HOUSE OF ASSEMBLY

Wednesday 3 June 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 2 p.m. and read prayers.

HALLETT COVE BEACH

A petition signed by 1 251 residents of South Australia requesting that the House urge the Government to include the Hallett Cove Beach on the Coast Protection Board's sand replenishment program was presented by the Hon. W.A. Matthew.

Petition received.

ELECTRICITY, PRIVATISATION

A petition signed by 865 residents of South Australia requesting that the House urge the Government to oppose the sale or lease of ETSA and Optima Energy assets was presented by Mr Hill.

Petition received.

FISHING, NET

A petition signed by 115 residents of South Australia requesting that the House urge the Government to maintain the ban on net fishing between Point Bollingbrook and Cape Donnington was presented by Mrs Penfold.

Petition received.

TAFE CLOSURES

A petition signed by 228 residents of South Australia requesting that the House urge the Government to investigate the closure of Aboriginal Community Education Programs at the Salisbury and Regency Institute of TAFE campuses, and to examine the possibility of reinstating these programs was presented by Ms Rankine.

Petition received.

GALLERY, FILMING

The SPEAKER: Order! I direct my remarks to the two cameramen in the gallery and remind you that, if you wish to stay in the gallery, you will cease filming other than when members are on their feet.

Honourable members: Hear, hear!

The SPEAKER: That includes the cameraman in the middle.

POLICE REFORM

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.F. EVANS: Today I want to outline to the House significant changes this Government is proposing for the State's police force. They are major changes, which will take the South Australia Police into the next millennium. This is not change for change's sake but changes to ensure that South Australians have the most efficient police force in Australia—an outcome they deserve. The current legislative framework governing the South Australia Police is antiquated. The basic framework remains virtually untouched since its enactment nearly 50 years ago.

In its present form, the Police Act 1952 sets out a rigid management system indicative of the militaristic origins of colonial police forces and does not reflect the modern human resource management practices, changes in the work of the police over the years or, more importantly, the needs of the community. The present Act does not deliver a best practice model of community service to both members of SAPOL and the South Australian community. There is no doubt that there will be some resistance to some of these changes—as there always is. But I would hope that the Police Association can see that the changes are in the best interests of the members they represent as well as the public of South Australia. It is our intention to ensure that the Police Association continues to be fully consulted on the proposed changes, and we hope that they will work with us, not against us.

In the past, it has been all too common for members of SAPOL to be caught up in long and tedious promotional appeals and disciplinary hearings. These matters can go on for up to two years, during which time members are placed under enormous personal stress, which undoubtedly affects their ability to deliver an effective service.

The Government's Police Bill 1998 is intended to provide SAPOL with the necessary resources to enable it to meet both internal demands for change and community expectations of service. In order to meet those demands, the Government will introduce progressive and innovative reforms, which will establish a modern, flexible management structure as the basis for performance management and the deployment and use of all members of SAPOL. The changing roles and functions of the police are reflected in the reforms, with particular emphasis on the many services provided by the police to the community.

Improvements to the professional conduct and disciplinary system will streamline the often frustrating and complicated handling of misconduct issues and allow greater focus to be placed on the investigation and prosecution of serious conduct matters and refine promotional appointments and appeals. The Commissioner will remain responsible for the control and management of South Australia Police and be will be required to ensure that good management and personnel practices are followed to provide an effective, responsive and efficient delivery of police services. This will, in part, be accomplished through the development, encouragement and full utilisation of the abilities of all personnel through ongoing improved training and education.

Underpinning the Government's move to improve policing is a commitment to bring more flexibility to the human resource management within SAPOL. First, where specialist skills are required, provision will be made for the appointment of officers by way of term appointment. Provision will also be made for the appointment of people who are not members of South Australia Police to the rank of senior constable or above on term appointments. This move will ensure that, in instances where specialist expertise is needed, the Commissioner has the ability to bring in the people to complement and reinforce the expertise we already have within our police.

Existing members of South Australia Police who may be appointed on a term appointment will, unless the conditions of the appointment do not otherwise provide, have a fall-back position to an appointment at the same rank they held before first appointed for a term. Secondly, promotion to a rank will

no longer be to a particular position. Promotion to a rank will be based on the generic competencies identified as being common to a particular rank. A promotion to a particular position will only be made when the position has been identified as one of a specialist nature.

The present Act and regulations are very descriptive and rule orientated in their approach to disciplinary matters. What is needed today is an approach which promotes professional standards being supported by all members of the organisation, and which provides for diverse strategies to deal with people not upholding professional standards. To this end, it is intended that a Code of Conduct will be established by regulation. A two-tiered disciplinary procedure will be established to deal with breaches of the Code.

Major misconduct will be dealt with by the Police Disciplinary Tribunal established under the Police (Complaints and Disciplinary Proceedings) Act 1985. Minor misconduct will be dealt with through an informal inquiry. Provision will be made for the review of the finding on informal inquiry. Action which may be taken in relation to a person as a result of a determination of an informal inquiry will range from transfer of a member to educational training. A related amendment to the Police (Complaints and Disciplinary Proceedings) Act 1985 will change the burden of proof in proceedings before the Police Disciplinary Tribunal from proof beyond reasonable doubt to proof on the balance of probabilities, and will bring South Australia Police in line with other States, public servants and teachers.

The Commissioner will be given the power to manage unsatisfactory performance by transferring a member to a position of the same or lower rank or by terminating the appointment of the member. However, no appointment will be able to be terminated unless the member has been allowed a period of at least three months to improve his or her performance and a panel of persons has confirmed that the processes and assessments made conform to the requirements of the provision and were responsible in the circumstances. The Police Appeal Board and the Promotions Review Board will be replaced by a one person Police Review Tribunal comprising a judge of the District Court.

The proposed single person review tribunal is intended to streamline the process and promote consistency in decisions. It may be that the need for more amendments to the Police (Complaints and Disciplinary Proceedings) Act 1995 emerge as the result of the review presently being undertaken by Mrs Iris Stevens. If that should happen, the amendments can be done as amendments to the Bill or, indeed, in a separate Bill. The Government does not intend to pre-empt the enterprise bargaining process which is in train at the moment. If there is an agreement between the Police Association and the Commissioner which suggests that changes to the Bill are needed, then changes can be made.

These important measures which I have foreshadowed recognise the role of the police in today's society. They will promote the effective management of South Australian Police and will assist the Commissioner of Police in responding to the needs of the South Australian community and importantly place the police on a sound footing for its future role.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the eleventh report of the committee and move:

That the report be received.

Motion carried.

Mr CONDOUS: I bring up the report of the committee on the committee's policy for its examination of regulations and move:

That the report be received.

Motion carried.

Mr CONDOUS: I bring up the report of the committee on regulations made under the Development Act 1993 in relation to smoke alarms and move:

That the report be received.

Motion carried.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier confirm that he did not believe the statement he made to the House yesterday that, unless ETSA and Optima were sold, there would have to be further increases to taxes and charges or the loss of a further 10 000 to 20 000 public sector jobs, and how many other statements has the Premier made to the House on ETSA's privatisation that he did not believe? Yesterday, the Premier told the House:

> But the simple, undeniable fact is that. . . there will have to be further impost in taxes and charges. Either that, or we have to take another 10 000 to 20 000 public servants off the list.

In a letter to the Public Service Association later the same day, the Premier wrote:

> The comment was not to suggest the Government would reduce the public sector by 20 000.

When does the Premier mean what he says?

The Hon. J.W. OLSEN: I welcome this question because, in posing it and quoting from *Hansard*, the Leader of the Opposition left off the most important words. At the end of my remarks I said, 'Is that what members of the Opposition want?' That is what I said, and that is what *Hansard* clearly states. We have clearly put down an alternative strategy. We indicated to the Parliament in the budget that if we, in years three and four, are not enabled by the Parliament to secure this year the sale of our power utilities—first, to remove risk; secondly, to reduce debt; and, thirdly, to reduce debt servicing costs and have surplus funds available for headroom in the budget in years three, four and beyond—we will be bringing in a mini-budget.

We have made quite clear and specific our course of action. What the Leader of the Opposition does not want to acknowledge is that the Labor Party does not want increases in taxes and charges. It will continue to reduce the debt and maintain existing public sector employees, but it will not pay them as we have negotiated but, as the member for Elizabeth has clearly indicated, it will pay them more than we have signed off, as in the instance of nurses.

That sort of magic pudding formula is not an economic result for South Australia. We have clearly put down that, if the Parliament does not enable us to secure the headroom and relief from debt servicing costs of approximately $150 million, we will have to look at a mini budget. Members opposite say that that is scaremongering. If we had not put that on the table at this time and come back in October or November and introduced it, they would have said, 'Why did you not tell us at the time the budget was tabled that they were the circumstances?'

Let me also quote this policy-free zone that the Labor Party has and put it in some context. In my reply yesterday I clearly tried to demonstrate that the Labor Party has

absolutely no policy solution—none at all. It is clarified—

An honourable member interjecting:

The Hon. J.W. OLSEN: Coming soon, yes! It is clarified to this extent. On the Cordeaux talkback program last Friday, the Leader was asked the question, 'What would you do?' That is a legitimate sort of question, to which the Leader replied, 'Well, you know, that is interesting.' That was the answer! Well, Mike, I can tell you, we are very interested in what you would do. Then we waited for the budget reply yesterday. We thought we might get just a glimmer of policy direction out of the—

Members interjecting:

The SPEAKER: Order! The Leader will come to order.

The Hon. J.W. OLSEN:—budget reply, and we did. Let me quote from *Hansard* one of the thrusts of the policy of the Leader of the Opposition. He said:

> Labor would seek to grow the economy and get more revenue from higher levels of economic activity.

No elaboration. Well, it is a terrific idea, Mike, as if we had not thought of trying to create more economic activity to get revenue flowing to the Government! That is the capacity, the ability, the extent to which the Leader has an alternative policy direction for South Australia. He fails the Labor Party and, more importantly, he fails South Australians.

ETSA AND OPTIMA EMPLOYEES

The Hon. R.B. SUCH (Fisher): Is the Premier aware of statements made by an official of the Electrical Trades Union threatening industrial action on the basis of an alleged lack of response by the Government concerning the future of ETSA and Optima employees?

The Hon. J.W. OLSEN: I am aware of the comments and I was surprised that Mr Donnelly was threatening to turn off Adelaide's power simply because a meeting had not been held. Government officers are negotiating with the combined ETSA and Optima unions, and those negotiations have been led on the union side by Mr John Fleetwood of the Australian Services Union.

The fact is that a series of meetings has been held with the unions. It is true that some meetings have been rescheduled to provide an opportunity for the Government to finalise its offer. However, Mr Fleetwood wrote to Government officials on 28 May acknowledging the proposal for the schedule of the next round of discussions this week and providing details for a number of further matters the union wished to raise at that time. I can only assume, therefore, that there has been some breakdown in communications among the unions, and I would very much hope that it does not lead to any unwarranted action.

As to the security of ETSA and Optima workers, I think it is appropriate that details of our offer are communicated to the unions before they are made public. However, I have already given commitments in respect of ensuring the existing employment conditions of ETSA and Optima workers, and they will be maintained moving into the new ownership. I have also given certain commitments concerning no forced redundancies; and, most importantly, I can advise the House that the Government will ensure that the security of the work force is protected through the continuation of all superannuation entitlements.

As I said, I do not wish to go into details before the unions have had an opportunity to consider our detailed offer; but I would stress that the package, particularly as regards superannuation, involves substantial costs which will have to be met by the taxpayer through either direct payments from the budget or reduced prices for the assets. They are the sorts of trade-offs you have to make in determining these policies. But I believe it is a cost that we should meet, because we have an obligation to ensure the security of the existing work force and the families that they support. I believe that when the unions and the employees they represent see the entire package that we will be presenting, they will agree that the threat of industrial action, therefore, is not appropriate.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): Why did the Premier tell this House on 18 February this year that when he was Minister for Infrastructure prior to the last election the Government 'did not consider the sale of ETSA or any part of it', when documents reveal that as a Minister the Premier had personally outlined a scheme to privatise ETSA in December 1995? A minute from the ETSA Corporation Managing Director to the Chairman of the ETSA board dated 16 February 1996 refers to a submission prepared for a Cabinet subcommittee 'which developed the concept outlined by Minister Olsen in December involving outsourcing ETSA transmission and selling off 50 per cent of the transmission assets as part of the process'.

It goes on to say that further work was done in developing the concept and submitting a paper to the Cabinet subcommittee in early February 1996, a paper which was 'received favourably'. The minute also confirms that Graeme Longbottom of the electricity sector reform unit, the EDA and ETSA officers were all involved in developing the Minister's concept, all of them working for agencies reporting to then Minister Olsen. When do you tell the truth to this Parliament?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The Leader of the Opposition has got it wrong yet again. I pose the question to the Leader: who introduced the amendments to the Parliament to, in fact, restrict the sale but for passage of legislation? It was none other than I. The facts speak for themselves. It is pretty old news—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has asked his question.

The Hon. J.W. OLSEN: He just can't contain himself, can he? About 12 months ago the member for Hart got very excited about what he considered to be a leaked document. What he did not show and did not release, which, if my memory serves me, was page 13—

Mr Foley: I didn't get it—

The Hon. J.W. OLSEN: Well, one could have believed that that page did not happen to go to them; all the others did but that page did not. On page 13, or whatever the page was, it was said that the proposal was put to the Cabinet subcommittee, which said that no further action on this proposal is warranted or required. That is what was said; that was in a press conference; and the member for Hart would know about that from last year. I point out further proof of the *bona fides* in this matter. I come back to the start: it was none other than I who introduced in this House an amendment to the restructuring legislation that would have precluded any such proposal without reference to the Parliament.

Mr HAMILTON-SMITH (Waite): Is the Premier aware of a rally, being promoted by former Premier Don Dunstan

to oppose the sale of ETSA? The former Premier is claiming that Sir Thomas Playford would not have approved of the sale. Such claims and activities may have an impact on the process of restructure and sale of South Australia's electricity assets.

The Hon. J.W. OLSEN: I am aware of the rally and the advertisements on radio which feature former Premier Dunstan and which evoke the name of Sir Thomas Playford. I understand that the organisers of the rally are attempting to draw some sort of a parallel between our process of reform and the situation in Auckland. This is a gross distortion of the facts. It is based on an absolute refusal by the Labor Party to accept that the problems in Auckland are not the result of privatisation. Members will recall that after we announced on 17 February (or thereabouts) our move on this policy, the Leader of the Opposition, post the Auckland situation, said, 'This is a result of privatisation.'

Mr ATKINSON: I rise on a point of order, Mr Speaker. The question was whether the Premier is aware of the rally. Having answered 'Yes', I wonder what relevance there is, in answering the substance of the question, in talking about Auckland.

The SPEAKER: Order! Ministers are given considerable latitude to develop a reply.

Members interjecting:

The SPEAKER: Order! At the moment, the Chair is not of the view that the Premier has gone beyond his limitations as a Minister to respond. The Premier.

The Hon. J.W. OLSEN: Part of the key publicity blurb on this rally emerging from the Labor Party through the United Trades and Labor Council is: 'Don't let an Auckland happen here.' That is the reason for developing the argument. Regarding Auckland, Mercury Energy, the supply authority, is not a private company: it is a corporatised distributor owned by a consortium of local councils via a trust structure. That is the position in New Zealand.

The problem in Auckland appeared to have begun when the four main high voltage supply lines to the city were accidentally severed by a construction contractor. The geographical layout of Auckland means that its electricity supply is focused on a small number of points which are underground—and that added to the difficulties of repair. The progressive failure of the four cables that entered the city at the same point, and the subsequent failure—

Mr CONLON: On a point of order, Mr Speaker, I refer to your previous ruling that you would allow a certain amount of latitude, but we are now exploring the geography and layout of the city of Auckland. I ask whether that is relevant to whether the Premier knew of this rally.

The SPEAKER: Order! The Chair has no idea of what is the agenda for this evening's meeting. The Premier is responding to a question from the member for Waite. He certainly should not move into areas of debate. I ask him to wind up his reply as it relates to the question from the member for Waite.

The Hon. J.W. OLSEN: I am clearly addressing the subject—the nature of tonight's rally. In this morning's publicity put out by the Labor Party and the United Trades and Labor Council it was stated that this candlelight vigil is to ensure that we in South Australia do not sell ETSA-Optima so that a position such as that in Auckland cannot be repeated. I think it is worth putting on the public record the true facts so that before this rally takes place at least some members of the broader community will know that there is no parallel between the South Australian circumstance and that which applies to Auckland.

New Zealand does not have an independent regulator who regularly reviews performance and capital expenditure plans. The plans to reform and restructure South Australia's electricity industry include a commitment to an independent regulator who will ensure that service levels are maintained by the new private operators. I find it interesting that the Labor Party is turning to a Leader of the 1970s to provide its policy solutions and ideas for the twenty-first century. I also find it fascinating that it is bringing one of the most practical and pragmatic politicians, Sir Thomas Playford, into its ideological arguments.

Thomas Playford nationalised the Adelaide Electricity Supply Company as a way of dealing with a pressing issue that he and this State then faced. He had to deal with his own national market problem: namely, he did not want to be held to ransom by the New South Wales coal unions. He took a responsible and practical course of action, which was totally divorced from ideology. If Sir Thomas Playford were here today and faced the problem now facing South Australia of a deregulated national market with interstate producers able to provide electricity better than we can, he would also take a responsible and practical course of action. He was a pragmatist, not an ideologue, and he worked in the interests of South Australia. As before, he would not be hamstrung by ideology: he would restructure South Australia's industry and return it to the private sector.

The old-fashioned Labor Party in South Australia is hung up on ideology, while all around Labor Parties are changing. In a speech to the power conference this morning, I referred to the Federal member for Werriwa (former Prime Minister Whitlam's seat), who has called for a policy of ownership neutrality. In yesterday's *Age* Lyndsay Tanner, a member of the Labor left, contributed an article under the headline 'Why Labor must take a new road', and he said—

Mr ATKINSON: Mr Speaker, I rise on a point of order. Has not the Premier now strayed well beyond the substance of the question?

The SPEAKER: Order! The Chair cannot uphold the point of order but I would ask the Premier to wind up his remarks. It is the view of the Chair that the point has been made and that the reply should now be drawn to a conclusion.

The Hon. J.W. OLSEN: I will simply conclude with the comments of Lyndsay Tanner. He said:

> We are experiencing a transformation of economic activity, driven largely by new technology. Developed economies have become too complex, dynamic and diverse to be run by tight centralised control without costs in efficiency and individual freedom. A new role for Government is emerging from this transformation. Future Government will ensure that its citizens can participate in their society. It will take responsibility for the ability of citizens and companies to achieve decent economic rewards, but not the actual delivery of these outcomes.

The Labor Party in South Australia might not like it, but the Labor Party elsewhere in Australia is seeing the light.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will come to order.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will not continue interjecting when he has been called to order by the Chair.

Mr Atkinson: Caution! Caution!

The SPEAKER: And I do not need the assistance of the member for Spence.

Ms HURLEY (Deputy Leader of the Opposition): When did the Premier first develop the concept outlined in December 1995 to sell half of ETSA's transmission assets and did he brief the then Premier, Dean Brown? On 24 April 1996 Labor released leaked documents that revealed part of the plan—which we now know was Ministers Olsen's concept—to sell off 50 per cent of ETSA's transmission assets. When the then Premier was asked about these plans on that day he told the media:

That's absolute rubbish. There are no moves by the State Government whatsoever to privatise the whole or part of ETSA. That's absolute bunk. I have no idea where this document has come from.

The Hon. J.W. OLSEN: As I indicated to the House in a clear and concise answer to a question from the Leader of the Opposition, when this concept was referred to the Cabinet subcommittee that subcommittee said, 'This will not be progressed. No further work is warranted on this matter.' Subsequent to that, and as a result of the Industry Commission report, I introduced legislation into the Parliament to restructure, and in that measure I moved the amendments to preclude such an outcome.

MOTOR VEHICLE INDUSTRY

Mr SCALZI (Hartley): Will the Minister for Industry, Trade and Tourism inform the House of any recent successes in job creation in South Australia's automotive industry?

Mr Conlon interjecting:

The SPEAKER: Order! I caution the member for Elder.

The Hon. G.A. INGERSON: He can't help his big mouth. The Department of Industry and Trade is working tirelessly to ensure that small and medium size businesses in this State expand rapidly. The privilege of seeing South Australian football teams beat Victorians was extended to another area today with the news that Siebe Automotive had bought out a Victorian automotive company, PJ King.

That purchase brings 100 new jobs to South Australia, and all comes about because of the department's getting involved with small and medium size business to make sure that assistance programs and support for their development occur here in South Australia. The fact of our operating costs; our overall union involvement at a lower level; that wages in this State are low compared to those in other States; and the virtual lack of red tape have enabled us to get further involvement by the automotive industry here in South Australia. This transfer of 100 jobs will create $83.7 million of economic benefit to South Australia. This is the sort of thing that needs to happen in this State, where the Department of Industry and Trade gets out and creates jobs and ensures an excellent future for young South Australians.

The relocation should occur by the end of this year, so by then we will have 100 new jobs, a relocation from Victoria and a benefit to South Australia's economic activity of $83.7 million.

HEALTH FUNDING

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Given that the State Government's cuts to health funding were six times greater than the cost to hospitals of people opting out of private health cover between 1993 and 1997, why is the Minister blaming the Federal Government for mistakes made in our hospitals? Figures released by the Minister show that between 1993 and 1997 the cost to South Australia's hospitals of people opting out of private health cover was $45 million (about $10 million a year). During the same period, when the Minister was Premier, the State Government announced a target to cut health expenditure by $70 million a year and cut a total of $230 million in real terms over four years. On 5 May the Minister told the Senate inquiry into health funding:

Serious mistakes have been made in our hospitals because people have in fact been asked to leave early or were not admitted.

The Hon. DEAN BROWN: Let us deal with the fundamental issue here: that this Government, since coming to office and since the start of the Medicare agreement, has processed more patients each year than Labor ever did under its operation of the public hospital system, to the point that by last year some 20 000 extra people were dealt with through our public hospital system compared to when Labor was in power. I invite the honourable member to read the budget papers, because they show that our allocation of funds is 9 per cent higher for health care than it was under the former Labor Government.

We have the clear facts that, first, we processed more people and took more admissions into our public hospitals than Labor ever did; secondly, that we are now putting in 9 per cent more funds than Labor ever did. The honourable member knows only too well that some of her colleagues throughout the rest of Australia have joined with Liberal Health Ministers to condemn what has occurred under the Medicare agreement.

Mr Foley: Liberal Government.

The Hon. DEAN BROWN: No, in fact it was a Labor Government. It was a Labor Government that introduced the 1993 Medicare agreement. We, in Opposition, criticised that agreement at the time, and members will recall that the then shadow Minister (Michael Armitage) in this Parliament criticised that Medicare agreement that was signed by the then State Labor Government with the then Federal Labor Minister.

The Hon. M.H. Armitage: Martyn Evans: the member for Elizabeth before this one.

The Hon. DEAN BROWN: That's right.

Members interjecting:

The SPEAKER: Order! The House will come to order.

The Hon. DEAN BROWN: The member for Elizabeth might like to go and talk to her Party colleague Martyn Evans and ask him why he signed a Medicare agreement that did not guarantee the State an extra payment if there was a decline in private health insurance. Some 87 000 people have dropped out of private health insurance since the start of this agreement, and because of its loose wording South Australia has not received one dollar extra from the Federal Government, and the blame for that must go back to the Labor Ministers, Federal and State, who signed the agreement. It was Labor who signed that Medicare agreement, and you could have driven a truck through that agreement when it came to compensating the States for a further decline in private health insurance.

