime and various other allowances. Given the myriad functions of public servants and their responsibilities, the various allowances they could otherwise enjoy, such as a meal allowance, hitherto have been subject to determination by the Commissioner. Under this legislation that determination will now be vested in the hands of a political animal, namely, the Premier of the day of whichever political Party.

The Opposition and I do not believe that it is a healthy prospect for the Premier of the day to have that authority. There should be a buffer. In the past, that buffer has been the Commissioner for Public Employment, who is not directly subject to the influence of the Premier of the day in such matters. Hitherto, if an instruction is given by the Premier of the day, that instruction must be given in writing and be recorded every year in the Commissioner for Public Employment's annual report. In that way there is at least public scrutiny by both the Parliament and the community generally to decide whether the instructions issued by the Premier to the Commissioner for Public Employment are in all the circumstances fair and reasonable and acceptable to the public.

To put this proposed series of amendments in perspective, the Commissioner for Public Employment's functions are dramatically reduced under this Bill. In effect, the Commissioner for Public Employment is being made into a glorified personnel officer who can issue guidelines, advice and things of that nature. That has no particular merit in the sense that it is of great significance. The guts of the Commissioner's powers is in the area of the general employment conditions of the Public Service proper.

It is too important a task and responsibility for it to be vested in the hands of a Premier who inevitably is transitory, and who inevitably, whatever political Party is in office, is motivated to seek political advantage for his or her Party, similar to Bjelke-Petersen. He was good at buying the allegiance of the Queensland Public Service by offering good salaries and improved conditions. The Queensland police union always did very well just before an election, as did a number of other public servants I might add. Bjelke-Petersen was not averse to ensuring a decent pay rise was on the way just before a Queensland State election. He introduced legislation to ban street marches so he could have a bit more enthusiasm amongst his police force to go around—

The Hon. Dean Brown interjecting:

Mr CLARKE: There was no money in the enterprise agreement, and you well know that.

The Hon. Dean Brown interjecting:

Mr CLARKE: The Premier wants to interject about enterprise agreements. There was no money involved in that. It was subject to ratification by the Industrial Commission, which the Premier ought to know about. Anyway, Bjelke-Petersen was very good. He wanted to make sure his police were loyal. When he wanted to lock up those who protested against bans on street marches, the police all received a big pay rise to get them full of enthusiasm to go out and bash up those who protested against this dictatorial policy in Queensland.

Quite frankly, I hope the Premier does not want to do that in South Australia. He says, 'Trust me; I will not do it'. I am sorry, Premier, I do not trust you, and nor do many of the people you want to be your employees. You breached your promise to the public servants about retaining the GME Act. You breached your promise on public sector superannuation. You traduced the Industrial Commission. You had your Minister try to fix one of the judges in the Industrial Commission, which was complained about earlier today. Why should we trust the Premier's word? We do not and, frankly, even if he were Jesus Christ we would not trust him, because in this situation it is the legislation that is our guarantee irrespective of the political Party that happens to be in office. We want to put in the necessary checks and balances to ensure that no Government, whatever its political persuasion, can use its position as the direct employer of public servants.

The Hon. Dean Brown interjecting:

Mr CLARKE: I am more than happy for the Premier in his response to give chapter, verse, name and all the rest of it. By all means, do so. I was not there, so I cannot refute it.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: Order! The honourable member is interjecting out of his seat, among other things.

Mr CLARKE: I will conclude by reiterating our position. We see the Commissioner for Public Employment as a key role, not merely as a supernumerary personnel officer with guidelines, advice and so forth. You do not need a Commissioner for Public Employment to do that. Go out and hire somebody at a cheaper rate of pay to provide that sort of functional advice, if that is what you want. We want a Commissioner for Public Employment who stands as a buffer between the political wing of Government and the Public Service generally. The Premier wants to be the employer and have influential control directly over many of the conditions of employment—I am not talking of remuneration; I am aware of the difference there—but there are many other things and conditions of employment of public servants over which the Premier would have direct influence. That is not healthy for the State.

Mr Brindal interjecting:

Mr CLARKE: If the member for Unley wants to interject, he should return to his seat or to a rat hole where he is more suited and interject from there.

Mr Brindal: A rat hole!

Mr CLARKE: That is probably putting it too high. The Premier probably agrees with me about the honourable member returning to a rat hole, but that is another point. In so far as that is concerned, we are totally opposed to it. I expanded on the concepts during the second reading debate and, whilst I could spend even more worthwhile time on it, the Premier and the Government have a pretty fair idea as to the Opposition's position on this matter.