Hence, although we are dealing with 20 000 extra admissions in our public hospitals, because of the failure of the Labor Party back in 1993 through wanting to sign that agreement before the Federal election—they were almost falling over themselves to sign that agreement before the Federal election—we are suffering here in South Australia, as the taxpayers of this State are having to pick up the full responsibility for the extra 87 000 people who are now reliant on the public hospital system. Our argument with the Federal Government at present is that it is not compensating us for the

future in terms of those 87 000 people. They are trying to set a new benchmark 87 000 lower than where they were 4½ years ago.

In exactly the same way as we believed that we should have been compensated under the Federal Labor Government Medicare agreement, we believe that we should be compensated into the future. I am surprised that the Opposition spokesperson on health issues is not supporting the Liberal Party in its campaign to get more funds. Her Party colleague in New South Wales is one of those leading the push very strongly, and it was interesting to see that her colleagues in the Senate joined with the State Health Ministers in very strongly supporting that campaign.

Members interjecting:

The SPEAKER: The member for Hart will come to order.

The Hon. DEAN BROWN: The facts are there: successive Federal Governments have turned a blind eye to the health care of Australians, particularly those wanting to use public hospitals. And it is about time that Canberra understood that unless they respond and prop up the private health insurance system; unless they make it attractive; unless they stop the drain of people from private insurance, then all South Australians in years to come will suffer along with the rest of Australians.

Ms Stevens interjecting:

The SPEAKER: Order! The honourable member for Elizabeth asked her question. The member for Mawson.

GOVERNMENT ENTERPRISES

Mr BROKENSHIRE (Mawson): I understand that the Minister for Government Enterprises is reviewing the ownership and operations of a number of Government enterprises.

An honourable member: That's comment!

The SPEAKER: Proceed with your question.

Mr BROKENSHIRE: This is the question, Mr Speaker. What impact does the Minister consider private sector involvement would have on jobs, investments and the economy generally with respect to the Minister's review?

The Hon. M.H. ARMITAGE: That is a particularly important question, dealing with the benefits that flow from privatisation. In providing the answer to the House, I refer to a *Journal of Finance* article entitled 'Financial and operating performance of newly privatised firms: an international empirical analysis'. The study builds on a World Bank study completed in 1992. The article compares pre- and post-privatisation financial and operating performances of 61 companies in 18 countries, in 32 industries that have undergone full or partial privatisation between 1961 and 1990. So, the Journal of Finance—

Mr Conlon interjecting:

The Hon. M.H. ARMITAGE: The member for Elder is clearly trying to interrupt the answer, so that when *Hansard* is sent out to people there will be interruptions in it. The member for Elder would be better to just quietly listen, because by trying to stop privatisation he is attempting to stop the following benefits flowing to the people of South Australia.

The results of the study show that there are very strong performance improvements, without sacrificing employment security. I remind the member for Elder, the member for Spence and other members who have been interjecting that these are the benefits indicated by the study. The study showed that 75.4 per cent of the firms experienced real sales growth; 69.1 per cent experienced improved profitability; 67.4 per cent increased their capital investment relative to sales; 71.7 per cent had lower debt ratios—something that all South Australians would like; 70 per cent increased their dividend pay-out; 85.7 per cent improved their sales efficiency; and 64.1 per cent increased their work force. Further, the study reveals that, on average, investment rose by 44 per cent; output—and the member for Kaurna has been talking about services—rose by 27 per cent; employment rose by 6 per cent; and profitability, in terms of return on sales, rose by 45 per cent.

It is very important to say that the study ruled out price increases as the frequent source of profitability increases. So, this is all achieved through being more effective, more efficient and having a private sector focus and a private sector milieu in which to provide more services, as the member for Kaurna said. So, the basic point ought not be lost on South Australians. Privatisation means more jobs, not fewer jobs, better jobs and more investment, not less investment. Privatisation means more investment from the private sector in South Australia. We all realise that that is something that the Opposition, for the most base possible political reasons, wishes to stifle. It does not want to see investment occur in South Australia, because that will increase its motley chances of coming over to this side of the House. But let us go out to the people of South Australia and ask them whether they want to see increased investment. Let us go out to the people of South Australia—

Members interjecting:

The SPEAKER: Order! I warn the member for Elder pursuant to Standing Order 137. It is a serious warning.

The Hon. M.H. ARMITAGE: Let us go out to the people of South Australia and see whether they want more output, more employment and more investment. The only reason why the Labor Party will not do this is that it knows that the answers will be in the affirmative for the position that the Government is taking. So, employment is a real issue for South Australia, it is a real issue for the Government and there is real potential for continued job growth through privatisation.

The Opposition clearly lives in an ideological time warp. For South Australians, that ideological time warp means fewer jobs for the people who in fact the Opposition claims to represent. The Government is concerned with good government, not the concern of the Opposition, which is politics, and its attempt to sit on this side of the Chamber. Quite clearly, privatisation has demonstrably good benefits for South Australia, and it is a path upon which this Government will continue.

Members interjecting:

The SPEAKER: Order!

HEALTH FUNDING

Ms STEVENS (Elizabeth): Given the Minister for Human Services' statements to the Senate—

Members interjecting:

The SPEAKER: Order! The member for Elizabeth has the call.

Ms STEVENS:—inquiry on health funding, will he explain why the budget fails to address the crisis outlined to the inquiry by the Minister, and why hospital resources have been pegged at existing levels? On 5 May, the Minister told the Senate inquiry that hospital emergency services are overloaded, that rationing of funds means that mothers have

to be discharged from the Women's and Children's Hospital just two days after a normal birth; that waiting times for allergy and immunology now exceed six months; that medical staff are under stress; and that research and teaching is being depleted. Budget paper four states that the target for 1998-99 is to maintain resources to hospitals at existing levels.

The Hon. DEAN BROWN: I presented very detailed evidence to the Senate inquiry on some of the pressures that are applying within the public hospital system. They are not unique to South Australia; other State Ministers highlighted pressures that apply in their States as well. In fact, I believe it is fair to say that, if one looks at the South Australian health system, particularly our public hospitals, we are probably faring better than any other State of Australia. That does not mean, though, that our public hospitals are not under considerable pressure. In fact, I outlined to the Senate inquiry some of those pressures that have been occurring and the sort of symptoms that we face—because the inquiry was asked what are the symptoms of the Federal Government not compensating the States for the extra people who are now coming onto the public hospital system through the crash in private health insurance, and I answered that question by giving the sort of information that I did. It was a very legitimate issue to raise, which highlighted the need, and I hope that the Senate will now take that to the House of Representatives to highlight the consequences of successive Federal Governments not compensating us for the decline about which I spoke earlier.

In terms of the State budget this year, I am surprised that the honourable member has come to the conclusion that she has, because she knows only too well that the budget papers this year have been presented in a different way from previously. We have highlighted that—and she read out the appropriate quote—we are at least maintaining effort. Maintaining effort means up 7 per cent on where we were 12 months ago. So, we are now heading towards about 30 000 extra admissions a year, compared with when Labor was in office. I repeat: we are 7 per cent up on just 12 months ago. We will continue to try to match what we see as the need to be able to cope with the extra demand coming through the door, and we anticipate that the demand in the coming year will be up on where it is now. That is an argument that I have taken to the Federal Government, and we continue to press the Federal Government for those extra funds.

You cannot have the State public hospital system being funded only by the State Government: there is an obligation on the Federal Government to put in the extra money. I have pointed out that, under the funding offered so far by the Federal Government, for the first year of the new Medicare agreement there will be about 8 000 fewer admissions than has occurred this year alone, and over the five years of the agreement it is expected that there will be about 100 000 fewer admissions than what we anticipate in our public hospitals. That is the whole basis for the State health Ministers asking for $1.1 billion extra, and I expect that this State will get about $100 million a year more out of that if the Federal Government listens to the arguments. What I have highlighted, though, is that whoever governs in Canberra must very urgently address these issues. Otherwise, I believe that we will find the public hospitals under increasing pressures, as I outlined to the Senate.

OLYMPIC DAM

The Hon. G.M. GUNN (Stuart): My question is directed to the Minister for Primary Industries, Natural Resources and Regional Development. The State Government and Western Mining Company last year announced a major expansion of the Olympic Dam mining project. Given the Minister's statement yesterday on regional jobs, will the Minister provide the House with some details of the flow-on effects and benefits to the South Australian economy of the Roxby Downs project, taking into account, of course, that the Labor Party vigorously opposed this project and the opposition was led by the now Leader of the Opposition?

The SPEAKER: Order! The honourable member was obviously commenting at the end of that explanation.

The Hon. R.G. KERIN: I am pleased to report to the House that Western Mining's $1.6 billion expansion at Olympic Dam is approximately 70 per cent complete. As the member for Stuart and I witnessed when we recently visited Olympic Dam, it is certainly a most impressive expansion. Some of the highlights of the expansion include the accelerated underground development, the installation of an underground remote controlled locomotive haulage system, a third haulage shaft, new mill, smelter and refining facilities, additional tailings retention facilities and, of course, the new 275 kilovolt electricity transmission line.

All that looks set to be completed in the last quarter of this year, which is a world record for this scale of operation. I am also told that Olympic Dam has reached the important milestone of in excess of one million hours work without a lost-time accident, which is also a world-class effort. The expansion will take the Olympic Dam mining and processing operations to 200 000 tonnes per annum of refined copper, and co-products of 4 600 tonnes per year of uranium, as well as 2 000 kilos of gold and 23 000 kilos of silver. Western Mining has indicated that, further down the track, possibly in 10 years, it will consider expansion to 350 000 tonnes per annum.

The expansion certainly represents a substantial investment by WMC. It means that the company's total investment at Olympic Dam will be $2.6 billion. The company aims to spend 70 per cent of its expansion budget within South Australia. Once complete, Olympic Dam will represent 25 per cent of the total assets of Western Mining. More than 1 500 construction workers have been employed on the site. Again, 70 per cent of those workers were recruited from within South Australia. A further 240 workers have been employed at pre-assembly facilities at Port Augusta and Whyalla.

That has a double benefit for those towns: not only have those jobs created an immediate impact but there is a more subtle and long-term advantage in that those workers have undertaken training which has increased their skills levels. When construction and commissioning the expanded facilities is complete, no doubt those skills will be a valuable asset, not only for those people to obtain jobs but also to help attract other manufacturing industries to that Upper Spencer Gulf region. The expansion will create approximately 200 more long-term jobs on site, bringing the work force at Olympic Dam to 1 200.

It has been conservatively estimated that for every person directly employed three jobs are created indirectly in service and support industries. The town of Roxby Downs currently has approximately 3 000 residents. It is rapidly expanding to accommodate the needs of the additional residents and will quickly grow to 3 5000 people. To cater for that increase land is being developed and over 280 houses and units have been built during this and last year. The new medical centre will be complete by the end of June, bringing a very important service to the people of Roxby Downs.

There is no doubt that this development is providing a range of economic benefits to the State, as well as a terrific lifestyle to many hundreds of families who are living in the town.

SCHOOL FEES

Ms WHITE (Taylor): Given the Treasurer's announcement that school operating grants and school card allowances will be frozen for the next three years, does the Premier support parents paying a goods and services tax on school fees to purchase services and materials not provided by the State Government? In 1996 parents paid $18 million in school fees and, in some schools, these contributed to over half the day-to-day costs of running a school.

The Hon. J.W. OLSEN: When the Commonwealth Government is in a position to detail any reformed tax package to the States, we will look at the proposal and comment on it at that stage.

SA WATER

Mr CONDOUS (Colton): Will the Minister for Government Enterprises advise the House of the progress of SA Water in terms of financial viability?

Mr Foley: How could it not make a profit?

The Hon. M.H. ARMITAGE: I thank the member for Colton for his question, and I observe that the member for Hart, when interjecting before I rose, said, 'How could it not make a profit?' I will come back to that interjection later in my answer because, under the Labor Party, it did not make a profit. So, it is surprising what comes out of the mouth of babes! The Government is committed to the financial viability of this State and, indeed, the ETSA and Optima sale is part of our determination to ensure the financial viability. The reform of the Government water utility is another example of this. When we came into Government in 1993, we inherited an EWS Department which delivered a loss of $47 million in its last full financial year under the then Labor Government, that is, in 1992-93. I repeat: it delivered—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: The member for Hart disputes that, which is fascinating because, factually, it is true. However, at some stage I would like to hear from him a full justification as to why he does dispute that, because I would be delighted to have a debate with him about it. Factually, in its last full financial year, the EWS Department under the ALP Government gave to the State—in other words, the taxpayers of South Australia—a $47 million loss, despite the member for Hart's interjection, 'How could it not make money?' That is taxpayers' money, and taxpayers had to make up that loss every year.

In 1995 the Government corporatised the EWS and, later, the outsourcing contract to United Water occurred. Since that time a series of country water filtration projects have been contracted to Riverland Water and, indeed, SA Water has undertaken a number of internal efficiencies. What has all this meant to the bottom line—in other words, to the taxpayers of South Australia? What have the changes that have been made meant to the taxpayer? I repeat: in the last full year of a Labor Government, the EWS made a loss of $47 million compared with a pre-tax profit target of $174 million for the 1998-99 year. The return on assets improved from 1.35 per cent on an asset base of $5.1 billion—

Mr Clarke interjecting:

The Hon. M.H. ARMITAGE: —to 4.7 per cent on an asset base of $5.6 billion. The net turn around, despite the interjection from the member for Ross Smith, has not been as a result of price increases alone because, during the five year period December 1992 to December 1997, the annual average movement in the CPI for Adelaide was 1.9 per cent, with average annual price increases for the same period totalling 1.9 per cent for water—in other words, the same as the average annual CPI—and 4.3 per cent for waste water. Key strategies that have improved the profits in that time include, obviously, the Adelaide water contract, improved debt management, exploitation of new revenue sources and, as I indicated previously, business efficiencies.

Members interjecting:

The Hon. M.H. ARMITAGE: No, internationally. They are very stark figures: under the previous Government a $47 million loss to the taxpayer, while under this Government a $174 million profit. It is a very stark contrast.

ELECTRICITY, PRIVATISATION

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Human Services. In light of the Premier's answer to a previous question, can the Minister tell the House if he was advised as Premier of the then Minister for Infrastructure's plan to sell 50 per cent of ETSA's transmission assets and when? On 24 April 1996, the then Premier told the media he was unaware of the plans we now know to be then Minister Olsen's for ETSA privatisation which the then Minister personally outlined in December 1995.

The Hon. DEAN BROWN: I think under Standing Orders I am not required to answer this, but I am only too happy to answer. I think I made myself very plain indeed in April 1996.

The Hon. M.D. Rann: Dobbed him in!

Members interjecting:

The SPEAKER: Order! The House will come to order.

SCHOOLS, CHARTER

Mrs PENFOLD (Flinders): Does the Minister for Education and Children's Services intend to establish charter schools in South Australia whereby schools become autonomous with the principal becoming the chief executive, the school council becoming the board and both getting a free hand to spend taxpayers' money as they wish?

The Hon. M.R. BUCKBY: I thank the honourable member for Flinders for her question. She is a member who is deeply committed to her schooling fraternity on the West Coast. I say that having spent about a week in that area about three or four weeks ago and having visited approximately 13 schools. The plain answer to the question is, 'No, we are not looking at developing autonomous charter schools in South Australia.'

Salisbury High School and Salisbury East High School are two that have been calling for me to develop a charter school concept and for them to undergo a program of administering their own budget, including staffing and curriculum. I have said in the press and I have told the union as well that I will not release curriculum across South Australia because I believe there has to be equity in curriculum right across the State in all schools. I have also said that I will not release teacher placement in all Government schools across South Australia because, again, I believe there must be equity so

that both large and small schools can have access to the best teachers in our system. Those two points are well known.

There is, though, a great deal of interest in local management within schools. Let me give an idea of some of the savings that can actually be made. Reynella Primary School has undertaken a procedure to save on the energy costs of the school.

Mr Brokenshire: A good school.

The Hon. M.R. BUCKBY: It is. They are making sure that all electrical items, lights and so on within the school are switched off when teachers or students leave the room.

Mr Foley: That is handy.

The Hon. M.R. BUCKBY: Wait for it. The member for Hart jests about this. Just wait until he hears the figures. They have also made sure that the maximum amount of light is being generated into the classrooms. By doing just a few things such as turning off heaters, air conditioners and all sorts of things, that school is saving 52 per cent on its energy bill. That is an excellent result and one that can be replicated right across the State when principals and school councils decide to put their mind—

An honourable member interjecting:

The Hon. M.R. BUCKBY:—and teachers, you are right—towards saving money within their schools. But it goes further than that, because some schools have taken on the matter of minor maintenance works within their area. I was at a school in the South-East a few weeks ago—

Mr Foley: Salt Creek?

The Hon. M.R. BUCKBY: No, it was not Salt Creek: it was Naracoorte South. They took on a project to redevelop the resource area and to develop an IT centre. They found that the quotes coming in through Services SA were rather high, so they asked the local tradespeople, 'For how much can you do this job?' In the end they saved about 30 per cent on the costs.

Mr Foley: Child labour.

The Hon. M.R. BUCKBY: No, it was done by the tradespeople of the town. It generated work within the community and saved the school 30 per cent of the cost of that project. I find, as I move around, that there is an increasing ground swell of people—school council members, principals and teachers—saying, 'We would like more flexibility in our budget and we would like better control over what we are doing within our schools.'

The previous Minister allocated some $19.5 million in flexible initiatives funding for schools. It was very well received by all teachers and all schools, and as I move around I find that they still talk about it. In addition, with respect to the $10.6 million computer plus scheme that I announced earlier this year, $5 million of that was in flexible funding: schools could make their own decisions on how they spent that money. As I move around various schools, I find that they are welcoming this initiative. They are welcoming their being able to have more control over their budget outside the department.

In my discussions with the union following the budget the other night, I indicated to Ms Janet Giles that within the next three to four weeks I will be setting up a working party which will involve union representatives as well as principals and parent organisations and which will look at what we should be doing in local management: it will come up with some advice for me regarding the sorts of issues we should be looking at. It goes reasonably broadly, because there are legal implications in terms of school councils and what they are required to do. It is one that I support and is being welcomed by schools in South Australia.

GRIEVANCE DEBATE

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

Ms THOMPSON (Reynell): I wish to advise the House about an excellent inter-sectoral project in Noarlunga, the Noarlunga Towards a Safe Community project and, in particular, before they leave the Chamber, I draw the attention of the Ministers for Human Services, Government Enterprises, and Education, Children's Services and Training to submissions for funding that they are about to receive for an outstanding cooperative program to improve the health of young people and workers in small business in the southern areas. The Noarlunga Towards a Safe Community project started in 1990. It was based on funding that was received in 1987 from the Commonwealth Government to examine health issues in the then City of Noarlunga. The program was based on cooperation between—

Members interjecting:

The SPEAKER: Order! There is too much audible conversation in the Chamber. Members will please either leave the Chamber or remain seated.

Ms THOMPSON: Thank you, Mr Speaker. The program was based on cooperation between Commonwealth and State Governments and local government, together with various community organisations, including business networks. It worked at a grassroots level to identify hazards within the community, involving community members in undertaking surveys of the injury and health issues in the area. Injury came out as the major concern over health issues, and often that was as a result of the nature of the workplaces, their being small and often sole traders, run by small business operators who do not necessarily have access to information about occupational health and safety practices.

But that is not the only area in which the Noarlunga Towards a Safe Community program was working. It also worked with children in schools to identify hazards within their local community and to show the children how to have some of these hazards fixed. In this respect I must commend both Mary Morris, the program coordinator, and the City of Onkaparinga: they responded in an excellent manner to identification of the hazards when the children raised them with local government officials.

An honourable member interjecting:

Ms THOMPSON: They did not turn out the lights but they did work out where lights were required. They moved out into the community around the schools to identify some of the safety issues in the area. Recently, the Minister for Human Services and the Minister for Education, Children's Services and Training participated in the launch of the web site for one of the programs. That related to vocational education and training in rural industries. It was a highly successful program and a highly successful event at the Willunga High School wherein the Minister for Human Services noted that it was the first time both he and another Minister had been upstaged by a 15 year old schoolgirl. It is worth noting that this schoolgirl had been involved in the

project on safety in rural industries and had run a number of programs, the catering and the rural safety project with outstanding success; yet, before she was involved in this program, she had been a student at risk. So, the achievement of excellent performance by finding the right vehicle for students is something that I can only commend.

The current initiative for which we seek funding is the Safe and Healthy Workplace in the South proposal which is designed to work with small businesses to identify hazards in their area, to develop relevant training programs and checklists and, particularly, to work with them to provide a healthy environment for 1 000 students per year through Partnership 2000 to participate in workplace education programs. The risk to young workers is absolutely phenomenal, with workers in their first 12 months on the job accounting for 30 per cent of all work injuries and young people aged between 15 and 24 years having a 75 per cent greater risk of being injured than workers from all other age groups. The need to provide a secure and safe environment and relevant education for both the students and the employers is critical to the success of vocational education programs on which we in the south place a great deal of emphasis.

Mr HAMILTON-SMITH (Waite): I refer to the most important issue facing South Australia in the next millennium: water. The future of the Lake Eyre Basin is of importance to South Australia, so I was, at first, pleased that the member for Kaurna had suddenly decided to take an interest in the issue during yesterday's Grievance Debate. Members would be aware that the Queensland Government recently released a draft water management plan for Cooper Creek which, if adopted, would be of great concern to South Australia. So, it was with interest that I listened to the comments of the Opposition spokesman in the hope that I would hear some positive words of support for the decisive manner in which the Government has been working for the development of a formal agreement for the management of the catchments of Cooper Creek and the Diamantina River, which flow between Queensland and South Australia.

Alas, we all were disappointed. The member for Kaurna's contribution sounded very much like a Party-political speech on behalf of the Queensland Opposition. If the member for Kaurna really wants to escape factional ALP squabbles in South Australia to campaign for Queensland Labor, perhaps he should take leave of absence. In any event, he is a bit late for the party on this environmental issue: it was brought to the attention of the South Australian public by the Minister for Environment and Heritage more than a fortnight ago. His jumping on the bandwagon at that late stage after the Minister had already announced the action being taken by the Government simply confirms that our Government is well ahead of the Opposition on these issues.

As members would be aware, a 'heads of agreement' for the Lake Eyre Basin was signed by South Australian, Queensland and Commonwealth Ministers in May 1997. The 'heads of agreement' is a statement of good faith to proceed towards developing a formal agreement for the management of the Cooper Creek and Diamantina River catchments. This was in response to an earlier proposal for a large-scale cotton irrigation development on the Cooper. Support for the agreement has since come from stakeholders through the Eyre Basin catchment management steering group.

The pastoral and tourism industries, two very important industries for South Australia, are critically dependent on assured flows through the Cooper and Diamantina River systems, as is the unique natural environment of the basin. The Government is totally committed to ensuring that the provisions of the 'heads of agreement' are worked through to develop a legislatively-based catchment management regime to ensure the long-term future of the Lake Eyre Basin. All members, including the member for Kaurna, would be pleased with the progress being made. I understand that the most recent development was a meeting held in Canberra on Tuesday 19 May 1998 at which substantial agreement was reached on a discussion paper for further community consultation which recognises the importance of community input and the development of a formal agreement for management of the catchment area.

The Government has also taken a strong stand for South Australia in relation to the Queensland Government's recently released draft water management plan for Cooper Creek. I asked about this matter and was informed that the Minister has personally written to both the Queensland Minister for Natural Resources, the Hon. Lawrence Springborg, and the Federal Environment Minister, Senator Hill, expressing in the strongest possible terms South Australia's concerns about any increase in diversions from the Cooper and Diamantina Rivers. The draft Queensland plan proposes a 20 per cent increase in storage capacity and water harvesting at certain times and under specific conditions, which gives us a real basis for concern about the impact of such diversions on the internationally significant wetlands of our State's far north-east.

Furthermore, I am certain that our Government will be submitting a detailed response to the draft plan that will strongly put the case for South Australia. We will continue to work with the local community and the Queensland and Federal Governments for the establishment of an environmentally responsible catchment management plan for the area. I hope that the member for Kaurna will cooperate and support us in putting the interests of the State ahead of Party politics.

Mr CLARKE (Ross Smith): I refer to the Premier's comments this afternoon in reply to a question about alleged threats of industrial action by the electrical trades union (and I have forgotten its present name, but that is the name of the union as I knew it—the ETU). I heard the radio interview with Mr Donnelly on the ABC this morning: I believe that he is the President of the ETU. Unless you have a malicious mind, there is no way whatsoever that you could construe what Mr Donnelly said as a threat to turn the taps off, so to speak, with respect to the power supply to this State. Indeed, Mr Donnelly was at some pains in his explanation on the radio to point out that there was no such threat at this juncture, that he hoped there never would be but that his members and his union were getting heartily fed up with Ministers and the Government generally not addressing the issues of real concern to their members who are employees of ETSA and Optima Energy and who are subject to this proposed sale process being put in place by the Government.

I reiterate again that the Premier seems to be very loose with the truth when it suits him on issues such as this and, basically, has sought to traduce the motives of members of the ETU and that organisation generally with respect to their concerns for the continued supply of power to the citizens of South Australia. That point was made very forcibly by Mr Donnelly in that radio interview this morning.

The other point arising from the answer that the Premier gave during Question Time today relates to his assurance that

the Government would be able to ensure job security for the employees of ETSA and Optima Energy post the sale of those two entities. Of course, the Premier cannot give such a guarantee. The Premier would be able to make such an assurance only if the legislation provided that any purchaser of those businesses would at law be mandated to retain the number of staff that ETSA and Optima Energy have as at the point of sale and that those persons have employment in perpetuity or until such time as they resign, die or retire in the normal course of events.

Of course, he will not bring in any such legislation because for him to do so would be to invite any prospective purchaser seriously to cut back on the price they would be prepared to pay for the purchase of those assets. No new owner, particularly in the private sector, would want to be encumbered with respect to the size and composition of their work force. They would not do that, and they would not put up their hand to buy a Government entity that had such a requirement placed on it.

The Premier and every member of his Cabinet as well as every member of this Parliament and every employee of ETSA and Optima Energy know that to be a fact. It does the Premier and this Government no good at all to lie to those employees by giving them such hollow assurances. It engenders further fears of insecurity and antagonism towards the Government as their employer and, generally speaking, it makes the overall situation far more stressful for those employees. The Premier should at least have the guts to say to those employees that, once ETSA and Optima are sold and they are handed over, it is the new employer's business what it does with them.

Likewise, the Government should say that it can guarantee wages and working conditions only up to the point of sale, that after that it is between the employees and their new owner. As we have seen with the sale of other Government enterprises, the wages and working conditions of those employees have been reduced. One only needs to look at the Serco bus drivers to see that when that area of public transport was privatised compared with the situation under TransAdelaide those employees suffered a massive wage reduction.

The Hon. G.M. GUNN (Stuart): Yesterday, in the grievance debate, the member for Ross Smith decided to give his version of some events which have occurred at Oodnadatta and Burra. I was particularly interested to read what he had to say. I do not intend to discuss the issues surrounding Oodnadatta: I am well aware of those matters and I know the officer in question and have had many discussions with him.

In relation to Burra, the honourable member has obviously been provided with information by his malcontent mate from Spalding which is inaccurate and quite distasteful. The honourable gentleman set out to cast aspersions on the ability of that community to express a point of view about their concerns. The interesting thing is that the honourable member mentioned two police officers but conveniently did not mention Constable Disher. There are three police officers at Burra, but he never mentioned Constable Disher. I wonder why. It is most convenient. He took it upon himself to cast aspersions on one individual at Burra.

The Police Department called a meeting which 400 people attended. The honourable member would have had some experience of calling public meetings for the purpose of extolling the great virtues of one political point of view, and he would know that if you get 50 or 60 people you are really happy, but to get 400 is very good, especially when Burra is noted for being pretty cold.

Mr Clarke: And they weren't all against the police either.

The Hon. G.M. GUNN: A significant number of people expressed concerns. I suggest to the honourable member—

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith will contain himself.

The Hon. G.M. GUNN: I could make a number of comments and use this place to be critical of those two officers, but I will not do that out of respect generally for the Police Force. George Kaiser is well known throughout the Police Force and the communities in which he has served. He was at Streaky Bay, so I have some knowledge of George Kaiser.

Mr Clarke: He knows you.

The Hon. G.M. GUNN: I am sure he does. If the honourable member wants me to, I could tell some interesting stories, but I will not use this place to do that. The way in which they treated Constable Disher leaves a fair bit to be desired. Just have a look at the increase in the on-the-spot fines that have been issued in that area. I put a Question on Notice—

Mr Clarke interjecting:

The Hon. G.M. GUNN: Have a look at that increase. In a democracy, if citizens cannot question public policy if they are concerned about the manner in which the police are administering their area, then we have reached a very poor state of affairs. The law was never meant to be enforced in a harsh or unreasonable manner. It is not the role of the police to be petty or narrow-minded with respect to these sorts of issues.

I could give chapter and verse of some of these cases, because I know the whole story. I am not just a newcomer to Burra: I have known Burra for many years. How many complaints have been made against previous police officers at Burra? The answer is: 'None'. I knew the previous sergeant and other officers who have served there. They did their job well, and there have never been any complaints like these. I put it to the honourable member that if there was no problem why did these officers have to be sent for extra training. Why did they have to be brought up to the mark?

I will not go further into that matter because I do not want to use this place for that purpose, but I could easily do so, because I have details of all the cases. I have a very thick file, but I will not bother. I think I have said enough. This is a nonsense put forward by the honourable member's malcontent mate to try to attack one individual. I was asked—

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

Mr HANNA (Mitchell): I rise to relate a story that is contained in a letter to me from one of my constituents. It raises an issue of general concern, because one of the substantial reasons for dissatisfaction and cynicism in our society is the prevalence of the profit motive and so-called efficiency over human contact in the context of our Government agencies and commercial enterprises in their dealings with citizens. My constituent's letter, which refers to an electronic banking system offered by Bank SA, states:

> Some weeks ago, I arranged with Bank SA to use their electronic banking system by registering a code word which would allow specified bills to be paid from my pensioner savings account by telephone. I tried the system out for the first time yesterday. I had two bills to pay and rang 132646 and received the usual recorded menus. I worked my way through the system [etc., etc.].

The letter continues:

The system accepted this payment (to Boral Energy) but when I proceeded with the second transaction the computer informed me that I had insufficient funds. Knowing this to be incorrect, I was diverted to an operator who investigated the matter for me. The operator said that because I selected 'cheque account', the computer had deducted the money from my brother-in-law's savings cheque account to which I am a signatory. (He arranged for me to be a signatory several years ago when he went overseas. I have not accessed the account since.) I expressed immense surprise to the operator and asked her to reverse the process, and I would pay both accounts at the post office—which I did.

Twenty-four hours later, I received a phone call from the same operator who told me that the bank was unable to reverse the process. So my first account has been paid twice, and my brother-in-law's account has been wrongfully debited. I agreed for the debit to be transferred from my account to square off with him, and the bank advised me to seek a refund from Boral Energy. (Boral Energy declines to do so, claiming the bank must correct its own errors!) The incident raises serious questions about the security of the B-Pay system.

I suspect that this is not an isolated example and that it is common among financial institutions.

Mr Lewis interjecting:

Mr HANNA: I have heard of other examples, and indeed the member for Hammond concurs with me. Obviously the honourable member has heard from his constituents as well. The problem is that more and more people are confronting this problem when told by their financial institutions, other corporate entities, or even Government agencies, to go through a series of prerecorded menus on the telephone, and an increasing number of people are becoming very angry at the lack of personal service they receive. I raise this as a general matter of concern. At this stage it is very hard, in general terms, to see what can be done about it. Perhaps the ultimate answer will be that citizens will simply shy away from those institutions offering only that kind of impersonal service.

However, in the meantime, people such as the constituent who wrote to me, feel that they are absolutely powerless in the face of an anonymous, impersonal, prerecorded message which seems to be the only convenient avenue they have to access their bank accounts, pay accounts or make queries in respect of accounts. I know that this happens with Government agencies as well, and the Department of Social Security (now called Centrelink for some unknown reason) is as much a guilty culprit as BankSA in the example which I have brought to the attention of the House. I raise the matter as one of general public concern and I implore all corporate entities and Government agencies concerned to rethink how they can better serve their customers. The supposedly cost-effective efficient way is not necessarily the best way, and I believe it is part of the rot in our society today.

Mr LEWIS (Hammond): I address a couple of matters today, the first what I consider to be the iniquitous conduct of WorkCover. In this instance it demands, indeed requires in law, that if you are employing someone over the age of 65 you must pay WorkCover premiums on the wages you pay to them, regardless of whether it is casual seasonal work or permanent full-time work. However, in the event that the employees concerned have the unfortunate misadventure to injure themselves, the usual conditions apply when the employer seeks to recover the medical expenses. But, wait for it, when it comes to paying them what they have lost in the way of wages in consequence, they get nothing. So that, if they were employed beyond the age of 65 because of their skill as full-time employees wishing to continue making a contribution to society and they injure themselves, the usual seven days is paid by the employer as required, but beyond that point, if the employer will not pay them, that is bad luck, and the people concerned have to apply and go through all the means testing arrangements which are based on historical data (disregarding the time the employee is lying in the hospital bed) to get the pension.

I think that is a grave deficiency in the law and a gross abuse of ordinary citizens' rights, given that under equal opportunity legislation they ought to receive whatever they are entitled to get, regardless of their age.

Mr Hanna: Hear, hear!

Mr LEWIS: In consequence of that—and I am pleased to have the support of members opposite—I will continue to work for those people so employed to be covered, as would be the fair, sensible and proper thing to do; or, if for some reason or other it will break the bank at WorkCover—and I cannot imagine how or why—at least require the employer not to make any contribution to WorkCover but take out personal accident insurance with another insurer. At present it is a fraud. That is exactly what it is: you cannot get the cover you are paying for when you meet the compulsory cost of the premium. Either we change the law to make it possible to take private insurance with another insurer or WorkCover pays those people, who after the age of 65 continue working and have the misadventure to injure themselves.

The next matter I raise concerns the unhappy demise of Living Health and some of the programs in which it was involved. Previously, Living Health sponsored programs drawing people's attention to conduct that was likely to cause poor health, for example, going out in bright sunshine without appropriate cover. We all know, for instance, about the 'Slip, slop, slap' program. Now that Living Health has gone onto the history books, I am concerned that people who suffer most from skin cancer will not get the message as strongly as they would otherwise. I am supporting the Skin Cancer Research Foundation, anyway, having contributed hundreds of dollars a year for several years (and having signed a cheque today for $300 for the Browns Well Area School).

Rural workers and rural people have an inordinately higher—and it is not just two, three, four or five times: it is something like 18 to 20 times—incidence of skin cancer, and a better education program needs to be mounted. Whether or not the funds will be available from some other quarter I cannot determine. One thing is for sure, however: I will eventually have the opportunity to ask the Minister how we will address that matter. In the meantime, though, I do not see how it is fair for ordinary citizens such as I to contribute to these programs unless the Government provides some funds (as it used to provide through that program) to try to educate people against the stupidity of their conduct and the risks they take by exposing their bodies to open air and sunlight.

ECONOMIC AND FINANCE COMMITTEE

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the committee have leave to sit during the sitting of the House today.

Motion carried.

ESTIMATES COMMITTEES

The Hon. G.A. INGERSON (Deputy Premier): I move:

That a message be sent to the Legislative Council requesting that the Treasurer (Hon. R.I. Lucas), the Attorney-General (Hon. K.T. Griffin), the Minister for Transport and Urban Planning (Hon. D.V. Laidlaw) and the Minister for Disability Services (Hon. R.D. Lawson), members of the Legislative Council, be permitted to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

Motion carried.

WHEAT MARKETING (GRAIN DEDUCTIONS) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries, Natural Resources and Regional Development) obtained leave and introduced a Bill for an Act to amend the Wheat Marketing Act 1989 and to make a related amendment to the Barley Marketing Act 1993. Read a first time.

The Hon. R.G. KERIN: I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to provide for deductions from the sale of all grain crops in South Australia, and the application of those deductions to uses for the benefit of the South Australian grain industry.

Specifically, there are two deductions involved.

The first is a research levy for the South Australian Grain Industry Trust Fund created by the establishment, in 1991, of a trust deed between the then Minister for Agriculture and the then United Farmers' and Stock Owners (now South Australian Farmers Federation).

The second is a levy to support the activities of the Grains Council of the South Australian Farmers Federation.

While the research levy has been in place for seven years, the Grains Council levy is newly established by this Bill.

Since the establishment of the research levy in 1991, deductions have been made from the sale of wheat and barley. In more recent years, market demand has provided an opportunity for the South Australia grain industry to achieve rapid expansion in production of additional crops, most notably oilseeds and pulses. With the State producing a wider range of grain crops, a broader funding base is necessary for supporting crop research and other industry activities.

This Bill expands the definition of crops on which deductions can be made to support grain research and the activities of the Grains Council of the South Australian Farmers Federation. Grain is defined in this Bill according to the comprehensive definition used in the Commonwealth *Wheat Marketing Act*, which includes the full range of cereal crops, oilseed crops, and pulse crops.

In the case of both levies, the money collected is paid to the Minister who then pays the money collected under the research levy to the South Australian Grain Industry Trust Fund and the money collected under the Grains Council levy to the Grains Council. The exception to this is that, if the seller of the grain (that is a grain grower) notifies the Minister in writing that the seller does not consent to paying the levy, the money is refunded to the seller. The participation in the deductions is, therefore, voluntary.

Up until now, the grain industry research levy has been collected under the authority of both the *Barley Marketing Act 1993* and the *Wheat Marketing Act 1989*.

This Bill will provide for authority to collect the existing research levy and the Grains Council levy to be placed under the *Wheat Marketing Act 1989*. In so doing, the section of *Barley Marketing Act 1993* making provision for deductions for grains research will as a consequence be repealed. Consolidating the authority for grains industry levy collection under a single Act will avoid duplication and ambiguities regarding the authority under which the levies are collected and it will ensure that both levies apply to all grain crops.

I commend the Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 10—Deductions for grain

In general terms, section 10 of the *Wheat Marketing Act 1989* (the principal Act) currently provides that a purchaser of wheat under the initial contract for the sale of the wheat must make a deduction from the amount payable to the seller under the contract to be paid by the purchaser to the Minister for Primary Industries, Natural Resources and Regional Development. The Minister then pays the money to the South Australian Grain Industry Trust Fund, unless the seller indicates to the Minister by notice in writing that the seller does not consent to the making of such a payment, in which case, the money is refunded to the seller. The money is used for the benefit and advancement of the grain industry in South Australia in accordance with the terms of the trust deed made for the purposes of establishing and controlling the application of the Fund. The amount of the deduction for wheat of a season is decided by the Minister on the advice of a committee of 3 persons (appointed by the Minister after consultation with the Grain Section of the South Australian Farmers Federation Inc (SAFF)).

The amendments proposed by this clause achieve a dual purpose.

The first is that deductions to be paid to the South Australian Grain Industry Trust Fund for grain research purposes may be made from the sale of any grain (not just wheat) sold by a seller under the initial contract for the sale of the grain. Grain includes wheat, barley, triticale, maize, grain sorghum, soybeans, safflower seed, sunflower seed, linseed, oats, rye, rapeseed, rice, field peas, lupins, millet, canaryseed, grain legumes, pulses, canola and cottonseed (see definition of grain in s. 3 of the principal Act and in the *Wheat Marketing Act 1989* (Cth)).

The second is that a further deduction from the amount payable to a seller of grain under the initial contract for the sale of the grain is to be made. This deduction is to be paid by the Minister to the Grain Section of SAFF. As with the research deduction, this payment may not be made by the Minister if the seller of the grain notifies the Minister that he or she does not wish it to be made. In that case, the Minister must remit the amount of the deduction to the seller.

The amount per tonne of grain in respect of each of the deductions will be fixed by the Minister on the advice of the committee (as discussed above).

Purchaser is defined, for the purposes of this section, to include the Australian Barley Board.

Clause 4: Amendment of Barley Marketing Act 1993

This clause repeals section 40 of the *Barley Marketing Act 1993*. Section 40 is substantially the same as current section 10 of *Wheat Marketing Act 1989* except that it provides for deductions for research purposes to be made from the sale of barley to the Australian Barley Board (the usual purchaser of barley). It is, as a consequence of the amendments proposed to the *Wheat Marketing Act 1989*, otiose.

Mr HILL secured the adjournment of the debate.

POLICE BILL

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a Bill for an Act to make provision for the establishment and management of South Australian Police; to repeal the Police Act 1952; to make consequential amendments to the Acts Interpretation Act 1915 and the Police Superannuation Act 1990; and for other purposes. Read a first time.

The Hon. I.F. EVANS: I move:

That this Bill be now read a second time.

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

Leave granted.

The present legislation governing the South Australia Police is the Police Act 1952. The structure of that legislation has remained basically untouched over the years. The legislation provides for a rigid management system, it does not reflect human resource management needs or indeed even reflect the changes in the work of the police over the years.

This Bill makes significant changes in the management of South Australia Police, changes which are long overdue and which will give South Australia Police a modern management structure which establishes a basis for performance management. The Bill provides

a flexible management system for the deployment and use of all members of South Australia Police. It introduces a professional conduct and disciplinary system to streamline the processing of misconduct issues to allow greater focus to be placed on the investigation and prosecution of serious conduct matters and streamlines promotional appointments and appeals.

The Police Act 1952 and Police Regulations 1982 refer to 'member of the police force', 'police force' and 'force'. There has been a declining use of the word 'force' over recent years. The word 'force' was appropriate when a police force was commissioned to provide the main security force in the colony. A modern police organisation has little in common with military style police forces set up at the turn of the century. This has been recognised within the South Australia Police for some time and the name South Australia Police, or SAPOL, has been used without the word 'force'. South Australia Police is used, for example, on the identification patches worn on police uniforms, internal manuals and police letterhead. This change in the name is now recognised in the legislation.

The changes in the concept of policing are also reflected in clause 5 of the bill which sets out the purposes of South Australia Police. The purpose of the police is presently set out in regulation 7 and has not been changed since 1982. The purposes set out in clause 5 reflect the changing roles and functions of police with particular emphasis on the services provided to the community.

Clauses 6, 7 and 8 deal with the control and management of South Australia Police. Clause 6 provides that the Commissioner is responsible for the control and management of South Australia Police, subject to the directions of the Minister. Clause 7 provides that the Minister may not give directions to the Commissioner in relation to the appointment, assignment, transfer, remuneration, discipline or termination of a particular person. Clause 7 is similar to section 15 of the Public Sector Management Act 1995 which provides a framework within which public servants are engaged and management occurs. Clause 8 provides that any directions the Minister gives to the Commissioner in relation to enforcement of a law or law enforcement methods, policies, priorities and resources must be published in the Gazette and laid before Parliament.

These provisions differ from the existing provisions relating to the control and management of the police force. Section 21 of the Police Act 1952 provides that the Commissioner is subject to directions of the Governor and all directions must be published in the Gazette and laid before Parliament.

It is difficult to see why the Commissioner of Police should not be responsible to the Minister for the management of the South Australia Police in the same way as Public Sector Chief Executives are responsible to their Minsters for the management of their Departments. At the same time the obligation of the police to obey their oath to uphold the law and their independent discretion to investigate and prosecute breaches of the law must be recognised. However, as the 1970 Royal Commission Report on the September Moratorium Demonstration recognised there may be times where advice and direction on law enforcement are to be expected from the Minister. The Royal Commission said that in such cases there should be no doubt whatever as to the advice or direction tendered. It should therefore be in writing and tabled in Parliament. These amendments are in accordance with the recommendations of the Royal Commission.

The provisions in the present Act providing for the appointment of the Commissioner, Deputy Commissioner and Assistant Commissioners have all recently been updated and are repeated in this Bill. There is, however, one change in the appointment of Assistant Commissioners to which I draw honourable members' attention. Under the present provisions Assistant Commissioners are appointed by the Governor. Under clause 15 the appointments are made by the Commissioner. This is in line with the appointments at a similar executive level under the Public Service Management Act.

The involvement of the Governor in appointments under the Act has been removed in other appointments as well. The Governor will no longer appoint the police medical officers. Police Officers will no longer receive a Commission from the Governor either when they are first promoted to the rank of officer or each time they are promoted as they now do. This change requires that officers are no longer called commissioned officers but just officers. The abolition of commissions within the South Australia Police reflects the position in other jurisdictions in Australia. The current provisions technically allow the Government to control these appointments but the practice now (which has been the practice for many years) is to pass the recommendations of the Commissioner more as a formality than actually interfering in what are management issues within the responsibility of the Commissioner.

Clause 10 of the bill establishes a human resource management philosophy as a basis for all actions concerning human resource management issues. The Commissioner must ensure that management practices are followed with respect to the matters enumerated in clause 10(1) and the personnel management practices enumerated in clause 10(2)

Recent amendments to the Police Act 1952 provided for the appointment of Assistant Commissioners on contractual terms. Provision is now made in clause 23 for the appointment of officers on term appointments. The clause also provides for the appointment of persons who are not members of South Australia Police to the rank of senior constable or above on term appointments.

This provision will give the Commissioner flexibility to identify specific positions which require the direction of specific resources to provide specific outcomes within given parameters.

Where an existing member of South Australia Police is appointed on a term appointment to a position and the conditions of the appointment do not otherwise provide, the person will, on not being reappointed at the end of the term, be entitled to an appointment at the same rank the person held before being first appointed for a term for a specific purpose to a specific position.

Under the existing Act and Regulations appointments of commissioned officers are to a particular position. This is not a feature of this bill and it is intended that promotion to a rank will be based on the generic competencies identified as being common to a particular rank. A promotion to a particular position will only be made when the position has been identified as one of a specialist nature. Clause 47 allows the Commissioner to transfer a member from the member's current position to another position. Appointments to a rank as opposed to a position, together with the ability to transfer a member to another position, will promote organisational efficiency by permitting the commissioner to move officers for organisational efficiency, management development needs and anti corruption strategies. A member aggrieved by a transfer under Clause 47 will be able to have his or her grievance dealt with in accordance with a process specified in general orders. Another provision which provides the Commissioner with flexibility in the deployment of members is clause 50 which removes the right to review the merit of appointees to positions above the rank of inspector. This is not dissimilar from the Public Sector Management Act 1995 provisions relating to executive level appointments.

Clause 24 makes provision for the appointment of community constables. These are the same as what are called police aides under the present Act. Clause 24(2) provides that the Commissioner of Police can give a community constable position and its occupant a title that reflects an area of limitation or other characteristic of the position.

The powers and responsibilities of community constables are set out in Part 4, Division 2 of the Bill.

The present Act and Regulations are very prescriptive in their approach to disciplinary matters. What is needed today is an approach which promotes professional standards being supported by all members of the organisation and which provides for diverse strategies to deal with people not upholding professional standards.

Misconduct and discipline is dealt with in Part 6 of the Bill. Clause 37 provides for a Code of Conduct to be established by regulation. A two tiered disciplinary procedure is provided for. Major misconduct will be dealt with by the Police Disciplinary Tribunal established under the Police (Complaints and Disciplinary Proceedings) Act 1985. Minor misconduct will be dealt through informal inquiry under clause 42. The standard of proof in an informal inquiry for determining that a breach of the Code has been made is proof on the balance of probabilities. A finding on an informal inquiry can be reviewed under clause 43. Action which may taken in relation to a person as a result of a determination of an informal inquiry is set out in clause 42(3).

Criminal behaviour by members of S.A. Police will continue to be dealt with in the criminal justice system.