Mr CUMMINS: I am very surprised at the speech that has just been made by the Deputy Leader of the Opposition because I understood at some stage that he purported to be an industrial advocate.

Mr Brindal: Don't you think 'speech' is a bit too gracious a word to use?

Mr CUMMINS: Yes, but I am kind. I would have thought that he would know that the concept of employment turned around the concept of control test. I am sure he must be aware of that. If he bothered to look at the other provisions of the legislation, he would see that clause 21 provides:

> The functions of the Commissioner are as follows:
> (a) to develop and issue guidelines relating to personnel management matters in the Public Service, including—
> (i) appointment; and
> (ii) deployment; and
> (iii) termination of employment; and
> (iv) merit and equity; and
> (v) performance management; and
> (vi) conduct, discipline and grievances. . .

These are the powers of the Commissioner. Clause 22 provides that the Commissioner is not subject to direction by the Minister except in the exercise of delegated powers. The member did not mention clause 28 of the Bill, which provides:

> The chief executive of an administrative unit may fix or vary the duties, titles and remuneration levels of positions in the unit.

Clause 46, the disciplinary provision, provides:

> (1) If the chief executive of an administrative unit is satisfied that—
> (a) an employee in the unit—
> (i) is not performing duties of his or her position satisfactorily or to performance standards specified in a contract relating to his or her employment; or
> (ii) has lost a qualification that is necessary for the proper performance of duties of his or her position...the chief executive must consult with the Commissioner...

Certain procedures then follow and action can be taken. The same applies to clauses 52 and 54. It is fatuous, as the honourable member would well know, if he was an industrial advocate, to say that the Minister is the employer. That is not the case at all, because the Minister does not exercise control over the employees. That is a test put down by the High Court, and I refute totally what the Deputy Leader of the Opposition said in relation to the Minister's being the employer because patently he is not.

The Hon. DEAN BROWN: First, I take up the excellent comments of the member for Norwood. In fact, they were the sorts of comments that I was going to make. If members look at clause 27 and the powers of the Minister, it deals with classes of employees and not with the employment of individuals. In dealing with the classes of employees in terms of structures, that is the role of a Minister. In fact, it was the role of the Ministers when the former Government was in office. It has been the role of Ministers for the past 30 or 40 years in South Australia, and even under the old Public Service Board that used to apply back in the 1950s, the 1960s, the 1970s and up until 1985.

The Public Service Board used to get its instructions about structures and the various things that are now covered here and given as a power to the Minister. What is different? We have hidden, for the past 30 or 40 years, a procedure that automatically applied at any rate. So let us be open about the fact that it has always applied in terms of broad structures and classes of employees. I can recall when I first became Minister for Industrial Affairs that Public Service Board representatives used to come to see me—as they had done with all previous Labor Ministers—seeking guidance on the policy for certain areas. To suggest that there is anything sinister about that when it has applied within the State for the past 40 or 50 years (and probably for the past 100 years) is preposterous.

What concerns me is that either the Deputy Leader of the Opposition is trying to make something out of nothing, and therefore is being dishonest in what he is doing, or he just does not understand how government operates in this and in every other State of Australia and, in fact, as it operates in most other Westminster systems around the world. Therefore, I suggest it is time the honourable member woke up, understood the procedures that have applied for many years and simply allowed that to be reflected by this legislation.

Mr CLARKE: The member for Norwood is wrong. The fact is that the Commissioner for Public Employment has always been, as far as I can remember—and I go back nearly 20 years—named as the common law employer for the purposes of awards and various other matters in the Industrial Commission of South Australia. It will now be the Premier. In terms of functions of the Commissioner for Public Employment—

The Hon. Dean Brown: It has only been in existence for less than 10 years, so it couldn't have been back for the past 30 years.

Mr CLARKE: So far as I can remember. I have been in the industrial game for 20 years and for the past 10 years I was Secretary of the union.

The Hon. Dean Brown: I am saying the commission has not operated for more than 10 years, so you're wrong.

Mr CLARKE: All right, for 10 years. At the same time, section 29 of the GME Act sets out the functions of the Commissioner, including the following:

(e) to determine conditions of service in respect of positions or classes of positions in the Public Service;

(f) to determine criteria, standards and procedures for the classification of positions or classes of positions in the Public Service;

(h) to classify senior positions in the Public Service.