The Commissioner is given the power in Clause 41 to suspend members who are charged with an offence or a breach of the Code. Where a suspension is revoked, the member will be entitled to any remuneration and accrual of rights withheld during the period of suspension.

Clause 46 provides some flexibility for the Commissioner of Police to manage unsatisfactory performance by transferring a member to a position of the same or a lower rank or by terminating the appointment of the member. No appointment can be terminated

unless the member has been allowed a period of at least three months to improve his or her performance and a panel of persons has confirmed that the processes and assessments made conformed to the requirements of the provision and were reasonable in the circumstances.

The Police Appeal Board and the Promotions Review Board are replaced by a one person Police Review Tribunal comprising a Judge of the District Court. The Police Appeal Board hears appeals against the termination of the services of a member and the Promotion Review Board, as its name indicates, hears promotion appeals. The proposed single person Review Tribunal is intended to streamline the process and promote consistency in decisions.

This Bill is an important measure with which recognises the role of the police in today's society, which will promote the effective management of South Australia Police and will assist the Commissioner of Police in responding to the needs of the community.

In introducing the Bill now the Government does not intend to pre-empt the enterprise bargaining process which is in train at the moment. The purpose in tabling the Bill now is to give people time to consider it while the Budget process is taking place. If there is agreement between the Police Association and the Commissioner which suggests that changes to the Bill are needed then changes can be made.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Interpretation

This clause is an interpretation provision. Among other terms it defines "minor misconduct" as a conduct of a kind agreed or determined to constitute minor misconduct, and set out in a notice tabled before both Houses of Parliament, under section 3 of the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

PART 2

GENERAL

Clause 4: Composition of police

This clause sets out the persons who constitute *South Australia Police* (or *S.A. Police*).

Clause 5: Purpose of police

This clause provides that the purpose of S.A. Police is to reassure and protect the community in relation to crime and disorder by the provision of services to—

- uphold the law; and
- preserve the peace; and
- prevent crime; and
- assist the public in emergency situations; and
- co-ordinate and manage responses to emergencies; and
- regulate road use and prevent vehicle collisions.

Clause 6: Commissioner responsible for control and management of police

This clause provides that the Commissioner of Police is responsible for the control and management of S.A. Police, subject to the other provisions of the measure and any directions of the Minister.

Clause 7: Exclusion of directions in relation to employment of particular persons

No Ministerial direction is, however, to be given in relation to the appointment, transfer, remuneration, discipline or termination of a particular person.

Clause 8: Certain directions to Commissioner to be Gazetted and laid before Parliament

This clause requires the Minister to *Gazette* and table before both Houses of Parliament every direction given to the Commissioner in relation to enforcement of a law or law enforcement methods, policies, priorities or resources. The direction must be *Gazetted* within eight days and tabled within six sitting days of the date of the direction.

Clause 9: Commissioner also responsible for control and management of police cadets and police medical officers

This clause provides that the Commissioner of Police is also responsible for the control and management of police cadets and police medical officers.

Clause 10: General management aims and standards

This clause sets out general management aims and standards of S.A. Police. It requires the Commissioner to ensure that management practices are followed that are directed towards, among other things, the effective, responsive and efficient delivery of services and the full utilisation of the abilities of all personnel. It also requires the Commissioner to ensure, with respect to personal management, that practices are followed under which (among other things) selection processes are based on merit, officers and employees are treated fairly and consistently and there is no unlawful discrimination.

Clause 11: Orders

This clause empowers the Commissioner to give general or special orders concerning the control and management of S.A. Police, police cadets and police medical officers, including orders concerning duties, appointment and promotions. These orders are not subordinate legislation and may be varied or revoked by the Commissioner. The power of the Commissioner to give binding orders or directions is not restricted by this power to make general or special orders or by the contents of any general or special orders.

PART 3

COMMISSIONER, DEPUTY COMMISSIONER AND ASSISTANT COMMISSIONERS

Clause 12: Appointment of Commissioner of Police

This clause empowers the Governor to appoint a Commissioner of Police.

Clause 13: Conditions of Commissioner's appointment

This clause provides that the conditions of appointment of the Commissioner are subject to a contract between the Commissioner and the Premier. That contract must provide, among other things, that the Commissioner is appointed for a term not exceeding five years specified in the contract (and may be reappointed) and must meet performance standards as set from time to time by the Minister. The Commissioner must be notified at least three months prior to the end of his or her term whether he or she is to be reappointed. The reasons for a decision not to reappoint must be laid before Parliament. The remuneration specified in the contract is a charge on the Consolidated Account.

Clause 14: Deputy Commissioner

This clause empowers the Governor to appoint a Deputy Commissioner who is to exercise such of the powers, authorities, duties and functions of the Commissioner as the Commissioner may direct. If the Commissioner is absent from duty or if the office of Commissioner is vacant, the Deputy Commissioner may exercise the Commissioner's powers, authorities, duties and functions.

Clause 15: Assistant Commissioners

This clause empowers the Commissioner to appoint Assistant Commissioners. If the Deputy Commissioner is absent from duty or if the Deputy Commissioner's office is vacant, the powers, authorities, duties and functions of the Deputy Commissioner may be exercised by an Assistant Commissioner nominated by the Commissioner (or if that Assistant Commissioner is absent from duty—by the most senior Assistant Commissioner on duty at the time).

Clause 16: Conditions of appointment of Deputy and Assistant Commissioners

This clause provides that the conditions of appointment of the Deputy Commissioner or an Assistant Commissioner are subject to a contract between the Deputy or Assistant Commissioner and the Commissioner. That contract must provide, among other things, that the Deputy or Assistant Commissioner is appointed for a term not exceeding five years specified in the contract (and can be reappointed) and that the Deputy or Assistant Commissioner is to meet performance standards set by the Commissioner. A decision whether to reappoint must be notified to the Deputy or Assistant Commissioner not less than three months before the end of his or her term.

The contract may provide that an Assistant Commissioner is entitled to another appointment in the police force at the end of his or her term if he or she is not reappointed as Assistant Commissioner. If an Assistant Commissioner is not reappointed and the contract does not provide otherwise, he or she is entitled to be appointed to a position in the police force of the same rank as he or she previously held (if any).

Clause 17: Termination of appointment of Commissioner or Deputy or Assistant Commissioner

This clause empowers the Governor to terminate the appointment of the Commissioner or the Deputy Commissioner and the Commissioner to terminate the appointment of an Assistant Commissioner and sets out the grounds on which such action may be taken. Those grounds include misconduct and failing to carry out duties satisfactorily or to the performance standards specified in the contract of appointment. The reasons for a decision to terminate the appointment of the Commissioner must be tabled in Parliament.

Clause 18: Resignation

Under this clause, the Commissioner or the Deputy Commissioner may resign by not less than three months notice in writing to the Minister and an Assistant Commissioner may resign by not less than three months notice in writing to the Commissioner (unless shorter notice is accepted by the Minister or the Commissioner).

Clause 19: Delegation

This clause empowers the Commissioner to delegate in writing any of his or her powers or functions.

PART 4
OTHER MEMBERS OF S.A. POLICE
DIVISION 1—APPOINTMENT AND RESIGNATION

Clause 20: Appointment of officers

This clause empowers the Commissioner to appoint commanders, superintendents, inspectors and other officers of police.

Clause 21: Appointment of sergeants and constables

This clause empowers the Commissioner to appoint sergeants and constables.

Clause 22: Further division of ranks

This clause would enable the Governor to specify other police ranks by regulation.

Clause 23: Term appointments for certain positions

An appointment of an officer or an appointment from outside S.A. Police to a position of or above the rank of senior constable may, under this clause, be made for a term not exceeding five years and on such conditions as to remuneration or any other matter as the Commissioner considers appropriate. Alternatively, such an appointment may be left to be governed by the provisions of the measure. The conditions of appointment for a term will prevail over inconsistent provisions of the measure relating to conditions of appointment. Provision is made for some other appointment in the event of non-reappointment at the end of a term appointment in the same way as for Assistant Commissioner (*see clause 16*).

Clause 24: Appointment of community police

This clause empowers the Commissioner to appoint community police for the whole or any part of the State. The provision for community police is in place of the provision under the current Act for police aides (who will under transitional provisions contained in Schedule 2 continue as community constables).

Clause 25: Police oath or affirmation

This clause requires members of S.A. Police to make an oath or affirmation on appointment.

Clause 26: Effect of appointment and oath or affirmation

Under this clause a member of S.A. Police is, on appointment and making an oath or affirmation, to be taken to have entered into an agreement to serve in S.A. Police until he or she lawfully ceases to be a member of S.A. Police.

Clause 27: Probationary service

This clause provides that a person's appointment to a position in S.A. Police is initially to be on probation for a period (not exceeding two years) determined by the Commissioner. If an appointment to a promotional position is brought to an end during a period of probation, the member of S.A. Police concerned reverts to his or her previous rank.

Clause 28: Performance standards for officers

This clause makes it a condition of appointment as an officer below the rank of Assistant Commissioner to meet performance standards set from time to time by the Commissioner.

Clause 29: Resigning without leave

This clause makes it an offence for a member of S.A. Police (other than the Commissioner, the Deputy Commissioner or an Assistant Commissioner) to resign or relinquish official duties unless he or she gives 14 days notice or has the written authority of the Commissioner or is physically or mentally incapacitated. The maximum penalty is a fine of $1 250 or three months imprisonment.

DIVISION 2—SPECIAL PROVISIONS RELATING TO COMMUNITY POLICE

Clause 30: Powers, responsibilities and immunities of community police

This clause provides that a community constable's powers, responsibilities and immunities as a member of S.A. Police force are subject to any limitations imposed by the Commissioner.

Clause 31: Suspension or termination of services of community police

This clause empowers the Commissioner to suspend or terminate the services of a community constable (but not, under this clause, for physical or mental disability or illness without first complying with the requirements of the *Police Superannuation Act 1990*).

Clause 32: Conditions of employment of community police

This clause provides that the conditions of employment of a community constable may be determined by the Commissioner.

PART 5
POLICE CADETS AND POLICE MEDICAL OFFICERS

Clause 33: Police Cadets

This clause empowers the Commissioner to appoint police cadets and provides that they are not members of S.A. Police

Clause 34: Suspension or termination of appointment of trainee constables

This clause empowers the Commissioner to suspend or terminate the services of a police cadet at his or her discretion.

Clause 35: Resigning without leave

This clause makes it an offence for a police cadet to resign or relinquish his or her duties unless he or she has the written authority of the Commissioner or gives 14 days notice or is incapacitated. The maximum penalty is a fine of $1 250 or three months imprisonment.

Clause 36: Police medical officers

This clause empowers the Governor to appoint a legally qualified medical practitioner to be a police medical officer on terms and conditions fixed by the Governor. The duties of a police medical officer are as arranged between the Commissioner and the officer.

PART 6
MISCONDUCT AND DISCIPLINE OF POLICE AND POLICE CADETS

Clause 37: Code of conduct

This clause empowers the Governor to make regulations establishing a Code of Conduct for the maintenance of professional standards by members of S.A. Police and police cadets. The Code may make provision concerning corrupt, improper or discreditable behaviour, conduct towards other police, standards of personal behaviour or dress, and use of official information, among other things.

Clause 38: Report and investigation of breach of Code

This clause requires a member of S.A. Police or police cadet to report suspected breaches of the Code to the Commissioner. If the Commissioner suspects that a breach of the Code has been committed, he or she may cause the matter to be investigated (subject to any determination of the Police Complaints Authority under section 23 of the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

Clause 39: Charge for breach of Code

This clause empowers the Commissioner to charge members of S.A. Police or police cadets with a breach of the Code (in accordance with procedures prescribed by regulation). A person charged can admit or deny the charge within the time and in the manner prescribed by regulation. If the charge is not admitted, it must be heard by the Police Disciplinary Tribunal in accordance with the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

Clause 40: Orders for punishment following offence or charge of breach of Code

This clause empowers the Commissioner to order the punishment of a member of S.A. Police or police cadet for an offence against Australian law or a breach of the Code. The punishments include termination or suspension of the person's services or appointment, reduction in pay, transfer to another position and reduction in seniority.

Clause 41: Suspension where charge of offence or breach of discipline

This clause empowers the Commissioner to suspend a member of the police force or police cadet who is charged with an offence against Australian law or a breach of the Code. The Commissioner can in appropriate cases suspend the person on making a decision to charge the person but before the charge is laid. A suspension under this clause must be revoked by the Commissioner if the person is found not guilty of the offence or breach, or the charge is dismissed or lapses or is withdrawn (if the person is not at that time charged with any other offence).

Clause 42: Minor misconduct

This clause empowers the Commissioner to determine that a suspected breach of the Code involves only minor misconduct and to refer the matter to a member of S.A. Police for an informal inquiry as prescribed by the regulations. This power of the Commissioner is subject to the provisions of the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

The member conducting the inquiry must cause to be determined, on the balance of probabilities, whether there was a breach of the Code and, if there was, may determine what action should be taken for that breach. The accused member or cadet must be given the opportunity to make submissions. A report must be made to the Commissioner on the result of the inquiry and any action to be taken

and particulars of those matters must be given to the accused member or cadet.

The most severe action that may be taken in relation to a breach of the Code involving only minor misconduct is the transfer of the member to another position (without reduction in rank or seniority). A member may also be reprimanded, counselled, educated or trained.

No information obtained in relation to the subject matter of the inquiry during the inquiry may be used in proceedings in respect of a breach of the Code before the Police Disciplinary Tribunal (other than proceedings for providing false information to obstruct the inquiry).

Clause 43: Right to apply for review of informal inquiry, etc.

This clause provides for the review of the results of an informal inquiry. The original finding can be challenged on the ground that the accused member or cadet did not commit the breach concerned or there was a serious irregularity in the processes followed. The original punishment ordered can be challenged on the ground that it was not warranted by the nature of the breach or in the circumstances of the case.

The person conducting the review can order a new inquiry (or order that the inquiry be recommenced from a particular stage), affirm or quash any finding or determination reviewed or make a determination that should have been made in the first instance.

A report must be given to the Commissioner and the accused member or cadet.

This right of review excludes a right of appeal under the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

Clause 44: Monitoring of informal inquiries, etc.

This clause requires the Commissioner to cause all informal inquiries into minor misconduct to be monitored and reviewed with a view to maintaining proper and consistent practices.

The Commissioner can intervene in particular cases to order a new inquiry (or the recommencement of the inquiry from a particular stage) or to quash a finding. The Commissioner may also make a determination that no action or less severe action be taken in relation to the member or cadet concerned.

PART 7

TERMINATION AND TRANSFER OF POLICE

Clause 45: Physical or mental disability or illness

This clause provides for the termination of the services of members of S.A. Police (other than those appointed under Part 3) for incapacity due to physical or mental disability or illness.

Clause 46: Unsatisfactory performance

This clause authorises the demotion or termination of the services of a member of S.A. Police (other than a member appointed under Part 3) for unsatisfactory performance. Where a member is not performing his or her duties satisfactorily or to applicable performance standards and it is not practicable to transfer that member to another position of the same rank more suited to his or her capabilities or qualifications, the Commissioner is empowered to transfer the member to a position of a lower rank more suited to the member's capabilities or qualifications. If that is not practicable the Commissioner can terminate the services of the member.

These powers do not apply if the unsatisfactory performance is due to physical or mental disability or illness, or to the lack of necessary resources or training or other organisational factors beyond the member's control.

No action can be taken under this clause without the member being given an opportunity to improve, and all processes followed and assessments made have to be reviewed by an independent panel.

Clause 47: Power to transfer

This clause empowers the Commissioner to transfer a member of S.A. Police to another position in S.A. Police without conducting selection processes. This power cannot be used to transfer a member to a higher rank (except as authorised under the regulations). It cannot be used to transfer a member to a lower rank (except as authorised elsewhere in the Bill or under the regulations or where the member consents). A member aggrieved by a transfer from a position can apply to have that grievance dealt with in accordance with general orders of the Commissioner, but not in a case where it was a condition of the appointment or transfer to that position that the member would only remain there for a specified period and that period has elapsed.

PART 8

REVIEW OF CERTAIN TERMINATION AND PROMOTION DECISIONS

DIVISION 1—TERMINATION REVIEWS

Clause 48: Right of review

This clause establishes a right to apply to the Police Review Tribunal for a review of a decision to terminate a member's services for physical or mental disability or illness or for unsatisfactory performance or during a period of probation.

Clause 49: Determination of Application

This clause empowers the Police Review Tribunal (which is established under schedule 1) to quash and make recommendations in relation to termination decisions.

DIVISION 2—PROMOTION REVIEWS

Clause 50: Interpretation and application

This clause contains a definition by virtue of which the Division will apply to promotions to every rank from senior constable up to and including inspector ("prescribed promotional positions"). The Division is not to apply in relation to transfers under the measure from one position to another.

Clause 51: Processes for appointment or nomination for prescribed promotional positions

This clause requires the selection processes for appointments or nomination to prescribed promotional positions to be made in accordance with general orders.

Clause 52: Right of review

This clause empowers unsuccessful applicants to apply to the Police Review Tribunal for review of a selection made for appointment or nomination to a prescribed promotional position. An applicant must follow a grievance procedure established by general orders before making an application for review.

Clause 53: Grounds for application for review

This clause sets out the grounds on which a person may apply for a selection decision to be reviewed.

The application must be made on the ground that the selected member is not eligible for appointment to the position, or that the selection processes were affected by nepotism or patronage or were otherwise not based on merit, or that there was some other serious irregularity in the selection process. Application cannot be made merely on the basis that the Tribunal should redetermine the respective merits of the applicant and the selected member.

Clause 54: Determination of application

This clause empowers the Police Review Tribunal to quash the selection decision and order that the selection processes be recommenced from the beginning or some other specified stage. The Tribunal may do so if it is satisfied that there has been some serious irregularity in the selection processes such that it would be unreasonable for the decision to stand.

Clause 55: Determination of question of eligibility for appointment

This clause makes it clear that for the purposes of this Division, a person is not eligible or appointment or nomination to a prescribed promotional position if he or she does not have the qualifications determined by the Commissioner as essential to the position. Determinations by the Commissioner as to the essential or desirable qualifications for a position are, for the purposes of reviews under this Division, binding on the Police Review Tribunal.

PART 9

SPECIAL CONSTABLES

Clause 56: Appointment of special constables

This clause empowers the Commissioner to appoint special constables for the whole or part of the State.

Clause 57: Oath or affirmation by special constables

This clause requires a special constable to make an oath or affirmation on appointment.

Clause 58: Duties and powers of special constables

This clause provides that a special constable has such duties as are imposed by the Commissioner and has the same powers, responsibilities and immunities as a member of S.A. Police subject to any limitation specified in writing by the Commissioner.

Clause 59: Suspension or termination of appointment of special constables

This clause empowers the Commissioner to suspend or terminate the services of a special constable.

Clause 60: Allowances and equipment for special constables

This clause makes provision for the remuneration and equipment of special constables.

PART 10

MISCELLANEOUS

Clause 61: Protection from liability for members of S.A. Police

This clause provides civil immunity for members of S.A. Police in the honest discharge of their duties.

Clause 62: Members subject to duty in or outside State

This clause requires members of S.A. Police to perform duties at any place within or outside the State if so ordered by the Commissioner or some other member with the necessary authority. A member performing duties outside the State is required to obey orders and is subject to the Code of Conduct in the same way as if he or she were within the State.

Clause 63: Divestment or suspension of powers

This clause provides that all powers and authorities vested in a person as a member of S.A. Police are divested if he or she ceases to be a member. The same rule applies during a period of suspension and, unless the Commissioner orders otherwise, during secondment to a position outside S.A. Police.

Clause 64: Duty to deliver up equipment, etc.

This clause requires a person whose services or appointment have been terminated or suspended to immediately deliver up all property belonging to the Crown that was supplied to the person for official purposes. The maximum penalty for failing to do so is a $2 500 fine or six months imprisonment.

A justice can issue a warrant to search for and seize any such property.

Clause 65: False statements in applications for appointment

This clause makes it an offence to make a false statement in connection with an application for appointment under the measure. The maximum penalty is a $2 500 fine or six months imprisonment. It is a defence to prove that the defendant believed on reasonable grounds that the statement was true.

If a person is appointed to S.A. Police or as a police cadet after contravening this clause, the contravention can be dealt with as a breach of the Code (whether the person is prosecuted for the offence or not).

Clause 66: Suspension or revocation of suspension under Act or regulations

This clause provides that any power of the Commissioner suspend a person's services or appointment includes a power to do so with or without pay or with or without accrual of rights. The Commissioner can also determine if the period of suspension is to count as service.

The clause empowers the Commissioner to revoke a suspension at any time. If, during a period of suspension, the person resigns or retires or is dismissed on disciplinary grounds, the person ceases to be entitled to remuneration or accrual of rights for the period of suspension or to count the period as service.

The clause gives the Commissioner an overriding power to order in any event that a person is entitled to all or part of any pay or accrual of rights withheld in consequence of a suspension or that a period of suspension will count as service.

Clause 67: Evidence of appointment

This clause is an evidentiary provision.

Clause 68: Execution of process

This clause requires members of S.A. Police (and their assistants) to execute process for the recovery of fines and recognisances.

Clause 69: Allowances

This clause provides for the payment of allowances to members of S.A. Police and police cadets.

Clause 70: Impersonating police and unlawful possession of police property

This clause makes it an offence to impersonate police (of any country) or a police cadet without lawful excuse. The maximum penalty is a fine of $2 500 or six months imprisonment. This offence does not prevent the wearing of police uniform for the purposes of a theatrical performance or social entertainment.

It is also an offence to have possession of a police uniform or official property without lawful excuse. The maximum penalty is a fine of $2 500 or imprisonment for six months.

Clause 71: Annual reports by Commissioner

This clause requires the Commissioner to make an annual report to the Minister on S.A. Police and its operations. The report must be laid before both Houses of Parliament.

Clause 72: Regulations

This is a regulation making power.

SCHEDULE 1

Police Review Tribunal

This schedule establishes the Police Review Tribunal and makes provision as to its proceedings and powers. The constitution of the Tribunal varies according to whether it is hearing a termination review or a promotion review. The Tribunal is to act according to equity, good conscience and the substantial merits of the case without regard to legal technicalities and forms and is not bound by the rules of evidence.

SCHEDULE 2

Repeal and Transitional Provisions

This schedule repeals the *Police Act 1952* and deals with transitional matters.

SCHEDULE 3

Consequential Amendments

This schedule makes consequential amendments to the *Acts Interpretation Act* and the *Police Superannuation Act*.

Mr HILL secured the adjournment of the debate.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a Bill for an Act to amend the Police (Complaints and Disciplinary Proceedings) Act 1985. Read a first time.

The Hon. I.F. EVANS: 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 makes three amendments to the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

The first amendment is to section 32(1)*(a)*(i)(E). Section 32 provides for the Police Complaints Authority to make an assessment and recommendation in relation to investigations by the internal investigation branch into a complaint about a member of the police force. The Authority is required to notify the Commissioner of his assessment of the conduct of a member of the police force. Section 32 lists alternatives against which the Authority is to make his assessment. Section 32(1)*(a)*(I)(E) provides that the Authority must notify the Commissioner of his or her assessment of whether any conduct of a member of the police force "was otherwise, in all the circumstances, wrong".

The Police Association has long been concerned with the breadth and uncertain meaning of this provision. The Association argues that it is impossible for a member of the police force to know what conduct might be encompassed by the provision.

The other alternatives listed in section 32(1)*(a)*(i) are expressed in broad terms and it is difficult to see what conduct which was intended to be caught by (E) would not be caught under another alternative in the sub-section. In these circumstances there does not seem to be any reason to retain (E) and by deleting it uncertainty will be removed.

The next amendment is to section 39(3) of the Act. Section 39 which deals with charges in respect of breaches of discipline by police. Section 39(3) requires the Police Disciplinary Tribunal to be satisfied beyond reasonable doubt that a member has committed a breach of discipline before finding a charge proven. The amendment changes the test from proof beyond reasonable doubt to proof on the balance of probabilities. Proof on the balance of probabilities is the usual standard of proof in disciplinary proceedings and is the standard of proof in police disciplinary proceedings in all other jurisdictions in Australia.

The change in the burden of proof in police disciplinary proceedings is necessary to ensure that the disciplinary process is not thwarted because something cannot be proved beyond reasonable doubt. It is acknowledged that the outcome of disciplinary proceedings can be very serious for an officer but it is also a very serious matter for officers who should be disciplined, or even dismissed, to avoid any penalty because a matter cannot be proved beyond reasonable doubt.

The change in the burden of proof will mean that the Tribunal will have to determine disciplinary charges having regard to the principles set out by the High Court in *Briginshaw v Briginshaw* (1938) 60 C.L.R. 336. In *Briginshaw* the High Court said that a Tribunal, in determining the issues on the balance of probabilities, must determine whether the issues have been proved to the reasonable satisfaction of the Tribunal, bearing in mind the seriousness of the allegations made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding. The *Briginshaw* test is a process to used within

the civil standard of proof on the balance of probabilities. The more serious the issue, the more demanding is the process by which reasonable satisfaction is attained.

The third amendment is to section 48(4)*(c)*. Section 48 deals with the divulging of information obtained in the course of the investigation of a complaint. Section 48(4) provides that a 'prescribed officer' is not prevented from divulging or communicating information in proceedings before a court.

This provision was amended in 1996 to provide that it must be in the interests of justice before the court can require the information to be divulged. This change was a result of defence counsel conducting 'fishing expeditions' in the hope of finding something in Police Complaints Authority files that would discredit police witnesses in criminal trials. These "fishing expeditions" are disruptive not only to the Authority and the police but also to the trials of criminal matters when subpoenas are sought as a matter goes to trial.

'Fishing expeditions' have not ceased and the provision is now further amended to require applicants to satisfy the court that there are special reasons requiring the making of an order and the interests of justice cannot be adequately served except by making the order. Where the information in the files is necessary to ensure that justice is done the information will be made available to the defence but only then.

It may be that the need for more amendments to the *Police (Complaints and Disciplinary Proceedings) Act 1985* emerges as a result of the review of the Act presently being undertaken by Mrs Iris Stevens. If this should happen, any amendments can be done either by amendments to this Bill or by a separate Bill.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure is to commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 32—Authority to make assessment and recommendations in relation to investigations by internal investigation branch

An investigation into police conduct under the principal Act results in an assessment by the Police Complaints Authority of whether the conduct of the police officer concerned was at fault in any of a number of ways listed in section 32(1)*(a)*(i). The 'catch-all' that the conduct was wrong in some unspecified way is removed from this provision by the clause as it is considered that the preceding provisions exhaustively list the ways in which police conduct might be viewed as being wrong.

Clause 4: Amendment of s. 39—Charges in respect of breach of discipline

Section 39 of the principal Act currently requires that the Police Disciplinary Tribunal must determine whether a police officer has been guilty of a breach of discipline according to the criminal law burden of beyond reasonable doubt. The clause substitutes for this the non-criminal law burden of the balance of probabilities.

Clause 5: Amendment of s. 48—Secrecy

Section 48 prevents the unauthorised disclosure of information gained through an investigation under the principal Act. The section authorises disclosure of such information in certain specified circumstances, one of which is that a court requires the disclosure in the interests of justice. This ground for disclosure is narrowed by the clause so that the court must be satisfied that there are special reasons for ordering the disclosure and that the interests of justice cannot adequately be served except by the making of such an order.

Mr HILL secured the adjournment of the debate.

STATUTES AMENDMENT (YOUNG OFFENDERS) BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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 is proposed to address situations that can arise where persons are simultaneously subject to the juvenile and adult justice systems.

Under the *Young Offenders Act 1993* a custodial sentence generally involves detention in a training centre. The Act applies to 'youths'—persons aged 10 to 17 years (inclusive) at the time of the commission of an alleged offence. A person may be liable for detention under the Act after he or she has turned 18 years of age for offences committed as a youth.

The first proposal in the Bill relates to a person who is liable to detention in a training centre and is charged with an offence alleged to have been committed after the person has turned 18 years of age. In these circumstances, the Bill will allow the Court the discretion to remand the person to a training centre rather than the adult remand centre. For example, the Court may consider this option to be appropriate having regard to the likelihood of a custodial sentence (if any) for the adult offence not exceeding the remand period.

Where a person is liable to youth detention but is on remand in the adult system, the Bill provides for the Court to be able to review the case and change the place of remand to a training centre. The Youth Court would also be able to review the case of a person remanded to a training centre and transfer the person to the adult system in appropriate cases.

Another proposal relates to persons in custody on adult remand who are also liable to detention for youth offences. The Bill provides for the period in custody in the adult system to be counted against the period of detention for the youth offence. Where a person who is liable to detention or imprisonment in a training centre is in prison on adult remand and is released from that remand, the Bill provides for the person to be transferred to a training centre.

If a youth who is to be remanded for a youth offence is already in custody in the adult system for an adult offence, the Bill allows the youth to be remanded to a prison.

Where a youth is already in prison at the time of being sentenced to detention, the Bill provides for the whole or, if the Court so directs, part of that sentence of detention to be served in prison. The Bill also provides for the Youth Court to be able to order that a period of detention be served in the adult system where the person has previously served a sentence of imprisonment or detention in prison.

If a person in custody in a training centre is subsequently sentenced to a concurrent term of imprisonment in the adult system, the Bill provides for the transfer of the youth to a prison to serve the remainder of the youth sentence (unless the sentencing court directs otherwise).

The final proposal relates to the implications for parole of persons serving detention for youth offences in prison.

Currently, under section 63(8) of the *Young Offenders Act*, the Parole Board must review the circumstances of any person transferred to prison under the Act and may, for any proper reason, order the release of any such person. The Bill removes the discretion of the Parole Board in such cases.

Instead, where a person is to serve any part of a period of detention in the adult system, the Bill provides that a non-parole period may be fixed or varied in respect of that detention by the sentencing court on application of the person or the presiding member of the Parole Board. Once a non-parole period is set, the Parole Board will be able to conditionally release the prisoner where currently it can only unconditionally release prisoners transferred from the juvenile system. Because under the Bill it will be possible, in certain circumstances, for a youth to spend part of a sentence in a prison and part in a training centre, the Bill also provides for the application of the parole provisions in the *Correctional Services Act* to a youth granted parole from a training centre.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause is standard for a Statutes Amendment Act.

PART 2

AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 4: Amendment of s. 31A—Application of Division to youths

This clause amends section 31A to provide that the Division of the Act dealing with non-parole periods will apply to youths serving

detention in a prison. The provision also inserts a new subsection (2) which is effectively an interpretative aid to overcome any difficulties caused by the differences in terminology between 'detention' and 'imprisonment'.

Clause 5: Amendment of s. 32—Duty of court to fix or extend non-parole periods

This clause makes a consequential amendment to section 32 so that it refers to the Youth Court.

Clause 6: Amendment of s. 61AA—Community service in default of payment by a youth

This clause inserts a new subsection (6a) providing that if the court under section 61AA(6) sentences a youth to detention—

- if the youth is already in prison the youth will serve the detention in a prison; or
- if the youth has previously been in prison, the court may direct that the youth serve the detention in a prison.

Clause 7: Insertion of s. 71B

This clause provides, in similar terms to the provision sought to be inserted by clause 6, for the detention of a youth in a prison where the court under Division 4 of Part 9, issues an order for detention of the youth or sentences a youth to detention.

Clause 8: Transitional

This clause provides that the amendments to sections 31A and 32 of the principal Act will apply to youths placed in prison before or after commencement of the measure. This means that such youths will be able to apply for a non-parole period to be fixed, and will be subject to the other matters applicable under section 32 of the principal Act.

PART 3

AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 9: Insertion of ss. 183 and 184

This clause inserts two new provisions in the *Summary Procedure Act* allowing for the remand of a person charged with an adult offence to a training centre in certain circumstances.

Proposed section 183 provides that if a person being remanded in custody by the Court is already in custody in a training centre or is liable to be put in custody in a training centre and the Court is satisfied that good reason exists for remanding the person to a training centre, the Court may direct that the person be remanded to a training centre.

Proposed section 184 provides for the transfer to a training centre of a person remanded to a prison if the person would otherwise be in custody in a training centre or is liable to be in custody in a training centre and the Court is satisfied that good reason exists for remanding the person to a training centre. An application for such a transfer may be made by the person or the Chief Executive of the Department of Human Services. If the Court has previously considered whether a person should be remanded to a prison or to a training centre, an application may only be made under the proposed provision if there has subsequently been a material change in the circumstances of the person or the applicant has become aware of relevant new facts or circumstances.

PART 4

AMENDMENT OF YOUNG OFFENDERS ACT 1993

Clause 10: Amendment of s. 15—How youth is to be dealt with if not granted bail

Section 15(1) of the *Young Offenders Act* provides that, generally, a youth who is not granted bail will not be remanded to a prison. Currently a limited exception exists under subsection (2) where the youth is arrested outside an area specified in the regulations and it is not reasonably practicable to comply with subsection (1). The proposed amendment would make the limitation in subsection (1) inapplicable to a youth who is already in prison.

Clause 11: Amendment of s. 23—Limitation on power to impose custodial sentence

This clause inserts a new subsection (6) providing that if the Court sentences a youth to detention—

- if the youth is already in prison the youth will serve the detention (or part of it) in a prison; or
- if the youth has previously been in prison, the court may direct that the youth serve the detention in a prison.

The clause also inserts new subsection (7) dealing with the application of the *Correctional Services Act* to youths sentenced to serve the whole or part of a sentence in prison.

Clause 12: Amendment of s. 36—Detention of youth sentenced as an adult

This clause amends section 36 by deleting subsection (2a). This provision is now to be covered by new Division 1A, since it does not only apply to youths sentenced as an adult.

Clause 13: Insertion of Division 1A

This clause provides that if a youth who is serving a sentence for a youth offence in a training centre is sentenced to imprisonment for an adult offence and that sentence is to be served concurrently with the youth sentence, the youth must, unless the sentencing court directs otherwise, be transferred to, and will serve those sentences in, a prison.

Clause 14: Amendment of s. 63—Transfer of youths in detention to other training centre or prison

This clause amends section 63(2) to allow transfer of a youth (aged of or above 18 years) on remand in a training centre to a prison and makes various minor amendments to other parts of the provision to reflect that. In addition, a small correction is made to the wording of subsection (7) and subsection (8) is deleted because such parole issues are now to be dealt with under the *Criminal Law (Sentencing) Act*.

Clause 15: Insertion of ss. 63A and 63B

This clause proposes to insert new sections 63A and 63B. Proposed section 63A clarifies the position in relation to a youth who is serving a youth sentence in a training centre and is also remanded to a prison in relation to an adult offence.

Where the adult remand order is made after the youth is already in custody in a training centre, the youth must be transferred to a prison (and will be taken to be serving the youth sentence during the period of the remand).

The proposed provision also provides that, whether the youth sentence arose before or after the adult remand, if at the end of the period of remand in prison the youth sentence is still running and no immediately servable sentence of imprisonment was imposed for the adult offence, the youth must be transferred to a training centre.

Proposed section 63B provides for the application of the parole provisions in the *Correctional Services Act 1982* to youths who have been transferred to a training centre from a prison and have a non-parole period fixed in respect of their sentence.

Mr HILL secured the adjournment of the debate.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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 amends the *Legal Practitioners Act 1981* in two major areas. It also contains miscellaneous amendments designed to improve the operation of the Act.

The COAG Legal Profession Reform Working Party in its report to Heads of Government in June 1995 recommended that the Standing Committee of Attorneys-General should identify the legislative changes necessary to establish a national practising certificate. In October 1996 the majority of the members of the Standing Committee agreed to proceed with legislation in accordance with the provisions of a draft *Lawyers (Interstate Practice) Bill*. Officers of the Standing Committee developed the bill in consultation with the Law Council of Australia.

The principles contained in the draft *Lawyers (Interstate Practice) Bill* are incorporated in these amendments. The provisions are not to be found in one part of the amendments. Each provision in the *Legal Practitioners Act* had to be examined to see if it should apply to an interstate practitioner practising in South Australia.

For those States and Territories which agree to participate in the national practising certificate regime, a practitioner issued with a practising certificate in the State or Territory will be able, without any further action, to practise in each participating State and Territory. However, an interstate practitioner who establishes an office here must notify the Supreme Court that he or she has done so (new section 23D).

Interstate practitioners who establish an office here must have 'approved professional indemnity insurance' (new section 52AA). There are variations in the insurance cover in each State and Territory and to require identical insurance is not possible. Interstate practitioners who do not establish an office here and who do not have approved professional indemnity insurance must disclose that fact

to clients (new section 52AAB). It may be, of course that an interstate practitioner will have insurance in excess of South Australian requirements.

Interstate practitioners who establish an office here must comply with trust account obligations (new section 30A).

A supervisor or manager may be appointed to the practice of an interstate practitioner who establishes an office here (new section 43A).

A claim can only be made on the Guarantee Fund in relation to a fiduciary or professional default by an interstate practitioner in circumstances provided for by an agreement or arrangement made by the Law Society with the approval of the Attorney-General (Clause 30, amending section 60 of the principal Act). It has been difficult to arrive at a satisfactory solution as to when claims may be made on the Fund as a result of the default of an interstate practitioner.

The two States which have legislated so far, New South Wales and Victoria, have different provisions. It may be that the Standing Committee of Attorneys-General will have to revisit this area. In the meantime the solution adopted in this Bill will ensure that persons who have suffered as a result of a fiduciary or professional default by an interstate practitioner are not disadvantaged by the national practising certificate scheme.

New section 23A provides that an interstate practitioner who practises in the State is an officer of the Supreme Court. This means that such practitioners are subject to the same control and direction of the Supreme Court as practitioners who are admitted to practise by the Court. An interstate practitioner when practising in this State must observe any limitations on the practitioner's entitlement to practise under the law of a State in which the practitioner is admitted as a legal practitioner. Thus if a person is, in his or her home jurisdiction, only entitled to practise as a barrister, he or she will only be entitled to practise as a barrister in South Australia. An interstate practitioner must also observe any conditions imposed on his or her practise by a regulatory authority in this State or in any participating jurisdiction. These provisions are to be found in new sections 23B and 23C.

Clause 50 inserts provisions for dealing with complaints about legal practitioners who may be subject to disciplinary proceedings in two participating jurisdictions. The provisions provide for a co-operative scheme and ensure that a practitioner will not be subject to disciplinary proceedings in one State when he or she has been dealt with in another state.

Complaints can be brought against an interstate practitioner in the same way as against local practitioners. Any restriction or condition placed on practice or any suspension or removal from a roll of practitioners will have effect in each participating State and Territory.

Where a person has a claim on the Guarantee Fund because of the actions of an interstate practitioner in South Australia, the claim will be dealt with according to the terms of an agreement with the regulatory authority of participating states or territories. These agreements will need to address the various circumstances that may arise. It may be, for example, that a claim arises that is covered partly by an interstate fund and partly by the South Australian fund. Sometimes it may not be clear against which fund the claim should be made. In any case, a prescribed portion of the fees paid by interstate practitioners on giving notice of the establishment of an office here will be paid into the Guarantee Fund. (Clause 29, amending section 57 of the principal Act, new subsection (3)*(ca)*).

The second substantial category of amendments contained in the bill strengthen the disciplinary provisions. Over the last few years the legal profession has been the subject of a number of reports and reviews at both the state and national level. In particular, the Law Council has recommended a model disciplinary process that incorporates a three tiered structure (at the pinnacle of which is the Supreme Court), the preservation of self-regulation and accountability which is achieved by the inclusion of significant lay involvement in a statutory disciplinary body.

As part of the review of the disciplinary procedures in South Australia, comments were sought from the Legal Practitioners Conduct Board, the Legal Practitioners Disciplinary Tribunal, the Law Society of South Australia and the Director of Public Prosecutions.

The South Australian disciplinary structure essentially incorporates all the elements recommended by the Law Council and I do not propose any changes to the existing structure. However, there is a need to ensure that the disciplinary bodies have a wide range of sanctions and powers in order that they may address concerns of unprofessional conduct in the most appropriate manner for both the practitioner and complainant.

The Legal Practitioners Conduct Board has noted that there is a public and professional desire for more constructive resolution of complaints and increased flexibility of sanctions to address unsatisfactory conduct, with particular emphasis on the resolution of client concerns. The Legal Practitioners Conduct Board notes that the fraudulent use of trust funds and dishonesty by a small number of practitioners continues to be a problem which requires pro-active measures to ensure ongoing public protection and efficient use of resources.

It is apparent from the submissions received in the course of the review that the disciplinary system for legal practitioners must cover a wider range of conduct to include conduct that is not of sufficient gravity to fall within the concept of 'unprofessional conduct', but is still of an unsatisfactory nature. Accordingly, a new category of undesirable conduct, described as 'unsatisfactory conduct', has been introduced. This is defined in clause 3 as conduct which is less serious than unprofessional conduct but involves a failure to meet the standard of conduct observed by competent practitioners of good repute. Complaints of unsatisfactory conduct may be made to the Legal Practitioners Conduct Board.

The definition of unprofessional conduct has been amended to incorporate the common law notion of conduct which involves substantial or recurrent failure to meet the standard of conduct observed by competent practitioners of good repute.

The powers of the Board following an investigation have been expanded. If the Board determines that there is evidence of unprofessional or unsatisfactory conduct but the conduct is relatively minor, the Board can deal with the misconduct under new section 77AB. Under this provision the Board may determine not to lay charges before the Tribunal but instead reprimand the practitioner, make an order imposing conditions on the legal practitioners practising certificate, make an order that the legal practitioner make a specific payment or refrain from doing a specified act in connection with legal practice. Because the Board is primarily an investigative body, rather than a disciplinary body, these powers can only be exercised with the consent of the practitioner concerned. If the practitioner does not consent to the conduct being dealt with by the Board, charges will be laid before the Tribunal.

Where a charge of unsatisfactory conduct is brought before the Tribunal, it may be constituted by only one member. This provides a simpler and more cost effective method for dealing with these more minor matters.

Section 74 of the Act provides that if the Board is of the opinion that the subject matter of a complaint is capable of resolution by conciliation it may attempt to resolve the matter by conciliation. Conciliation has been given a higher profile by making it the subject of a separate provision (new section 77B). The confidentiality of the conciliation proceedings is also protected.

Concerns have been raised about legal practitioners who continue to practice pending the outcome of outstanding criminal charges or disciplinary proceedings. The Supreme Court (new section 89(2)*(c)*) is given clear power to impose an interim suspension on such a practitioner, where appropriate.

The review of the disciplinary provisions highlighted the need for greater co-operation and communication between all bodies concerned with the disciplinary process. New section 14B requires the Law Society to report matters to the Board which suggest that there may be grounds for disciplinary action. New section 73A provides for an agreement to be entered into between the Board and the Law Society for the exchange of information. The Board has suggested that it should be able to pass information to the Society where it appears that a practitioner may be experiencing psychological or personal problems which may lead to professional difficulties. Where the Law Society is alerted to the fact that a practitioner needs help the Law Society will be able to take steps to assist the practitioner before he or she gets into real difficulties.

On rare occasions the Board becomes aware that a client of a practitioner it is investigating for unprofessional conduct has suffered a loss of which the client is unaware. Because of the confidentiality provisions in section 73 the Board is unable to alert the client. New section 77AA enables the Board to notify persons of a suspected loss.

An amendment to section 73 will eliminate a lot of frustration experienced by persons who are assisting persons who have made a compliant to the Board. The confidentiality provisions are such that the Board is unable to inform, for example, a Member of Parliament inquiring on a constituent's behalf about the progress of an investiga-

tion. Under the new provision the Board will now be able to answer Member's inquiries on behalf of their constituents.

Amendments are also made to the provisions relating to inquiries by the Legal Practitioners Disciplinary Tribunal. It is made clear that a charge may be laid before the Tribunal despite the fact the criminal proceedings have been commenced in relation to a matter to which the charge relates. There has been reluctance to lay charges before the Tribunal when criminal proceedings are pending or have commenced. This amendment allows a limitation on the time in which proceedings before the Tribunal may be laid. New section 82(2a) provides that charges must be laid within five years of the conduct the subject of the complaint. It is unsatisfactory for charges not to be laid promptly, both from the practitioner's point of view and for the satisfactory completion of the inquiry. People cannot be expected to remember what happened long ago. Provision is made for the time to be extended if the charge is laid by the Attorney-General or with the consent of the Attorney-General. It is necessary to have some mechanism to extend the time where the misdeeds of a practitioner only come to light at a later date.

The Tribunal has requested that there should be a mechanism to deal with the taxing of bills of costs when allegations of gross overcharging are alleged. This has been done by an amendment to section 42 which will enable the Board to institute proceedings for taxation of costs when ordered to do so by the Tribunal.

At present only the Attorney-General or the Law Society can institute disciplinary proceedings in the Supreme Court. New section 74(1)*(e)* provides that the Board may, on the recommendation of the Tribunal, commence disciplinary proceedings in the Supreme Court. A consequential amendment to section 51 gives the Board a right of audience in the Supreme Court.

I would like to draw honourable members attention to new section 21(3a). For some time there has been pressure from the legal profession in the eastern States to regulate the practise of foreign law in Australia.. This is seen as somehow providing a peg on which Australian legal practitioners will be given the right to practise in foreign countries. The South Australian Government does not believe that there is the capacity to regulate the practise of foreign law in Australia. Nor does the Government believe that it is necessary. New section 21(3a) makes it clear that a person who only practises foreign law does not have to comply with the provisions of the *Legal Practitioners Act.*

Apart from the two major areas of amendments the bill contains various miscellaneous amendments designed to improve the operation of the Act.

The definition of bank is brought into line with the definition in the *Statutes Amendment (Reference to Banks) Act 1997.*

Section 5(4) and (5) expands on what is trust money. This is similar to the provision in the New South Wales legislation. Another new provision dealing with trust money is new section 33A. The Act at present does not recognise the reality of how firms of solicitors handle trust money. This new section reflects what happens in practice.

Amendments to sections 8, 9 12 and 14 acknowledge a change to the Law Society's Rules. Under the rules there is now a position of President Elect and the President Elect is a member of the Council of the Law Society.

New section 20A is designed to avoid a problem which has arisen in Victoria. There are now several bodies which can impose conditions on practising certificates: the newly created Legal Practitioners Education and Admission Council, the Board, the Tribunal, the Supreme Court and interstate regulatory bodies. There needs to be one central body that can keep track of all the conditions imposed on practising certificates. As the Supreme Court is the body that issues practising certificates it is appropriate that it be designated as that body. Under the *Legal Practitioners (Qualifications) Amendment Bill*, considered earlier in this session, the Supreme Court will be able to delegate this function to the Law Society if it considers that to be appropriate.

Amendments to sections 44, 45 and 48 are designed to provide statutory authority for supervisors and managers to dispose of funds at the conclusion of an appointment.

Finally, clause 30 makes several amendments to section 60. I have already referred to the amendments relating to claims arising out of the fiduciary or professional default of an interstate practitioner. Subsection (4)*(ab)*(i) is amended. This subsection currently provides that a claim can be made on the Fund in relation to a default occurring outside the State in the course of legal work arising from instructions given in South Australia. On reflection this seems to have the wrong emphasis. The more important point seems to be that the instructions were taken (not given) in this State. If instructions are taken in this State it is more likely that the work will be done in this State and should be covered by the Guarantee Fund.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

This clause amends various definitions in the principal Act and inserts new definitions and interpretative provisions for the purposes of the proposed national legal practise scheme and the introduction of a second category of conduct against which disciplinary action may be taken under the Act, to be known as 'unsatisfactory conduct'.