All these provisions—and we are dealing with the GME Act 1985, which is currently in force—are powers and functions that reside with the Commissioner. Obviously discussions go on; I am well aware of that. There is nothing sinister in that *per se*, but if there is to be a ministerial direction to the Commissioner for Public Employment then it has to be up front; it has to be in writing; and it should be part and parcel of his annual report. This amendment removes the Commissioner for Public Employment from making those determinations. It is one step removed from the hurly-burly.

The Fitzgerald report, on which I note the Premier did not want to comment but which related to the Queensland situation, in the first paragraph on page 131, states:

Cabinet Ministers should not be concerned with Public Service appointments, promotions, transfers and discipline other than those of chief executives to whom special considerations apply. A Minister's legitimate concern with personnel is to see that honest and efficient policies and systems are designed and fairly implemented.

That comment was under the heading 'Appointments and Promotions' and I will come back to that.

The Hon. Dean Brown: But they're not under this Bill.

Mr CLARKE: Under clause 27 the Government is determining—

The Hon. Dean Brown interjecting:

Mr CLARKE: Does the Premier say, as Minister responsible for this Act, that he cannot delete or add to classification criteria for public servants, thereby impacting on the level of remuneration paid to those classes of employees, whether they happen to fall into a higher classification or not?

The Hon. DEAN BROWN: The answer in terms of the general classification is 'Yes'; in terms of individuals, 'No'. That is the big difference we have been making. What Fitzgerald was talking about was on an individual basis; therefore, the Fitzgerald quote just does not apply to this Bill. I do not know how we get that through to the Deputy Leader of the Opposition. He stood up and made this bold accusation about what went on in Queensland and, therefore, what should not apply in the public sector, but it does not apply in the public sector in South Australia.

Mr CLARKE: We will deal—

The Hon. Dean Brown: You have made your points; let us test them and see whether you have any support for them.

Mr CLARKE: I know the end result, Premier. I know you are a busy man, but so am I. If it means keeping you a bit longer, we will keep you here a bit longer, unless you determine otherwise. You can do that because you have the numbers; that is up to you. I will do my job; you do yours.

The Hon. Dean Brown: Just stick to the facts and stop wasting our time with this other irrelevant stuff.

Mr CLARKE: You are not here that often, Mr Premier; you do not have to put up with all the Bills that come through. This is the first time in 11 months that you have had to shepherd a Bill through; what about some patience? As the Premier would well know, the reality is that we also have to look at other clauses, and I will not take up the time of the Committee because we will deal with them. Clause 36(1)(b) provides that the conditions of an employee's employment in a position in an administrative unit may, subject to the directions of the Minister (that is, the Premier), be made subject to a contract between the employee and the chief executive of the administrative unit. So, if you want to direct the chief executive you have the power to make a base-grade clerk subject to an individual contract of employment which can override other provisions within this Bill. We are not dealing with clause 36 now.

However, I am trying to point out to this Committee that, if we look at this Bill not just one clause at a time but at the whole mosaic of clauses interlinking with each other, we are clearly setting ourselves up for not only enhanced responsibility but also power in relation to the Public Service generally. In particular we expose ourselves to the dangers of politicisation and of rewarding our mates and punishing those whom we feel do not fit into that classification.

The Committee divided on the amendment:

AYES (10)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Stevens, L.	White, P. L.

NOES (29)

Andrew, K. A.	Armitage, M. H.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Greig, J. M.	Hall, J. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

PAIRS

Rann, M. D.	Penfold, E. M.

Majority of 19 for the Noes.

Amendment thus negatived.

Mr CLARKE: I move:

Page 1, line 27—Leave out paragraph (f) and insert—
(f) the Tribunal;.

The Minister for Employment, Training and Further Education may well laugh, but you do not have the numbers in the other place. You might have them here; we will see how you smile at the end of the process in the other place. In relation to the appeal process, the amendment *per se* is seemingly innocuous. However, as it goes, and as was agreed in the process earlier when this series of amendments was first put forward, members really need to look at the appeal processes that the Premier has had inserted in this Bill.

The Premier says that it was at his insistence that this appeal process has been retained within this Bill. Of course, he pointed out the role of the Liberal Party Opposition, as it then was, with respect to ensuring that an independent appeal process was included in the Government Management and

Employment Act. He was right then, but he is dead wrong now.