Clause 4: Amendment of s. 8—Officers and employees of the Society

Clause 5: Amendment of s. 9—Council of Society

Clause 6: Amendment of s. 12—Minutes of proceedings

These clauses amend sections 8, 9 and 12 of the principal Act to reflect changes to the Law Society's rules by inserting references to the 'President-Elect' of the Society..

Clause 7: Amendment of s. 13—Society's right of audience

This clause is consequential to the proposed introduction of 'unsatisfactory conduct' as a second category of conduct liable to disciplinary action under the Act.

Clause 8: Amendment of s. 14—Rules of Society

This clause inserts a reference to the 'President-Elect' of the Law Society for the reasons outlined above.

Clause 9: Insertion of Division

This clause inserts a new provision ensuring that the Law Society provides certain information to the Board.

Clause 10: Amendment of s. 16—Issue of practising certificate

This clause is consequential to the proposed national legal practise scheme.

Clause 11: Insertion of s. 20AA

This clause inserts a new section 20AA into the principal Act dealing with endorsement of conditions on practising certificates. Under various proposed amendments different bodies are given authority to impose conditions on a legal practitioner's practising certificate (eg. for disciplinary reasons). This proposed provision then provides a mechanism for recording of these by a single authority (the Supreme Court).

Clause 12: Amendment of s. 21—Entitlement to practise

This clause makes a number of amendments to section 21 of the principal Act, which deals with the entitlement to practise law. Proposed subsection (3a) provides that the practise of foreign law is not (in itself) 'practising the profession of the law' within the meaning of the Act. This means that a person may provide advice on foreign law in South Australia without being admitted here and without having a South Australian practising certificate. The remaining amendments proposed clarify what acts will constitute 'practising the profession of the law' and make provision for the national legal practise scheme.

Clause 13: Amendment of s. 22—Practising while under suspension, etc.

This clause amends section 22 of the principal Act—

- to make it clear that holding yourself out as a person who is entitled to practice the profession of the law when you in fact have no such entitlement is an offence; and
- to make the wording of paragraph *(b)* consistent with other changes proposed to the disciplinary provisions of the principal Act.

Clause 14: Insertion of Division

This clause inserts a new Division into Part 3 of the principal Act as follows:

DIVISION 3A—PROVISIONS RELATING TO INTERSTATE LEGAL PRACTICE

23A. Interstate legal practitioners to be officers of Court

This clause makes those practitioners practising law here as part of the national legal practise scheme ('interstate legal practitioners') officers of the Supreme Court. South Australian practitioners are officers of the Court by virtue of their admission and enrolment, but a feature of the scheme is that interstate practitioners will not be required to become admitted and enrolled here.

23B. Limitations or conditions on practise under laws of participating States

This clause provides for the application, in this State, of conditions and limitations applying to an interstate legal practitioner under the law of a State in which the practitioner is

admitted and under the law of other States participating in the national legal practise scheme ('participating States'). Failure to comply with the section is unprofessional conduct and may therefore be the subject of disciplinary action. If conflicting conditions apply to such a practitioner, the most onerous will prevail.

23C. Additional conditions on practise of interstate legal practitioners

This clause provides for the imposition of conditions, by South Australian authorities, on interstate legal practitioners.

23D. Notification of establishment of office required

This clause provides for the giving of notice by interstate legal practitioners who establish an office in the State. If a practitioner fails to lodge a notice as required, it is an offence, punishable by a fine of $10 000, and the practitioner's entitlement to practise may be suspended until the provision is complied with.

The Supreme Court will keep a register of practitioners who have given notice under this provision and this may be inspected by the public.

Clause 15: Insertion of s. 30A

This clause provides that the Division dealing with trust accounts will apply to local legal practitioners, interstate legal practitioners who have established an office here, and persons who would fall into one of those categories but for their failure to renew their practising certificate. The provisions will also apply to local legal practitioners who are practising interstate in some circumstances.

Clause 16: Amendment of s. 31—Disposition of trust money

This clause corrects a minor error in current section 31 and clarifies the wording of subsection (5) of that section.

Clause 17: Insertion of s. 33A

This clause inserts a new provision clarifying the requirements of the Act as they relate to trust money received by firms.

Clause 18: Substitution of ss. 34 and 35

This clause substitutes new sections 34 and 35 into the principal Act which make the wording of those sections consistent with the rest of the Division (as proposed to be amended by the measure) and clarify the meaning of those provisions.

Clause 19: Amendment of s. 37—Confidentiality

A minor amendment is made in this clause to section 37(1) to make the wording consistent with other provisions in the Division. The remaining proposed amendments in this clause are consequential to the national legal practise scheme.

Clause 20: Amendment of s. 38—Regulations

This clause amends the regulation making power that relates to the trust account requirements of the Act so that the wording of that provision includes reference to the keeping of 'records' by legal practitioners and therefore matches the wording used in the rest of the Division.

Clause 21: Amendment of s. 42—Costs

This clause amends section 42 to provide that the Board will institute proceedings for the taxation of legal costs if ordered to do so by the Tribunal.

Clause 22: Insertion of s. 43A

This clause provides that Division 9 of Part 3 of the principal Act applies to local legal practitioners and interstate legal practitioners who have established an office in the State.

Clause 23: Amendment of s. 44—Control over trust accounts of legal practitioners

This clause amends section 44 of the principal Act to clarify the powers of a supervisor appointed under that section, to make minor corrections to the section and to make subsection (3) (which specifies who must be given notice of a resolution to appoint a supervisor) match up better with section 45(2) (which deals with the giving of notice where an inspector is appointed).

Clause 24: Amendment of s. 45—Appointment of manager

This clause amends section 45 of the principal Act to make subsection (2) match up better with section 44(3) (as discussed above), to clarify the powers of a manager appointed under that section and to make it clear that the Society may revoke an appointment at any time.

Clause 25: Amendment of s. 48—Remuneration, etc., of persons appointed to exercise powers conferred by this Division

Under section 48 certain amounts may be payable to the Society where a supervisor or manager is appointed under the Division. This clause provides that where a manager is appointed, the manager must give priority to paying those amounts to the Society.

Clause 26: Amendment of s. 51—Right of audience

This clause provides a right of audience before any court or tribunal in the State for a legal practitioner employed by the Board.

Clause 27: Insertion of ss. 52AA and 52AAB

This clause inserts new provisions setting out the requirements in relation to professional indemnity insurance for interstate legal practitioners practising in this State. Non-compliance with these provisions is an offence punishable by a fine of $10 000.

Clause 28: Amendment of s. 53—Duty to deposit trust money in combined trust account

This clause is consequential to the amendment proposed in clause 55.

Clause 29: Amendment of s. 57—Guarantee fund

This clause provides for—

- the payment into the Guarantee fund of a prescribed proportion of the fees paid by interstate practitioners on giving notice of the establishment of an office in this State;
- the payment out of the Guarantee Fund of the Society's costs in appointing a legal practitioner to appear on its behalf in an application for admission and the costs of proceedings for the taxation of legal costs instituted by the Board.

Clause 30: Amendment of s. 60—Claims

This clause makes some minor consequential amendments to section 60 of the principal Act and provides that a claim against the Guarantee fund can only be made in relation to conduct by an interstate legal practitioner in circumstances provided for by an agreement or arrangement under approved by the Attorney-General under proposed section 95AA.

Clause 31: Insertion of s. 60A

This clause inserts a new section 60A into the principal Act providing that a person's personal representative is entitled to make a claim under this Part on behalf of the person or the person's estate.

Clause 32: Amendment of s. 62—Power to require evidence

Clause 33: Amendment of s. 63—Establishment of validity of claims

These clauses are consequential to the amendment proposed in clause 55.

Clause 34: Amendment of s. 73—Confidentiality

This clause amends section 73 of the principal Act (which sets out the confidentiality requirements in relation to the Board) to allow disclosure in for the purposes of the national legal practise scheme and to make it clear that the confidentiality requirements do not prevent disclosure to a complainant or person acting on behalf of a complainant.

Clause 35: Insertion of s. 73A

This clause provides for the Board and the Council of the Law Society to enter into agreements regarding the exchange of information relating to legal practitioners. Such an agreement must be in writing and approved by the Attorney-General.

Clause 36: Insertion of heading

This clause inserts a new heading into Part 6 of the principal Act.

Clause 37: Amendment of s. 74—Functions of Board

This clause substitutes a new subsection (1) into section 74 of the principal Act to ensure that section reflects other proposed amendments relating to the functions of the Board.

Proposed new subsection (3) would make it clear that the Board may exercise any of its functions in relation to a former legal practitioner.

Clause 38: Amendment of s. 75—Power of delegation

This clause amends section 75 of the principal Act to clarify what functions of the Board cannot be delegated.

Clause 39: Substitution of heading

This clause substitutes a new heading in Part 6 of the principal Act.

Clause 40: Amendment of s. 76—Investigations by Board

This clause amends section 76 of the principal Act to include references to 'former' legal practitioners and to the new category of 'unsatisfactory conduct'.

Clause 41: Insertion of heading

This clause inserts a new heading in Part 6 of the principal Act.

Clause 42: Amendment of s. 77—Report on investigation

Section 77 is amended as follows:

- Subsection (1) is replaced to include a reference to a 'former legal practitioner' and to improve the wording of that subsection.
- Subsection (2), which currently provides that where a matter is successfully resolved by conciliation the Board need not report on the matter under subsection (1), is deleted to reflect the public interest involved in disciplinary proceedings under the Act. Successful conciliation of a matter (ie. the resolution of a particular dispute between a legal practitioner and a complainant) does not prevent disciplinary action being taken against a practitioner in the public interest.

- Subsection (4) is amended to include a reference to a 'former legal practitioner'.

Clause 43: Insertion of ss. 77AA and 77AB

Proposed section 77AA provides that if, in the course or in consequence of an investigation, the Board has reason to believe that a person has suffered loss as a result of unprofessional or unsatisfactory conduct, the Board may notify the person.

Proposed section 77AB provides that if, after conducting an investigation, the Board is satisfied that there is evidence of unprofessional or unsatisfactory conduct by a legal practitioner but the misconduct in question was relatively minor and can be adequately dealt with by the exercise of a power under this provision, the Board may, with the consent of the practitioner, decline to lay charges before the Tribunal and instead exercise such a power. The powers available under this proposed provision are—

- reprimand of the practitioner;
- endorsement of conditions on the practitioner's practising certificate relating to the practitioner's legal practice or requiring the completion of further education or training, or the receipt of counselling, of a specified type;
- the making of an order that the legal practitioner make a specified payment or do or refrain from doing a specified act in connection with legal practice.

The Board is empowered to take into account any previous finding of unprofessional or unsatisfactory conduct relating to the practitioner in deciding whether to exercise a power under this section.

A condition endorsed on a practising certificate under this section may be varied or revoked at any time by the Tribunal on application by the legal practitioner.

An order under the provision providing for the payment of a monetary sum by a legal practitioner is to be accepted in legal proceedings, in the absence of proof to the contrary, as proof of such a debt.

Contravention of an order under the proposed provision is itself unprofessional conduct.

Clause 44: Substitution of heading

This clause substitutes a new heading in Part 6 of the principal Act.

Clause 45: Insertion of Subdivision

This clause inserts a new subdivision dealing with conciliation of complaints by the Board.

The provision provides that nothing said or done in the course of a conciliation can be given in evidence in proceedings (other than in criminal proceedings), and a person involved in the conciliation is disqualified from investigating or further investigating conduct to which the complaint relates and from otherwise dealing with the complaint.

An agreement reached following conciliation will be recorded in writing and signed and a copy of the agreement given to each of the parties.

An apparently genuine document purporting to be an such an agreement and providing for payment of a monetary sum will be accepted in legal proceedings, in the absence of proof to the contrary, as proof of such a debt.

Contravention of or non-compliance with an agreement by a legal practitioner is itself unprofessional conduct.

The proposed provision also makes it clear that conciliation does not prevent investigation or further investigation or the laying of a charge in relation to conduct to which the complaint relates.

Clause 46: Amendment of s. 80—Constitution and proceedings of Tribunal

This clause amends section 80 to provide that a single member of the Tribunal may hear charges of unsatisfactory conduct.

Clause 47: Amendment of s. 82—Inquiries

Section 82 of the principal Act is proposed to be amended to-

- insert references to unsatisfactory conduct;
- to provide a five year time limit on the laying of charges before the Tribunal (unless the Attorney-General consents to the laying of the charge));
- to provide that charges may be laid even though criminal proceedings are pending;
- to make amendments to the powers of the Tribunal consequential to the national legal practise scheme, and to match up those powers with the new powers given to the Board;
- to provide for a finding of unsatisfactory conduct where unprofessional conduct is charged in certain circumstances.

Clause 48: Amendment of s. 84—Powers of Tribunal

This clause amends section 84 to make it clear that the power to receive in evidence transcripts of other proceedings includes power to receive exhibits referred to in such transcripts.

Clause 49: Amendment of s. 89—Proceedings before Supreme Court

This clause amends section 89 of the principal Act as follows:

- to allow the Board to institute proceedings in the Supreme Court under subsection (1) and subsection (6) (without affecting the power of the Attorney-general and the Society to bring such proceedings);
- to make amendments to the powers of the Supreme Court consequential to the national legal practise scheme, and to match up those powers with the new powers given to the Board and the Tribunal;
- subsection (7) is deleted as it is proposed that a new provision be inserted dealing with interim suspension of a legal practitioner (see clause 50).

Clause 50: Insertion of s. 89A

This clause provides that the Supreme Court may order the interim suspension of a legal practitioner if disciplinary proceedings have been instituted or the legal practitioner has been charged with or convicted of a criminal offence and the Court is satisfied that the circumstances are such as to justify invoking the provision.

Clause 51: Insertion of Division

This clause inserts a new division in Part 6 of the principal Act dealing with the national legal practise scheme as follows:

DIVISION 6A—PROVISIONS RELATING TO INTERSTATE LEGAL PRACTICE

90AA. Conduct of local legal practitioners outside State

The disciplinary provisions of the Act are to apply to conduct by a local legal practitioner in a participating State or elsewhere outside this State.

90AB. Conduct not to be the subject of separate proceedings

If disciplinary proceedings in relation to conduct have been finally determined in a participating State, no action is to be taken or continued under this Part in relation to that conduct (other than action that may be taken under section 89(6)).

90AC. Referral or request for investigation of matter to regulatory authority in participating State

This provision allows the referral of a complaint or an investigation to a participating State, where appropriate, to be dealt with according to the law of that State. After referral of a complaint, no further action (other than action required to comply with section 90AE) may be taken by any regulatory authority in this State in relation to the subject-matter of the referral.

90AD. Dealing with matter following referral or request by regulatory authority in participating State

This provision provides that if a regulatory authority in a participating State refers a complaint or investigation to a regulatory authority in this State the conduct of the practitioner in question may be investigated by the regulatory authority in this State and, following such investigation, a charge may be laid and disciplinary proceedings may be brought against the practitioner, whether or not the conduct investigated allegedly occurred in or outside this State.

90AE. Furnishing information

This provision provides for the furnishing of information by a regulatory authority in this State when reasonably required by a regulatory authority in a participating State.

90AF. Local legal practitioners are subject to interstate regulatory authorities

A local legal practitioner practising in this State must comply with any condition imposed by a regulatory authority in a participating State as a result of disciplinary action. Contravention of or non-compliance with this section is unprofessional conduct.

An appropriate regulatory authority in a participating State to which a local legal practitioner is subject in that State may suspend, cancel, vary the conditions of or impose conditions or further conditions on, or order the suspension, cancellation, variation of the conditions of or imposition of conditions or further conditions on, the local legal practitioner's practising certificate as a result of disciplinary action against the practitioner.

A appropriate regulatory authority in a participating State may order that the name of the local legal practitioner be removed from the roll of practitioners in this State (in which case the Supreme Court will remove the practitioner's name from the roll).

Clause 52: Amendment of s. 95—Application of certain revenues
This clause amends section 95 to include a reference to the fees to be paid by interstate practitioners on giving notice of the establishment of an office in this State.

Clause 53: Insertion of s. 95AA
This clause provides for the making of agreements or arrangements with regulatory authorities in other States for the purposes of the national legal practise scheme. Such agreements or arrangements are to be approved by the Attorney-General.

Clause 54: Amendment of s. 95C—Self-incrimination and legal professional privilege
This clause amends section 95C to correct a reference in the section.

Clause 55: Insertion of s. 95D
This clause inserts a new provision dealing generally with the issue of service of notices and other documents under the principal Act.

Clause 56: Transitional
This clause preserves conditions applying to a legal practitioner by virtue of an undertaking entered into by the practitioner and accepted by the Tribunal under section 82 of the principal Act or by virtue of an order of the Supreme Court under section 89 of the principal Act.

Mr HILL secured the adjournment of the debate.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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 contains some minor uncontroversial amendments to a number of pieces of legislation administered by the Attorney General, or legislation affecting areas within his portfolio.

Acts Interpretation Act 1915

Section 14C of the *Acts Interpretation Act* 1915 allows powers under an Act which is not yet in operation to be exercised if it is expedient to do so. The section is designed to enable matters to be undertaken in preparation for the commencement of the Act. However, it is not clear whether section 14C operates to validate actions taken by persons who have, themselves, been appointed by virtue of section 14C. Clause 4 amends section 14C to make it clear that a person appointed into a statutory position that will become effective on the day the Act comes into operation, can validly exercise powers in preparation for the Act coming into operation, but the acts will not have practical effect until the Act commences. Clause 2 of the Bill makes the proposed amendment retrospective to 10 March, 1988, which is the day on which the current section 14C came into operation. The amendments will be retrospective, on the advice of the Crown Solicitor's Office, to rectify any problems that may have occurred in the past 10 years.

Criminal Law Consolidation Act 1935

Sections 348 and 354A of the *Criminal Law Consolidation Act* 1935 are designed to provide that appeals against forfeiture orders and appeals against sentences for the same offence can be heard together. When the *Criminal Assets Confiscation Act* replaced the *Crimes (Confiscation of Profits) Act* it became unclear whether an appeal against a forfeiture order and an appeal against a sentence for the same offence could be heard together in a criminal appeal because appeals against forfeiture under the *Criminal Assets Confiscation Act* are conducted as civil proceedings. Clause 5 will delete the references to the *Crimes (Confiscation of Profits) Act* in section 348, and Clause 7 will ensure that sections 348 and 354A will operate as designed.

Clause 6 of the Bill amends section 353(5) of the *Criminal Law Consolidation Act*. Section 353(4) of the *Criminal Law Consolidation Act* allows the court to quash a sentence passed at trial and to substitute a sentence which it thinks is warranted in law. However subsection (5) provides that the court can not increase the severity of the sentence except on an appeal by the Director of Public Prosecutions. The Chief Justice is concerned that subsection (5) prevents the court from increasing the non-parole period while reducing a head sentence. The proposed amendment will ensure that the court can increase the non-parole period when reducing the head sentence.

Environment Resources and Development Court Act 1993

Currently, all hearing fees owed to the Environment, Resources, and Development Court (usually in the vicinity of a few hundred dollars each) must be proven in the small claims jurisdiction of the Magistrates Court before steps can be taken to enforce payment of the sum. In contrast, the Supreme and District Courts have the power to make orders *ex parte* for the payment of outstanding fees and therefore, they avoid the process of issuing a summons and proving the debt. Given that the fees are prescribed by Regulations, and therefore there is no discretion in the order for fee payment, natural justice issues do not arise. Clause 8 will amend section 45 of the Act to allow the Registrar to issue a certificate for the fees at least 14 days after a letter demanding payment has been issued, and the amount remains unpaid. The certificate may then be lodged with the District Court, and be enforced as if it were an order of the District Court.

Land Acquisition Act 1969

Part 4A of the *Land Acquisition Act* establishes the Rehousing Committee. The Committee was established to assist residents served with notices from a public authority informing them of the authority's intention to acquire their place of residence. However, in practice, the Committee has not been well used by members of the public. In fact, since 1989 the Committee has only assisted seven people to re-house. Therefore, the Government proposes to abolish the Committee. This does not mean that the assistance intended to be provided by the Committee would no longer be available. If rehousing assistance is required the acquiring authority could establish an informal procedure to assist an aggrieved person to be rehoused. Clause 10 will abolish the Rehousing Committee.

Oaths Act 1936

The *Oaths Act 1936* allows the Governor, by proclamation, to appoint post masters to take declarations and attest the execution of the instruments. There are currently no proclaimed post pasters in South Australia. As a result, Australia Post is experiencing problems with people attending post offices expecting to have their statutory declarations attested, only to be advised that no suitably authorised person is available. The creation of the office of proclaimed post master occurred at the beginning of the century to overcome the shortage of people authorised to attest statutory declarations, particularly in rural areas. This problem no longer exists, so clauses 13-16 will delete all references to 'proclaimed post master' from the *Oaths Act*. A consequential amendment will also be made to the *Evidence (Affidavits) Act 1928* by clause 9 to delete the reference to proclaimed postmaster in section 2A of that Act.

When the new Cabinet structure was brought into effect, the ten Ministers, who had been sworn in as members of the Executive Council, ceased to be *ex officio* members of the Executive Council, and they had to be reappointed to the Executive Council. This meant that they were required to take the oath of allegiance, the official oath, and the oath of fidelity again. Clause 11 will amend section 6 to provide that a member of the Executive Council will not need to take the oath of allegiance or the oath of fidelity more than once during the life of a Parliament. However, where there is a change in portfolios, the Minister will still be required to take an new official oath. Similarly clause 12 will amend section 6A of the *Oaths Act* to provide that a Minister who is not a member of Executive Council does not need to take the oath of allegiance more than once during the life of a Parliament.

Partnership Act 1891

The *Partnership Act 1891*, amongst other things allows South Australia to recognise limited partnerships created in another State, Territory or country. Section 62(3)*(b)* of the *Partnership Act* provides that, before the Governor can declare a law to be a corresponding law, South Australia's *Partnership Act* must be recognised in that State or Territory. New South Wales, Tasmania, Victoria, and Queensland have adopted a similar provision in their *Partnership Act*. Consequently, South Australia cannot prescribe a law of New South Wales, Tasmania, Victoria, or Queensland to be a corresponding law until the respective States have declared South Australia's *Partnership Act* to be a corresponding law, yet they are unable to do this until South Australia has recognised their laws. The amendment in clause 17 will overcome this anomaly.

Police (Complaints and Disciplinary Proceedings) Act 1985

Section 37 of the *Police (Complaints and Disciplinary Proceedings) Act* allows the Governor to appoint a magistrate to constitute the Police Disciplinary Tribunal. One magistrate can also be appointed as a deputy. The deputy only acts when the magistrate

is absent or is unable to act in the circumstance. This can cause problems where both the magistrate and the deputy are absent or unable to act in a hearing. Clause 18 amends the Act to allow the Governor to appoint a pool of magistrates who may act when the magistrate is absent or unable to Act. The Chief Magistrate be responsible for directing a deputy to act.

Public Trustee Act 1995

Under the *Public Trustee Act*, the Public Trustee may establish one or more common funds for the purpose of investing money from estates under the Public Trustee's control, or for investing money on behalf of classes of persons approved by the Minister. The Public Trustee may withdraw commissions and fees from common funds established with money from an estate. However, there is no power to withdraw commission, fees and expenses from common funds established with money invested on behalf of classes of persons approved by the Minister. Clause 19 allows the Public Trustee to deduct fees, commission and expenses from money deposited with the Public Trustee for investment purposes.

State Records Act 1997

The *State Records Act 1997* provides for the delivery of official records into the custody of State Records for preservation and management. Section 19(6) provides that this does not apply to court records, except where the Governor directs that specified records be delivered into the custody of State Records, because he or she is satisfied that it is advisable for the proper preservation of the records. Currently, the Governor is not obliged to consider submissions from the head of the relevant court before ordering that the records be delivered into the custody of State Records. Clause 20 will require the Governor to consider submissions from the head of the relevant court, and weigh these arguments against the arguments advanced by the Manager of State Records in relation to the preservation of significant records, before making a direction under subsection (6).

Strata Titles Act 1988

Section 36H(1)*(b)* provides that an agent must lodge an audited statement with a 'community corporation'. The reference to 'community corporation' should read 'strata corporation'. This drafting error occurred when the Strata Titles Act was amended in consequence of the passage of the *Community Titles Act*. This is a simple drafting error which will be rectified in clause 21.

Wills Act 1936

Prior to 1994, section 12(2) of the *Wills Act* provided that a document which had not been executed with the formalities required by the Act would only be entered to probate if the applicant proved, beyond reasonable doubt, that the deceased intended the document, which purports to embody his or her testamentary intentions, to constitute his or her will. In 1994 the section was amended to provide, amongst other things, that the document had to express the testamentary intentions of the testators. The Hansard debate in relation to the 1994 amendments shows that the amendment was not intended to remove the requirement that the Court be satisfied that the deceased intended the document to be his or her will. However, it is open to argument that it is now unnecessary to prove that the deceased intended the document to be her or his will. Unless an applicant is required to prove that the deceased intended the paper to constitute his or her will, it is difficult to determine if mere scrawlings are accurate and considered testamentary intentions of the deceased, or an incomplete or ill considered list of thoughts which the testator had when considering what should be in his or her will. Clause 22 will amend section 12(2) to make it clear that the applicant must prove that the deceased intended the document to constitute his or her will. It will also amend subsection (3) to make it clear that a document will not be entered to probate where the deceased expressed, through words or conduct, a clear intention to revoke that document.

Youth Court Act 1993

The proposed amendment relates to the maximum term of appointment for a principal judiciary member of the Youth Court.

Section 9(9) of the *Youth Court Act 1993* provides: 'A person cannot be a member of the Court's principal judiciary for a term exceeding five years, or a series of terms exceeding five years in aggregate, unless that person is one of the first members of the Court's judiciary, in which case the proclamation designating that person as a member of the Court's principal judiciary may provide for a term of up to 10 years.'

Therefore, while the first members of the Court's principal judiciary might have been appointed for a term of up to 10 years, where they have been appointed for a lesser period, the section does not allow for that term to be extended beyond 5 years.

Therefore, it is proposed that this bill provide for an amendment to the *Youth Court Act 1993* to permit a first member of the Youth Court's principal judiciary to be appointed for a term or series of terms over a period not exceeding 10 years, as approved by proclamation.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the Bill (except for clause 4) will come into operation on a day to be fixed by proclamation. Subclause (2) provides that clause 4 of the Bill will be taken to have come into operation on 10 March 1988, indicating that clause 4 has retrospective as well as prospective effect.

Clause 3: Interpretation

This clause provides that 'the principal Act' means the Act referred to in the heading to the Part in which the reference occurs.

PART 2

AMENDMENT OF ACTS INTERPRETATION ACT 1915

Clause 4: Amendment of s. 14C—Exercise of powers conferred by a provision of an Act or statutory instrument before the provision comes into operation

This clause provides that a person appointed to a position pursuant to section 14C(1) of the *Acts Interpretation Act 1915* may also exercise powers under an Act which is not yet in operation, though those powers do not take effect until the relevant provision of the Act comes into operation. The clause will enable matters to be undertaken in preparation for the commencement of an Act. This clause has retrospective effect to 10 March 1988 as well as prospective effect.

PART 3

AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 5: Amendment of s. 348—Interpretation

This clause replaces references in the interpretation section of Part 11 of the *Criminal Law Consolidation Act 1935* to the *Crimes (Confiscation of Profits) Act 1986* (now repealed) with corresponding provisions in the *Criminal Assets Confiscation Act 1996*.

Clause 6: Amendment of s. 353—Determination of appeals in ordinary cases

This clause replaces section 353(5) of the *Criminal law Consolidation Act 1935* with a subsection which provides that, in an appeal against sentence by a convicted person, while the Full Court is unable to increase the severity of a sentence, it may, where it passes a shorter sentence under section 353(4) of that Act, extend the non-parole period.

Clause 7: Amendment of s. 354A—Right of appeal against ancillary orders

This clause amends section 354A of the *Criminal Law Consolidation Act 1935*, providing that an appeal against an ancillary order and an appeal against sentence may be heard together, even if the ancillary order relates to civil proceedings.

PART 4

AMENDMENT OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

Clause 8: Amendment of section 45—Court fees

This clause adds two subsections to section 45 of the *Environment, Resources and Development Court Act 1993*, providing for a means of recovering outstanding hearing fees. The new subsections provide that if fees remain outstanding after the date specified by a registrar in a letter of demand, the registrar may lodge a certificate for the fees with the District Court and the Registrar of the District Court must register it, whereupon it is regarded as a judgment or order of the District Court.

PART 5

AMENDMENT OF EVIDENCE (AFFIDAVITS) ACT 1928

Clause 9: Substitution of s. 2A

This clause removes references to proclaimed postmaster from the *Evidence (Affidavits) Act 1928*. This amendment is consequential on the amendments made by clauses 13 to 16 to the *Oaths Act 1936*.

PART 6

AMENDMENT OF LAND ACQUISITION ACT 1969

Clause 10: Repeal of Part 4A

This clause repeals Part 4A of the *Land Acquisition Act 1969* with the effect of abolishing the Re-Housing Committee.

PART 7

AMENDMENT OF OATHS ACT 1936

Clause 11: Amendment of s. 6—Oaths to be taken by members

of the Executive Council

This clause adds subsection (3) to section 6 of the *Oaths Act 1936*. Subsection (3) provides that a member of the Executive Council does not need to take the oath of allegiance or the oath of fidelity more than once during the life of a Parliament.

Clause 12: Amendment of s. 6A—Oaths to be taken by Ministers who are not members of the Executive Council or by Parliamentary Secretary to Premier

This clause adds subsection (2) to section 6A of the *Oaths Act 1936*. Subsection (2) provides that a Minister who is not a member of Executive Council, and a member of Parliament appointed as Parliamentary Secretary to the Premier, do not need to take the oath of allegiance more than once during the life of a Parliament.

Clauses 13-16

Clauses 13 to 16 remove the references to proclaimed postmaster from the *Oaths Act 1936*.

PART 8

AMENDMENT OF PARTNERSHIP ACT 1891

Clause 17: Amendment of section 62—Liability for limited partnerships formed under corresponding laws

Clause 17 removes, from section 62 of the *Partnership Act 1891*, the requirement that the *Partnership Act 1891* be recognised in a State or Territory before the Governor can declare a law of that State or Territory to be a corresponding law. In enacting this amendment South Australia will (in relation to South Australia vis a vis other States only) break the impasse in which South Australia, Tasmania, Victoria, Queensland and New South Wales could not prescribe one another's laws to be corresponding laws until the other State had first done so.

PART 9

AMENDMENT OF POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) ACT 1985

Clause 18: Amendment of s. 37—Constitution of Police Disciplinary Tribunal

This clause adds subsection (5) to section 37 of the *Police (Complaints and Disciplinary Proceedings) Act 1985*, providing for the creation of a panel of three or more magistrates appointed by the Governor, from which the Chief Magistrate may select one to act in the place of the deputy magistrate who is unavailable or absent from the Tribunal.

PART 10

AMENDMENT OF PUBLIC TRUSTEE ACT 1995

Clause 19: Amendment of s. 29—Common funds

This clause adds subsection (6a) to section 29 of the *Public Trustee Act 1995* providing for the withdrawal by the Public Trustee, of an amount at credit in the fund on account of a class of persons approved by the Minister for the purpose of recovering commission, fees or expenses fixed by regulations.

PART 11

AMENDMENT OF STATE RECORDS ACT 1997

Clause 20: Amendment of s.19—Mandatory transfer to State Records' custody

This clause replaces section 19(6) of the *State Records Act 1997* with a subsection which provides that the Governor may, if he or she considers it appropriate to do so after considering submissions from the judge or magistrate in charge of the relevant court and the Manager of State Records, direct that specified records of a court be sent to State Records.

PART 12

AMENDMENT OF STRATA TITLES ACT 1988

Clause 21: Amendment of s. 36H—Audit of trust accounts

A drafting error in section 36H(1)*(b)* of the *Strata Titles Act 1988* is rectified by clause 21 of the Bill which replaces 'community corporation' with 'strata corporation'.

PART 13

AMENDMENT OF WILLS ACT 1936

Clause 22: Amendment of s. 12—Validity of will

This clause replaces section 12(2) of the *Wills Act 1936* with a subsection providing that, in cases where a document expresses testamentary intentions but has not been executed with the formalities required by the Act, an applicant must satisfy the court that a deceased person intended to make a will or a codicil to give effect to the testamentary intentions expressed in the relevant document. Subsection (2) requires stronger proof than is currently the case, of the deceased person's intent. The subsection is intended to prevent idle musings or ill-considered lists of ideas with nothing more, to constitute a will or codicil.

This clause also replaces section 12(3) of the Act with a subsection providing that a document will not be admitted to probate as a will or codicil of the deceased person if an applicant can satisfy the court that the person (since deceased) genuinely expressed, by words or conduct, a clear intention to revoke that document. Subsection (3) provides that the expression of intent is not restricted to the written form, and may be by words or conduct. This subsection also requires stronger proof than is currently the case, of the deceased person's intent.

PART 14

AMENDMENT OF YOUTH COURT ACT 1993

Clause 23: Amendment of s. 9—The Court's judiciary

This clause amends section 9(9) of the *Youth Court Act 1993* by providing that a person may be a first member of the Youth Court's principal judiciary for a series of terms over a period of 10 years. This adds to the current system where a person could only be a first member for a single term of up to 10 years.

Mr HILL secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 1030.)

Mr HILL (Kaurna): I am pleased to speak on this Bill and, as with all of us on this side, support it, while not necessarily supporting its contents. This Bill once again demonstrates the lack of credibility of this Government. As the Leader of the Opposition and others on this side of the House have said, prior to the election the budget was introduced by the then Treasurer who announced to the world that South Australia was now in the home straight; that the problems in the budget had been sorted out; that taxes did not need to be raised; that expenditure did not need to be cut; and that we had everything under control. Now some six months later there is a total change in attitude and in response to the finances of the State, and we have seen an increase in taxation and a reduction in services.

It beggars belief to accept that between the election in October last year and May this year there has been such a dramatic turnaround in the State's circumstances. The reality is that the Government knew what it was going to do prior to the election and, as in the case of ETSA, has been deceitful to the people of South Australia. It has not told the truth and, once again, totally lacks credibility on this issue. The Government and the Premier of South Australia have not been open with the people: they have deceived them as to their true intentions, and this legislation is another stunning example of that.

One of the issues that I want to deal with is the so-called black hole, which the Treasurer announced in his budget speech here a week or so ago and which is his justification for the sale of ETSA. He says that we have a black hole: if ETSA is not sold in October this year he will need to have a mini-budget and put up to 10 000 or 20 000 people out of work and increase taxes by some $150 million.

My understanding of a black hole is that that is where the revenue stream does not equal the outgoing stream. But if one looks at page 1-1 of Budget Paper 2, under the second dot point of 'Highlights', the paper notes:

> Under an accrual framework, the Government by 2000-01 will achieve its target of an operating surplus sufficient to finance capital investment.

I would have thought that, if that were the case, there could be no black hole. In fact, we all understand that the black hole is just an example of the fear tactics the Government is trying to use to bludgeon the public into accepting the sale of ETSA. Those tactics will not work, because the people no longer

believe what the Government says. I doubt whether the majority of backbenchers on the Government side believe what the Premier says when he addresses this House day after day on the need to sell ETSA and when he justifies the draconian measures in this budget.

This budget is, as has been said elsewhere, an attack on the battlers of South Australia. We have seen a big increase in a whole range of taxes and charges that will affect ordinary people. Particularly, we have seen charge increases in the area of transport, especially for people who catch public transport and people who own motor cars. In an electorate such as Kaurna, where people are dependent on transport because they live a long way from the city and to get around must either use public transport or drive, it will be a very big impost. I am sure that most of us who represent seats well away from the CBD experience that phenomenon. We have also heard the announcement that for all householders and mobile capital an emergency services levy will be introduced. Once again, that is another tax that will fall on the battlers of South Australia and hurt ordinary people.

In addition, outside the budget papers, a water levy is being introduced steadily across the metropolitan area: another tax that will fall on households. There is a whole range of measures, in a negative sense, in terms of taxation, levies, charges and so on that will affect the ordinary people of South Australia. I will not go into the detail now; they have been canvassed well and truly already. On the other side of the ledger, in terms of expenditure, there is also a range of changes in this budget that will affect ordinary people, and the shadow Minister for Education, Children's Services and Training (my colleague, the member for Taylor) has already outlined some of the changes that will affect schools in this State. I will go through some of those now for the record.

As we know, the budget proposes a reduction of some $30 million in educational expenditure and the reduction of about 100 teaching positions or 100 education positions. In addition to the $30 million, I understand that a large sum of money will need to be found in the budget to pay for future salary increases and for other costs. During Question Time today we heard that grants to schools will be frozen, and we know that 30 schools will be closed.

I am very concerned about the effect of those measures on my electorate of Kaurna. There are a number of schools in my electorate which have populations of about 200, and I am fearful that one of those schools, at least, could close, and that will be another impact on the battlers in my area. I am also concerned about the effect that it will have on school fees in my constituency, and I am sure that members in this place are equally concerned, because to put up school fees by $20 or $30 has a big impact in areas where there is a high level of poverty and where there is a relatively low income level in families. If the Government freezes the expenditure that it is prepared to spend on schools, and families have to find that money, it really is a tax on children and a tax on schooling. So, from a whole range of perspectives, extra burdens will be placed on the battlers of this State and the families of this State.

In addition, the police budget has been cut. I particularly want to mention that, because in my district, at least, there is great concern about law and order issues and there were promises to increase the number of police servicing that area. I note from the comments of my colleague the member for Elder (the shadow Minister for Police) that he estimates that 50 jobs, at a cost of $4.4 million, will be cut out of the police budget. If some of those jobs were to come out of my area, that would affect the people in my constituency as well, and I certainly do object to that.

Overall, the budget was wrapped in the gloss of an employment budget. The day before the budget came down the Premier introduced an employment strategy statement, which talked about a range of programs which would produce jobs. But in fact this budget reduces the number of jobs by some 550. All of the creative jobs that were discussed the day before the budget was introduced have been wiped out by this budget. So, it is really an anti-jobs, anti-worker and anti-battler budget.

I now turn to some of the capital issues in the area of the southern suburbs—and I speak as one who is responsible, in a general sense, for the shadow ministry for the southern suburbs. In the capital works papers there are a number of capital works which have been in the budget for either one or two years now, and many of those have been slipped as a result of this budget. In last year's budget—the pre-election budget, the sweetener budget, the 'in the home straight' budget—the Southern Expressway was expected to be completed by December 1999. I now see from the budget papers that that has blown out to December 2000.

Mr Acting Speaker, I noted your comments, and the comments of your colleague the member for Bright, in the local newspaper justifying why this had to happen. I must say, I do not find them credible. I find this an absolute breach of an election promise that was made prior to the last election—that the Southern Expressway, this great economic boon to the south, would be completed by 1999. Mr Acting Speaker, if you and your colleagues had to plead with the Government to save it and to have it built, albeit a year late, it says something very interesting about the Government that it was even contemplating not having this expressway built. The Government's whole strategy in the south over the past couple of terms was to build the Southern Expressway, and it has broken a promise to the people there: it is now 12 months late in its completion.

In addition, according to the budget papers last year, the Christies Beach Police Station was to be built and completed by June this year—that is, in a month. As anyone who drives past knows, it is nowhere near being completed, and local police officers have complained about it to me. I now understand from the budget papers that it will be slowed down to January 1999, with the cost blowing out to $3.917 million from an anticipated $2.75 million.

Equally, the Christies Beach High School redevelopment, which was supposed to be completed in February 1998, has blown out to May 1998. In relation to the Noarlunga Hospital, which the Minister for Human Services proclaimed, on the front page of last week's *Southern Times*, was to be the beneficiary of huge Government largess, the only amount allocated to the capital works was $360 000 to purchase more land for the future expansion of the hospital. As we all know, that is really a paper transfer, because the land is already owned by the Government through another agency. That is the only reference to it in the capital works. Mr Acting Speaker, it is a good thing that you cannot interject from where you are sitting. It is the only reference to the Noarlunga Hospital in the budget papers.

The papers state that $2.88 million will be spent on southern metropolitan health facilities, but I imagine that that will be spent over a range of hospitals. I ask the Minister for Human Services to make clear to us now how much of that money will be spent on the Noarlunga Hospital, because I fear very little of that money will make its way to Noarlunga.

I believe that the majority of it will be spent elsewhere—but, if I am wrong, I am prepared to say so. In any event, $2.88 million is not nearly enough: even if all of it were spent on the Noarlunga Hospital, it is not nearly enough to expand the hospital in the way that is required in the south.

I now turn to the Murray Road redevelopment. A promise was made before the election—and, in fact, before the previous election—for the Murray Road development to be completed by the end of this year. That has also been delayed by another six months, so the anticipated completion date is now June 1999. Commercial Road, which runs through my electorate, was the subject of great activity by the former member for the electorate—with consultations, Ministers and who knows how much expenditure on consultation and planning. There is no commitment in the budget to that at all, and there is no suggestion about when a commencement date will be given.

At Noarlunga, the Gray Street and Murray Street to Weatherald Terrace development is supposed to be finished by August 1999, but this development is significantly different from what was promised before the election. It was also promised that a new bridge would be erected across the Onkaparinga River, but that is no longer on the agenda. That is off for another eight to 10 years, and people in my electorate who live in that area will be very angry when they receive this news.

In relation to the Noarlunga community health relocation, in last year's budget a sum of $3.2 million was allocated to complete the transfer of a number of human service providers—the Royal District Nurses, Domiciliary Care and the Volunteer Transport Group, for example, were to be put into their own stand-alone building. I note that this has now completely fallen off the agenda paper; there is no reference to it at all. So, this is an example of a cynical Government in the last election including lots of goodies for the electorate, and after the election they just drop off or they have been delayed. In fact, in this budget the Government has really put the south on the backburner as it goes about its business.

I now turn to the environment portfolio and, in so doing, express my frustration at these supposedly transparent budget papers. I am sure that everyone in this House has looked through them, but anyone who has had a particular look at the environment section will no doubt be as frustrated as I in trying to find out what is going on and what money is being spent on what programs. I would like to say more about the budget at this time: unfortunately, I will have to wait until the Estimates process to try to get out of the Government what is going on. I put on the record now—and I hope the Minister is listening in her office—that I will be asking, line by line, what has happened to programs that were listed in last year's budget, because it is impossible to tell from this budget what is happening to individual program lines. I will be asking for very detailed information from the Minister in relation to that, so I give her fair notice now.

On page 5-7 of Budget Paper 2 there is demonstration of a very clear cut in the environment portfolio. The Environment, Heritage and Aboriginal Affairs budget outlays for 1998-99 is $111 million. The estimated outcome for 1997-98 is $127 million, which is a cut of some $16 million from the outlays provided for this portfolio. I would like to know where those cuts will fall, what has been left out and what is being spent on what. All I have is a couple of press releases from the Minister talking about some positive news—a bit of extra money for the parks agenda and a couple of other things—but none of the details about what has been left off, about how many jobs have been lost or about what is happening in her portfolio. I note in the Portfolio Statements on 9.26 that, under the change to accrual budgeting, the Treasurer has agreed that DEHAA will be funded during 1998-99 to achieve a break-even operating result, which is a net reduction of $3.375 million. I do not know how that relates to the other figures I have given but it is obviously a cut.

It also indicates that expenses are expected to increase in the national parks and botanic gardens area. There are extra increases in the environment protection area, but a reduction in revenue. All up, those expenses and revenues create a net expenditure increase of $5.4 million. Whether that is expenditure that must be found from the existing resources, I am not sure but, if the overall reduction is approximately $16 million and there is $5 million-odd in extra expenses, that means that severe cuts have been made across the budget in some areas. As I say, the budget papers are not transparent; they are difficult to follow. The budget papers contain a lot of words, theory and argument but, when it comes down to it, it is difficult to find out how much money is going into each program area; and it is difficult to know how many jobs are being created or lost.

I turn briefly to two other areas in this budget which will impact on people in the community, the first being the additional tax on gaming machines in hotels. As I understand it, some 80 per cent of Adelaide hotels will be affected. I have three hotels with gaming machines in my electorate and one on the way. The proprietor of the hotel that is to have gaming machines tells me that, as a result of this impost, five fewer jobs will be created when his hotel is completed at the end of this year.

I think that that is a shame. As you know, Mr Acting Speaker, the south needs all the jobs it can get. This extra Government impost will mean that five people in my electorate will be robbed of a job. The Government has treated the hotel industry as a whipping boy. On the one hand it attacks the industry for doing things which it says it does not like, yet it is addicted to it in the same way that, sadly, some people in this State are addicted to gambling. This Government should come clean. If it wants to close down the industry, it should be up front and do it, but its approach is anti-business. It stops people who have invested money in the industry from planning properly to work out where they are going.

It would not be acceptable in any other area of Government business. If it were done to wheat farmers, potato growers, dairy farmers or those in any other industry, we would hear outcry from all over the place, and all members opposite would protest. But because it affects the hotel industry, a valuable part of our tourism and recreation industries, nothing is said by members on the other side. It is passed off.

My other point is that the approximately $900 impost on taxi drivers is an absolutely staggering increase in fees for another small business area. It is remarkable that the Liberal Party, which puts itself forward as the friend of small business, can, with a straight face, impose this huge extra increase in cost on what is a small business, in addition to the other costs it is applying in the transport area. It will mean that people who use any form of transport at all will be paying through their nose.

This is a scabby, shabby and deceitful budget. It is based on the premise that you do not tell the people what is going on before an election: you wait until you sneak back into

government and then do whatever you like. The Government is doing the same thing with ETSA as it is doing in this budget. If this Government had any integrity and honesty, it would go to the people. If it really believed that things have changed so dramatically, it should go to the people now. It should tell the people its plans for taxation and for ETSA and let them make a judgment.

The fact is that, if the Government had said these things before the last election, we would be in office, because the people would not have copped the proposals this Government is putting forward. Members opposite know it. The Premier might be hairy-chested about this because he does not intend sticking around for very long. He will be gone in two or three years, but the remaining Government members will be worried when the next election comes. They will have to face the people on this appalling and deceitful record.

The ACTING SPEAKER (Mr Brokenshire): Order! The honourable member's time has expired.

Mr WRIGHT (Lee): I echo the sentiments of the member for Kaurna and welcome the opportunity to follow him, because he certainly highlighted a number of inadequacies in the budget for his electorate and the southern area. What a pity it is that this Government has chosen to ignore the southern areas. Might I say that the forgotten south appears to be one of the themes of this budget. Commitments that were given have not been followed through. I am sure that the Acting Speaker, being the diligent, active local member that he is and having campaigned strongly on the forgotten south and the fact that resources have not been shared evenly, will speak out very loudly not only in his local community but also in his Caucus room. I have no doubt about that, because I know that he would not, in any way, shape or form, support these broken promises about resources for the southern area. I share with him a deep commitment for the southern area.

What a pity it is that the south has been forgotten by this Liberal conservative Government! Now, of course, we have two very active members, in the members for Kaurna and Reynell, who will work assiduously for their local community. No doubt these resources will be very much at the forefront as local members travel around their southern electorates to ensure that the south is not forgotten.