The fact is that there is not an independent appeal process. I will not go through all of them, but they follow much the same path. If we look at Division 9, 'Appeal against administrative decisions' (clause 56), we see that reference is made to the chief executive of an administrative unit being required to resolve by conciliation and agreement any grievance that an employee may have. It refers to lodging an appeal and the grounds for lodging it. It then goes on to provide for the number of days within which it has to be lodged and what the chief executive or the Commissioner must do. Clause 59 refers to the appellate authority. It provides:

> Where an appeal is lodged with a chief executive against an administrative decision, the following provisions apply for the purpose of determining who is to hear the appeal.

I would have thought that the question of who is going to hear the appeal is a pretty fundamental point. Are you going to get someone who is independent? In so far as the appellate authority is concerned, paragraph (a) provides:

> The chief executive may hear the appeal personally or appoint a person or panel of persons to hear the appeal.

Is that not wonderful?

Mr Brindal: Which amendment?

Mr CLARKE: The member for Unley is confused; he should look at clause 59, page 30 of the Bill. My amendment relates to the establishment of an appeals tribunal but, as agreed when we commenced this whole point about my amendments, I will debate more broad-ranging areas, as these amendments will be test cases on key items.

In any event, is not clause 59 wonderful? I want to lodge an appeal against an administrative decision because my manager has done something against me; I then appeal to the chief executive to whom the line manager who made the decision is responsible; the chief executive can either deal with the matter personally, in other words override a decision made by his line manager, or alternatively appoint a person or a panel. It does not provide for an independent person outside the Public Service or someone outside the administrative unit: it leaves it open.

So the chief executive could appoint another one of his line managers to deal with the matter, and then it is effectively a system of appealing from Caesar to Caesar. It can be a person, whether it be the chief executive officer, within the same unit. We all know the collegial type atmosphere that can exist in both the public or private sector among line managers; there is a very strong management ethos to back one another up and for the chief executive officer to support his or her line managers, not to override their decisions lightly, indeed never, if at all possible.

This is a ridiculous situation. In the Legislative Council, the Liberal Party, quite rightly in my view, insisted on an appeal process where there was to be an independent chairperson, a panel of persons selected by the Commissioner for Public Employment and a panel of persons selected by the aggrieved person. So, you have a true tribunal, which is independent of the chief executive officer or the line manager, where a person is appealing against some decision taken by a chief executive. We are not dealing with just 'Mickey Mouse' issues in these appeal proceedings: we are dealing with disciplinary procedures and with areas where a person could lose their job or be suspended without pay.

In the private sector there is a common law principle that you cannot be suspended without pay. If you are ready, willing and able to work, the boss can say, 'No, you are suspended for two weeks', but he has to pay your wages. The only way he can address that issue is by dismissing the employee, and the employee can then seek rights, if there are rights available, with respect to reinstatement either in the Industrial Court or the Industrial Commission, or can lodge proceedings in the Supreme Court if it is a contractual matter.

Mr Brindal: You have not even read this clause. You do not understand what it is about.

Mr CLARKE: I would be very interested to hear the views of the member for Unley.

Mr Brindal interjecting:

Mr CLARKE: Yes, I do. Contrary to what the member for Unley says, the reality of the situation is this; in all these appeal procedures, in the first instance the chief executive officer tries to conciliate. Not a problem. If it is appealed, and if the chief executive officer dealt with the matter in the first instance—and the appeal is about the actions of the chief executive officer—you can go to the Commissioner for Public Employment, or either of them can put it into—

Mr Brindal: You're wrong.

Mr CLARKE: Read it.

Mr Brindal interjecting:

Mr CLARKE: I certainly have; it is in the body of clause 59. What I would like to know, and I put this specifically to the Premier, is what has changed his mind from the day when he was Leader of the Opposition and insisting on an independent appeals tribunal, where an independent chairperson was to head that tribunal to hear appeals? What has changed his mind between when he insisted on its going into the Government Management and Employment Act and this Bill, where there is no outside intervention? How does he reconcile it when, under this Bill, it is dealt with in-house, where in fact the panel that the CEO or the Commissioner may appoint to hear the matter may be other line managers all backing one another?

There is no onus on the employer or the manager to ensure that there is independent surveillance, if you like, of the decision that is being appealed against. Something has happened between 1992, with the Premier as Leader of the Opposition, and now. The Liberal Party was so self-righteous in extolling the virtues of an independent appeals mechanism and, ultimately, it prevailed over the Government of the day and got it into the Act.

The Hon. DEAN BROWN: I draw the honourable member's attention to clause 21, 'Functions of Commissioner', which provides:

> The functions of the Commissioner are as follows:
> (a) to develop and issue guidelines referring to. . .
> (vi) conduct, discipline and grievances;

Quite clearly, the Commissioner has the responsibility for setting the guidelines, supervising and making sure that any grievance appeal is heard. Is the honourable member trying to suggest that the Commissioner will not be independent? I suggest that he step outside the House and imply that the present Commissioner is not independent. The whole intent of what the honourable member has just said was to suggest that the Commissioner is not independent. In fact, the Commissioner is independent now and will continue to be independent.

Mr Clarke: But neutered, under your Bill.

The Hon. DEAN BROWN: He is not neutered. I highlight to the Committee also the fact that the initial grievance is heard by the CEO. That is not unusual, because it happens to apply in Victoria—

Mr Clarke: That fills us with confidence.

The Hon. DEAN BROWN: It happens in Queensland. Does that fill you with confidence?

Mr Clarke: It would worry me.

The Hon. DEAN BROWN: It happens in New South Wales, as far as discipline is concerned, and Western Australia. The only State where it does not apply is Tasmania, but every mainland State has that provision. The important point is that it is initially in the hands of the CEO but then they have a right of appeal to the Commissioner.

Therefore, the Commissioner is still there and the Commissioner's powers are clearly outlined in clauses 21 and 22. I assure the member that again he is wrong. There is the same level of appeal. All I said was that the procedure is different because there are now different bodies there from previously. The initial appeal is through the CEO. If he or she is not satisfied with that, they can go off and appeal to the Commissioner, and that Commissioner is independent. We have taken the existing appeal provisions and applied them to the structure of the new Bill. Independence for appeal is still there.

Mr BRINDAL: The unfortunate member for Ross Smith has so confused the debate that I wonder what he is saying. I want to check something with the Premier. I draw the Premier's attention to section 59 of the Act about which we had the long dialogue. If I understood the member for Ross Smith, he was talking about these dreadful provisions that the Premier has been bringing in as being the most draconian thing to have happened in the history of legislation in South Australia, which seems to recur on a regular basis. Section 59(b) reads:

> however, the hearing of the appeal must be left to the Commissioner if—. . .
>
> (ii) the administrative decision was a decision under Division 4, 5 or 6. . .

Looking at divisions 4, 5 and 6, they are the most serious types of appeals, because they affect excess positions, unsatisfactory performance and mental and physical incapacity. Paragraph (e) reads:

> however, in the case of an appeal against an administrative decision of a kind referred to in paragraph (b)(ii) or (iii), the Commissioner must appoint a panel of persons to be the appellate authority.

Am I reading that properly? If I am reading it properly and the Commissioner is obliged in these most serious cases not only not to act himself but to appoint an independent authority, I do not know how the member for Ross Smith has the temerity to take up the time of the Committee by saying that there is no independent authority clearly constituted by this legislation. I simply ask the Premier whether I am stupid and cannot understand or whether the member for Ross Smith is somehow confused.

The Hon. DEAN BROWN: The member for Unley is correct. Most of section 51 deals specifically with those various powers of the Commissioner. I draw attention to clause 22, which provides:

> The Commissioner is not subject to direction by the Minister except in the exercise of delegated powers.

Clearly, clause 21 specifically outlines the rights of appeal and how those appeals are to be conducted. The review of grievances is to be conducted by the Commissioner. For the benefit of the member for Ross Smith, I am referring to clause 21(a)(vi), (b)(iii) and (c)(iii), which provides:

> the resolution of grievances and appeals in respect of administrative decisions. . .

Paragraph (f) gives the Commissioner the following power:

> to investigate or assist in the investigation of matters in connection with the conduct or discipline of employees. . .

Let us deal with two facts. The Commissioner is independent and the member for Ross Smith is not disputing that. Secondly, we have given him this unfettered power:

> to investigate or assist in the investigation of matters in connection with the conduct or discipline of employees. . .

The member for Ross Smith cannot dispute that; it is there in black and white. Therefore, he does not understand what he is talking about.

Mr CLARKE: Contrary to the oafish contribution by the Deputy Premier, by way of interjection—

The CHAIRMAN: The member for Ross Smith will resume his seat. The tone of the Committee has deteriorated considerably over the past 10 minutes, partly because the Chair, through lack of wisdom, has allowed badinage across the Chamber and for conversations to be addressed directly to members instead of through the Chair. We should try to restore the tone of the Committee by referring questions through the Chair, refraining from addressing members as 'you', and using correct titles, and the Chair will be much happier, whether or not members are pleased. The Deputy Leader.

Mr CLARKE: The Premier points out clause 21. The functions of the Commissioner are outlined. Let us look at paragraph (a), which provides, 'to develop and issue guidelines relating to personnel management matters in the Public Service, including' and amongst them it lists 'conduct, discipline and grievances'. I do not see in those words much by way of what is binding on the Government in that area. So what? The Commissioner for Public Employment issues guidelines. Will they be mandatory? If they are, do they have any particular force, or are they guidelines? Are they guidelines a bit like the Premier's promise to retain the GME Act?

We can go to paragraph (b), which relates to providing advice on personnel management issues. Does that mean that his advice will automatically be accepted by the Premier, that it is mandatory for the Premier to accept his advice? Paragraph (c) relates to the monitor and review of personnel management practices. That is nice. Does that mean that it is mandatory on the Premier, or on any other Minister or on the Cabinet to accept that monitoring and review of personnel practices, and that is in relation to the resolution of grievances and appeals?

Paragraph (e) refers to 'conduct reviews of personnel management practices as required by the Minister or on the Commissioner's own initiative'. This place is littered with reviews. We review everything and they gather dust, by and large. There is nothing mandatory under this Bill, which says the Government or the Minister must accept the views of the Commissioner. As far as clause 22 is concerned, that is a bit of a joke, too, because the Minister has powers under clause 27. If you delegate a power to the Commissioner, as Minister you can instruct him; so he is not independent with respect to a range of issues which the Minister delegates under his authority under a whole range of sections under this Bill. He delegates powers to the Commissioner and then can instruct him on doing it and appear at arm's length. There is nothing that makes me sanguine about the Premier's contribution in that area.

I refer now to the appellate authority, in particular clause 59, and to the contribution by the member for Unley. I will

use this example, and I think he referred to another. Clause 59(e) provides:

> however, in the case of an appeal against an administrative decision of a kind referred to in paragraph (b)(ii) or (iii), the Commissioner must appoint a panel of persons to be the appellate authority.

That is wonderful. If I was the Commissioner I could appoint any of the mates that suited me for the purposes of hearing this appeal. Within the same unit there is nothing to stop the Commissioner from doing it. Under the existing legislation which the Liberal Party insisted on bringing in—and it was right in 1992—there had to be an independent chairperson acceptable to all sides so that the process could not only be seen to be fair but be fair.

The Commissioner is appointed not for life but for a five year term of office subject to renewal. Frankly, with the way the Premier went around sacking CEOs after the election, anyone with a five year contract would be worried about hanging onto their job. I am not making any reference to the current Commissioner: I am simply saying that that possibility exists, whether it be now or in the future, and that is what we want to guard against. What appals me when reading the legislation on the appellant authority is that, by simply saying that in certain circumstances it is the Commissioner who must appoint a panel of persons, there is nothing that says that those persons so appointed on the panel by the Commissioner have to be well and truly removed from where the action is.

The Commissioner could appoint, if he or she so chose, a range of line managers from the same administrative unit from which the appeal stems. They may have been best mates with the person who was the line manager, having taken those positions against the person who launched the appeal. They are all part of a club, and nothing in this legislation stops that from happening. We are relying on the Premier's saying, 'Trust me, it will not happen. It is not my intention. It is not the intention of the Commissioner for Public Employment.' When this legislation is passed the Premier is somehow and miraculously going to be able to speak on behalf of all future Premiers (of whatever political persuasion) and Commissioners for Public Employment, whatever may be their abilities or susceptibilities to influence, well into the future. Frankly, that is not good enough.

That may not be your intention but it is still not good enough because the legislation does make it clear enough that you have an independent appeal process if you want it. This is what I really put to you, Premier. If you want an independent appeal system then give us one. Put this provision back into this Bill which you insisted on in the Government Management and Employment Act of 1992. You were right then and you are wrong now, so why not pick it up and run with it? You can earn yourself some kudos on the way. You can not only earn kudos on the way through but be morally right on principle and all the rest of it. What you still have not answered at all so far is the question: what has changed? You insisted in 1992 on that independent appeal process.

Mr LEWIS: I rise on a point of order, Mr Chairman. The Deputy Leader needs to be reminded that he is to direct his remarks through the Chair or otherwise we will find that the conduct of debate in this Chamber will deteriorate to the extent to which the Labor Party has dragged it in the House of Representatives. It is not appropriate, as I understand Standing Orders, for the pronoun 'you' to be used.

The CHAIRMAN: The honourable member has made his point and the Chair was continuing to be a little flexible. The member for Ross Smith keeps referring to the Premier as Premier and then to 'you', which every member knows is improper. The points the honourable member makes are being quietly made and are not dissenting. If the situation looks like getting out of hand the member for Ridley can rely on the Chair to step in.

The Hon. DEAN BROWN: The Deputy Leader asked me what has changed. Under the present Act, the Commissioner is the employer, and if you were going to have an independent review you needed someone other than the Commissioner to carry out the review. However, under this Act, the Minister responsible for this legislation is the employer.

An independent Commissioner carries out the review—that is the difference. As I pointed out some time ago to the honourable member, the structures have changed but the procedures are basically the same: that is, there is an independent review on exactly the same basis as under the existing Act. The reason this power has been given to the Commissioner is that he is no longer the employer. For the honourable member to suggest that the Commissioner is biased and will appoint his or her mates is absolutely preposterous. It is an outrageous allegation to accuse the Commissioner of bias.

Mr Clarke interjecting:

The Hon. DEAN BROWN: The honourable member is suggesting that the Auditor-General, the Commissioner and the Chief Justice are biased. These people are appointed with due office and responsibilities, and they are public figures. If the Commissioner is biased, the same thing applies to the present Act: the whole system is now warped, twisted and biased. The honourable member does not understand what he is talking about. Provision is made under the Act for one to appeal to an independent statutory body. The Commissioner is a far more independent person than anyone else, and I would have more faith in the Commissioner as the independent body to carry out the review than any other person who might be appointed from time to time on a one-off basis.

Mr CLARKE: The Premier may not be aware that the President of the Promotion and Grievance Tribunal states in his 1994 report that he has experienced difficulties in getting CEOs to abide by his tribunal's recommendations. It seems to me it follows that, given the current construction of clause 21 to which I have just referred, the Commissioner for Public Employment may equally be powerless in the future, particularly regarding an appeal which arises out of the processes that are dealt with in clause 59. In respect of another point on which the Premier did not comment regarding the issue of suspension without pay, which is a pretty serious issue, there is no right of appeal.

The Hon. DEAN BROWN: Under this measure, if a person is suspended without pay the matter can be reviewed by the CEO.

Mr BRINDAL: I want to follow up a point made earlier by the member for Ross Smith. I share the Premier's abhorrence of any suggestion that the Commissioner for Public Employment could be biased.

Mr Cummins: And the panel, too, that is appointed by him.

Mr BRINDAL: And the panel appointed by him—that they would just be some of the boys. I wonder what historical background the honourable member comes from to make those sorts of assertions. Under clause 20, the Commissioner's appointment may be terminated by the Governor on the grounds that the Commissioner has been guilty of misconduct (paragraph (a)) or is incompetent or has neglected the duties of his position (paragraph (f)). I share the

Premier's absolute confidence that no such person who is appointed would ever have to be dismissed in this way. I ask the Premier whether, if he found that a Commissioner was acting in the absolutely unlikely but abhorrent way suggested by the member for Ross Smith, he would seek the Governor's advice regarding the removal of that person from office on the grounds that they were not fit to hold office and whether that is a sufficient safeguard against all the allegations the member for Ross Smith makes.

The CHAIRMAN: Remove the Commissioner on which grounds? The grounds are clearly set out.

Mr BRINDAL: The grounds are clearly set out.

The CHAIRMAN: The Chair was under the impression another condition was being introduced, but obviously not.

Mr BRINDAL: No, Sir.

The Hon. DEAN BROWN: It is there in black and white in clause 20, not clause 21, as the only grounds under which a Commissioner's position can be terminated. It highlights the independence of the Commissioner.

The Committee divided on the amendment:

AYES (10)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hurley, A. K.	Quirke, J. A.
Stevens, L.	White, P. L.

NOES (28)

Andrew, K. A.	Armitage, M. H.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Greig, J. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

PAIRS

Rann, M.D.	Penfold, E.M.

Majority of 18 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 11.18 p.m. the House adjourned until Wednesday 16 November at 2 p.m.