This budget stands universally condemned. With its massive tax imposts, its rises in public transport fares, its further cuts to the public sector and no employment growth, it stands universally condemned. It is for everyone to look at and for everyone to comment on. Further, this dishonest Government claims a $150 million black hole that no-one can find in the budget. The Treasurer and the Premier cannot identify this black hole in the budget and so, if for no other reason, the community of South Australia, universally, has the right to condemn this budget. This $150 million black hole and the so-called mini-budget with which the community of South Australia is now being threatened are simply blackmail.

Mr Condous interjecting:

Mr WRIGHT: I am very pleased that the member for Colton firmly agrees. This Government threatens the community with a mini-budget. As with the proposed sale of ETSA, this budget is a con on the people of South Australia.

The projected economic performance of this budget is disastrous. If one looks at the growth and job targets, one sees that the budget predicts employment growth of 1 per cent next year from 2.75 per cent economic growth. That is simply unrealistic. This growth will not cut into our high unemployment figures, and that is a disgrace. South Australia has one of the highest, if not the highest, unemployment rates in mainland Australia; it has one of the highest unemployment rates for youth unemployment; and this budget, brought down by the Olsen-Liberal Government, gives projected economic growth of 2.75 per cent which, on any projected figures or on any rational economic forecast, simply cannot cut into the unemployment figures. That is a disgrace. The budget stands condemned if for no other reason than that it does not even predict a cut in South Australia's unemployment figures. But, there is more.

We do not need to look only at the projected growth: we can look at the capital expenditure. In the current year there has been a slippage of $172 million. What does that mean to South Australians? What does that mean to capital projects in the community? What does that mean to economic growth? This year's capital works budget of $1.243 million is actually down $48 million compared with last year's allocation. The Government's claim of an 8 per cent real increase in capital works is based on comparing last year's underspend with this year's allocation. Since coming to office, this Government has underspent its capital budget by $747 million.

What a disgrace! What a shame! What about public sector employment? We have another budget which once again rips into the public sector by cutting a further 550 public sector workers. When will it stop? There are 222 to go in education, including 100 teachers. Before the last State election, this Government told us that the budget was on track, that we were in the home straight. What it did not tell us is that it was talking about the longest straight that any racecourse had ever seen.

Mr Brokenshire interjecting:

Mr WRIGHT: I know that the member for Mawson is a good supporter of Paul Keating. He makes out that he is a Liberal but, really, when you get through to the core, this particular member for Mawson is a strong supporter of Paul Keating, because he knows he went to the heart of the problems of Australia's economy and fixed up his industry. I know that the honourable member welcomes that, and I am pleased that he is on the record as being a strong supporter of Paul Keating. I am very pleased that he is bipartisan in his approach as to how the former Prime Minister ripped this economy into gear. The budget introduces further cuts to services.

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order!

Mr WRIGHT: The member for Mawson talks about pork. Despite his interruptions and rudeness, I would suggest that he is only jealous because he is involved not in pork but in beef. He is the member for cows. If anyone is to represent the dairy industry, and if anyone will represent cows, it will be the member for Mawson. When he talks about pork, there is a conflict of interest, so he should not talk about pork. He should not sling off at former Prime Ministers, whether they be Labor or Liberal. He should show some respect for the position. When people get into ministerial positions, irrespective of which political Party they belong to, they must be shown a degree of respect. It is like when someone becomes chairman of a committee: you have to show due respect.

Let me return to the substance of the argument. This budget introduces further cuts to services and massive increases in taxes. This budget has a total tax grab of $250 million, and that is even before the emergency services tax. The Olsen Liberal budget will hit the pockets of every South Australian. No South Australian will be spared by a

budget which taxes families and ordinary South Australians. The increases will hit every South Australian family.

The tax grab includes stamp duty on compulsory third party insurance—not much of a jump, from $15 to $60 in one hit! Secondly, stamp duty on general insurance will rise from 8 per cent to 11 per cent. That is an increase of only about 40 per cent: anything you insure, whether it be house, car, boat or household contents, will attract an extra 40 per cent.

Mr Koutsantonis interjecting:

Mr WRIGHT: I am not sure about that, but I guess they do. There is a new broader based emergency service levy on property holders. Once again the family car and family home are hit again. We have no details of this, except to know that it will reap about $50 million and will be introduced in July 1999. All other fees and charges jump on average by 4.5 per cent. Up go your speeding fines, fees for installation of water meters, connection charges, fees for photocopying of court documents—and so the list goes on and on.

Mr Brokenshire interjecting:

Mr WRIGHT: I am coming to that. If the member for Mawson would sit back and listen and take a bit of care and time, I will come to that. Public transport fares leap by 7 per cent. That will of course affect his constituents in the outer suburbs, some of whom would catch public transport to come into the city to work. In case he is not aware, that will cost them approximately $100 a year. The honourable member should put that in his next newsletter to inform his constituents what this Olsen budget will do.

I turn now to the Queen Elizabeth Hospital. The way in which the Queen Elizabeth Hospital has been handled by this Government and the previous Liberal Government is ironic. I remind the House that, on 19 January 1996, the then Minister for Health announced, 'Government plans $130 million redevelopment of the Queen Elizabeth Hospital.' That was very good news. Certainly there was bipartisan support with regard to that. The Queen Elizabeth Hospital is an icon, particularly in the western community. It has serviced, in particular, the western community very well since it was built in 1952, and this redevelopment was something that we all looked forward to.

The Minister went on to say that the construction and operation of new public and private hospital facilities as part of a proposed redevelopment of the Queen Elizabeth Hospital campus will be taking place. The aim was a total campus redevelopment, including upgrading of or replacing the main public hospital building. He said that patient amenities were poor and the hospital design itself was not conducive to efficient modern health care: facilities were substandard.

On 13 September 1996, in his next statement, the then Minister for Health said that the Queen Elizabeth Hospital redevelopment—still $130 million—was moving into its next phase. The next statement occurred on 17 February 1998, post the last State election, and this was made by the new Minister and former Premier, the member for Mawson's old mate—his old mate, not his new mate.

Mr Koutsantonis: Who did he vote for?

Mr WRIGHT: He has turned and changed and done a few different tricks. I do not know who he will vote for next time. So far as I understand it, he has voted for the former Premier, and now the new Premier. When it comes around next time, I am not sure whether he will go back to the old Premier or for a new candidate. I know that he will not stay with the new Premier, because he knows that the new Premier is on the nose and he is sitting in a marginal seat with the possibility of McLaren Vale being chopped off his electorate with the redistribution: he will be going back to milking his cows on a full time basis.

The new Minister, the former Premier, announced on 17 February 1998 that all of a sudden the $130 million redevelopment of the Queen Elizabeth Hospital would be $80 million. All of a sudden we had lost $50 million, but unfortunately it got worse for the people in the western suburbs. We have an announcement that it will be cut back to $43 million. We have an announcement in this budget that all of a sudden the project for the Queen Elizabeth Hospital will go from $130 million pre-election, back to $80 million, and now back to $43 million. That is a huge reduction.

Just let me say that it gets even worse for this Government, which has brought down a fraudulent budget. Mr Deputy Speaker, you would have noted, being a well-read student as you are, that the Premier has said in advertisements that there is a $43 million project for the Queen Elizabeth Hospital. As if it is not bad enough that it has gone from $130 million to $43 million—and I refer the member for Mawson to Budget Paper 2—

An honourable member interjecting:

Mr WRIGHT: For this year there is no figure, but I will give you $4.3 million for 1998-99. If we look to next year, there is $14 million and in 2001 it goes to $11 million, but then it drops off the forward estimates. So, we do not find $43 million in the forward estimates: we find, including the $4.3 million in this budget, a total of $29.3 million, and that is well short of the $43 million. This is something else that the Olsen Government stands condemned for. The member for Mawson should not leave yet. I know that he does not like the truth.

I invite the Minister for Human Services, the former Premier, to come to the western suburbs and explain to the people why we have had a project, promised pre-election to the magnitude of $130 million, which is now down to $43 million. I would be more than happy to take the Minister around the western suburbs in case he does not know where they are and in case he does not know how to find the Queen Elizabeth Hospital. If the Minister and the Premier are still talking, the Minister could bring the Premier with him. That would certainly be something that we all would like to see.

I now turn to education. In this budget 30 schools will close or amalgamate and 100 teachers will go. Further, there will be a three year freeze on Government supply grants (these are the grants that cover basic items such as paper, computers, ink, desks, chairs and rubbish collection—things that one would have thought were reasonably important to the good education of the children of our State). This freeze will do nothing but increase the fees that parents have to pay, and it will force schools to increase their fees so that they can maintain their services. Last Friday, at the Centre for Economic Studies, the Treasurer said, 'If there is no ETSA sale, there will be increases in class sizes.' This is another example of blackmail by this Government. All this means less support for schools, greater pressure on our education system and a lower standard for our children.

Referring to public transport, I have already mentioned the 7 per cent increase, which will mean an extra $100 a year for city users of public transport and an extra $1 per week for our children. This is a nightmare outcome for families who rely on bus, train or tram transport. The taxes to which I have alluded are an absolute disgrace. This tax budget will hurt the people who can least afford it. These taxes are an appalling impost on the greatest number of members of our community. Motor vehicle registration, compulsory third party insurance,

drivers licences, stamp duty on general insurance, fees and charges (to jump by 4.5 per cent) and gaming machine taxes will all increase. In addition, there is the new and broader emergency services levy on the family home, car, caravan and trailer which will bite in during July 1999.

The increases will hit the pockets of those families least able to afford them. These taxes are regressive in nature. Those people who can most afford it may barely notice the difference, but those people who have little savings and/or no ability to absorb these massive tax hikes have been hit for six. Why is it that all these tax increases have been forced upon the community of South Australia in one hit? Why is it that the Premier now goes over the top with his massive tax hike? It is because of the leadership crisis that has existed within the Liberal Party for the last 4½ years and beyond. It is because of the Brown-Olsen leadership crisis. If they could have got their house in order, if they could have organised themselves properly, these taxes would have been introduced presumably on a gradual basis which might have been sustainable by the community.

What about the smugness of the Premier in his television advertisements? These advertisements say the budget is tough but fair. Whom is he kidding? Where is the fairness? For whom is it fair? These advertisements show that the Government is having trouble selling the budget. State taxes and charges now take up a higher proportion of average weekly earnings than applies anywhere else in Australia. What about a GST? What about when the GST is introduced? I was pleased to note that at the weekend the old war horse John Hewson re-entered the debate about the GST. This budget is nothing more than political blackmail. The Premier and the Treasurer continue their bullying and political blackmail as they try to sell an unsaleable budget.

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

Mrs GERAGHTY (Torrens): This State budget is not only a low employment budget but an attack on families with medium to low incomes. To describe the State budget as a horror budget is an understatement for those families in the community who already are reeling from job losses, a reduction in income, increases involving State Government services such as Housing Trust rents—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Torrens is speaking at the present time. She needs no assistance from any other member in the House.

Mrs GERAGHTY: Thank you, Sir; I know that members opposite are not pleased to hear this. There is also a 25 per cent increase in water charges, increases in the cost of medical and pharmaceutical appliances and drugs, and the list goes on. The Government tells us that the current round of Government tax increases, fees and charges is necessary and that after the pain there will be gain. If we look at the history of the Liberals in Government since 1993 we find that they are on record as stating that 20 000 jobs would be created annually. Close analysis shows that the Government is more than 60 000 short of its jobs target and that 60 000 wage and salary packages have been lost to the community because of that lack of job creation. So, try convincing small business and the community generally that this is not a net loss to the State's economy.

The community can be forgiven for being cynical in the Government's 'Pain now, gain later' strategy. The long-awaited results for job growth will have to wait. Already under John Olsen's leadership 14 000 jobs have been lost from the public sector, and another 500-plus job losses are estimated for this financial year. This means that hundreds of thousands of dollars are lost to fund Government services and programs as a result of redundancy payments, as well as a loss of wage packets to the community worth millions of dollars. Community organisations such as SACOSS and the churches have undertaken research which shows that many retrenched workers of 45 or more years of age may never be able to find work again in South Australia under the current socio-economic conditions. Of course, the Government's privatisation agenda will not be able to guarantee job security for those workers currently employed in the public sector whose organisation is to be privatised, regardless of what the Premier said today.

After privatisation there will be more job losses and more pay packets lost to the community—not to mention the decrease in services to the community from public utilities such as SA Water and maintenance delays in ETSA and Optima Energy due to outsourcing and retrenchments which already have led to maintenance staff shortages, something that we will have to deal with in the future. The Olsen Government's 1997 budget announcement very much talked about the employment figures. A $1.29 billion capital works 'program to create work' was blazoned all over our headlines, but what is the reality now 12 months down the track? We have a capital works budget (which is supposed to boost jobs) that is actually $48 million less than last year's capital works budget.

As has been said, over $747 million has been withdrawn from successive capital works budgets over the last four years. Much needed building and maintenance programs have been held up in the areas of health and education. Members on the Government side may have seen a recent television program which showed the poor state of repair of buildings in the public sector and which compared these to third world conditions. Whilst there were minor drops in the unemployment rate in May 1998, according to the Australian Bureau of Statistics current unemployment in this State still hovers at the 9.5 per cent mark, and youth unemployment in South Australia remains the highest in the country at some 38 per cent.

After five years of Liberal Government promises on jobs we still have chronic and record unemployment levels in South Australia which are still rising. This is a disgrace and is not taking into account Federal and State Government predictions of a negative effect on the employment market as a result of the Asian monetary crisis. The Government is not being fair dinkum with the community in terms of tackling jobs growth and in terms of delivering training programs. Prior to the 1997 State budget the Olsen Government had underspent the capital works budget by over $2 million. This $2 million could have been used for job development projects to offset some of the pressures on families who rely on Centrelink unemployment relief and given to assist our ailing housing, health and education sectors.

There is $1.243 billion earmarked for capital works in this year's State budget. A perusal of the budget capital works statement for 1998-99 shows that, once again, the Government has underspent the capital works budget by $172 million. Incredibly, this year's capital works budget, which is supposed to boost jobs, is, as I have said, actually $48 million less than last year's capital works budget.

If the Government was serious about wanting to achieve employment growth, I find it contradictory that, on the one hand, it would hold back over $250 000 from Government spending in one year and yet, on the other hand, deliver $48 million less to the capital works program for this financial year. That amount of capital could have been used to employ and train younger and older unemployed South Australians and relieve the distress and despair which they and the community feel. Are we to expect that funds projected for capital works in this year's State budget will also be held back for a surplus in next year's budget, once again denying much needed employment relief and training opportunities for South Australians? Judging by this Government's track record, that is exactly what we will see, because deception by the leadership of this Government appears to be the order of the day.

It is those families who are the least well off and people on low and medium wages who will suffer as a result of this harsh State budget. Increases in taxes, fees, charges and levies (which we are getting used to) are estimated to cost $1 739 per head of population in South Australia during this financial year. This is certainly not 'a beautiful set of numbers', if I may coin the phrase. If this figure of $1 739 is broken down to a weekly figure, it means that the average person in South Australia will pay $33-plus extra per week. For those on a fixed income or pensioners who do not have a motor vehicle and who may not be affected by the increases in motor insurance, traffic expiation notices and the like, costs will increase by a minimum of $13 per week. How will people on pensions or a fixed income be able to afford these increases in their cost of living, not to mention those people on an average weekly income, which we are told is $545. There are people in my electorate who receive well below that figure, well below $20 000 or $25 000 a year.

As I have said, these increases do not take into account increases in the cost of water, electricity, prescriptions, Housing Trust rent, education and the rest. So, we must ask ourselves how we expect these people to manage. A constituent of mine who receives an invalid pension contacted my office last week to illustrate how an increase in Housing Trust rent negated any benefit gained from the Federal budget. Another constituent who suffers from a terminal illness told me that she now pays $20 for four tablets when she used to get eight to 10 tablets for the same amount. These tablets last her for only a few days and they are essential to her fight for life. How will these constituents manage under these circumstances?

Mr Koutsantonis: They won't.

Mrs GERAGHTY: That's right. They just will not manage, and they will go without medication or food.

The Hon. W.A. Matthew interjecting:

Mrs GERAGHTY: It is interesting that the Minister laughs, because I think this is quite serious. As my colleague the member for Lee said, bus fares are rising. Bus fares at the peak hour rate were $8.50 and they are now $9.50; the off-peak bus fare was $5.30 and it is now $6.50 (a 7 per cent increase). The community notices these things. Whilst the sums involved may not appear to be large on the face of it, for many members of the community the financial margins are so tight that the difference can mean going without groceries or not being able to pay gas, electricity, water or telephone bills. That is the reality that we are seeing more and more frequently today.

Community, church and trade union organisations have registered their protest at such a harsh and devastating budget. If the Premier thinks that he can employ bully-boy tactics by using the privatisation of ETSA and Optima as a carrot and stick approach to employment growth, he can think again. The community will reject this approach, as do members on this side of the House. Regardless of how the Premier tried to cover it up today, he has issued the threat that 10 000 to 20 000 public sector jobs will be lost if ETSA and Optima are not sold. There are no guarantees that jobs will be forthcoming if the power industry is sold to a private company. The Government is on record as stating that it cannot guarantee that jobs will not be lost after public utilities are privatised.

The use of the stick and the threat of a State mini-budget if ETSA and Optima are not sold will not dupe the public. The community knows that existing taxes and proposed new Liberal taxes in the future as well as this proposed State mini-budget will occur whether or not the power industry is privatised. We need to realise that: this mini-budget is still on the agenda regardless of what happens.

By privatising our power industry we will lose an industry that delivers significant revenue to the public sector. If we sell off all profitable State industries, how will South Australia generate funds for its future needs and to prop up services which are not profitable but which are essential to the community? We will not be able to guarantee a reliable continuity of power supply to industry. What is the carrot that is to be dangled in front of manufacturers to set up operations in South Australia in the future if we cannot deliver that continuity of supply? We have lost the opportunity to argue that we are a low tax State, so what benefits, other than a competitive and secure supply of power at a reasonable price, exist to encourage industry to set up business in South Australia?

There is also the increased price of electricity which usually precedes privatisation. In the case of the power industry, there is also price equalisation to take into account, because this is crucial for regional and rural industry and consumers. Linking the privatisation of the power industry to the saving of 20 000 jobs in South Australia is nothing short of blackmail, as many members on this side have said, and I believe it will significantly backfire. Privatisation will hurt rural and metropolitan-based industries and lead to further company closures and increased unemployment.

I want to make a point about the rural community. I think it is most disappointing for people in country regions to know that members on the Government side will not support them in this House. In fact, they have abandoned them. So, we must ask ourselves: why will privatisation backfire? It is because the power industry, which will then be in private hands, will seek independently of Government to fix the price of power for consumers, and we will see major price increases. The pricing of our privatised water supply is already being argued. Therefore, I reject the Premier's budget formula and the deception of his privatisation agenda, and particularly his threat of 20 000 additional job losses, which is of most concern.

The Government has lost touch with the ordinary people in South Australia who want to see job security encouraged and stimulation of the economy by the Government. Instead, they are being fed deception after deception. We see big executive salaries on the increase and failed business deals negotiated by the Government, such as Galaxy. Regardless of what the Premier said about that matter, a great many people who were working for Galaxy are now in difficult circumstances.

Mr Koutsantonis interjecting:

Mrs GERAGHTY: Yes, I know. The Government has put those people into a difficult position, because they were using the income from their new-found job to help pay their mortgage or to purchase a new vehicle or an essential service they needed. Now, they are without that income and find themselves in financial difficulties. There is this indecent rush to sell our key Government enterprises without the evidence of a net social and economic gain, services are being reduced, and the list goes on.

I will conclude my remarks on the following note: one thing that South Australians have learnt is that under Premier Olsen's Liberal Government there is simply pain after pain, and there is certainly no gain.

Ms RANKINE (Wright): I rise today without any envy; in fact, I feel very sorry for members opposite, because they will have to go to their electorate and convince their constituents that this is a fair budget.

Mr Koutsantonis interjecting:

Ms RANKINE: Yes, how can they? Since this budget was brought down my office has been inundated with people coming in and saying, 'What on earth is this Government doing to us, the ordinary people?' I have had approaches from families, young people and aged people. Every one of them will be hit by the greedy, grubby tax grab of this Government. They will be hit by levies, stamp duties and fee increases. I have to try to explain to these ordinary, hard-working people what they will or will not get out of this budget. Their aim is to give their families the best opportunities in life. What is this Government delivering to them? It is delivering job insecurity. The budget papers say that 550 more Public Service jobs will be axed. They describe it by saying, 'agency estimates indicate there might be a reduction'. I reckon that is a fair bet.

These people deserve the right to plan a future for their families without this constant threat of an axe hanging over their head. It seems to me that this Government has given up on creating jobs as it blunders from one disaster to another. Millions and millions of dollars are handed out to enterprises—overseas companies and interstate companies—and none of it is tied to jobs for our young people. My constituents want jobs for their kids. On-the-job training is important because it provides enormous benefits to our young people, but they need real jobs at the end of the day. When this Government was elected it promised 20 000 jobs a year. What is its record? As the Leader said yesterday, we have lost 15 100 jobs over 10 months. The record of the current Premier is the loss of 10 000 jobs since he took over the reins, and yesterday he talked about the loss of another 10 000 to 20 000 jobs if we do not sell ETSA. Again he is threatening the people of South Australia

Mr Koutsantonis: He doesn't care.

Ms RANKINE: No. As the member for Peake says, 'He does not care', but when he was tackled about it he backed away at a million miles an hour. What can my constituents expect in relation to the education of their children? Again more threats of school closures. Again it is described as 'a modest program of about 30 school closures'. I would hate to see a full frontal attack on our schools! The Government is asking us to believe that it does not know what schools it will target. If it knows it will close roughly 30 schools, it has to have some idea about which schools it is talking. I have three schools in my electorate with student numbers less than that of Croydon Primary School. They are vital links within their communities. I raised the issue of whether or not these schools were safe from closure prior to the State election and could not obtain an answer from the Government and still cannot. These parents deserve to know what the future prospects are for their children. They deserve to be able to plan where their children will go to school and to have a stable environment for their school.

We are also threatened with losing another 100 teachers. This is really modest compared with the previous attacks the Government has had on teacher numbers. I suggest that this is an indication of the Government's commitment to our children—

Mr Koutsantonis: Lack of!

Ms RANKINE: It is an indication of its commitment, yes, because there is none. Public school fees are set to rise. The schools just cannot cope with the ever reducing funds being made available to them. There will be a reduction in grants to non-government schools, and this will have a huge impact on low fee schools such as those in my electorate. The parents who send their children to these schools are average working people. King's Baptist Grammar School, for example, has had a huge increase in the number of students over the past couple of years. It has 25 per cent school card students. The principal wrote to me raising an interesting issue before the budget was brought down. In part, he said:

- A working party was to be established by the Minister (Hon. Malcolm Buckby, MP) to clarify the funding allocation formula which is used to determine the size of the total allocation to the non-government school sector.
- This working party has not met, therefore
- The significant difficulties that arose at the end of 1997 regarding the funding allocation to non-government schools have not been addressed.

The Government has gone ahead with no consultation, no meeting of this working party and no detail about the cuts, and again ordinary working people will suffer.

The Government also plans to means test students for public transport concessions. It refers to high income families receiving concessions. Are these the same high income families it cut from the school card? No-one has a problem with the rich and the wealthy not receiving concessions, but it is not high income families, it is ordinary working people who continue to be hit and who continue to struggle and battle to give their children a good education. They are the ones this Government targets constantly.

What will my residents receive in the area of transport? The budget papers say that the Government intends to revitalise public transport as a cost efficient customer friendly service, promote cross suburban links between public transport and suburban centres and address the mobility needs of those who are disadvantaged by virtue of low income or disability. Fine words and exemplary aims, but it will achieve this by putting up fares by 7 per cent. Does it really consider that to be encouragement—by increasing fares and means testing students?

The Government has managed to counter this by making car ownership and the operation of a motor vehicle very difficult, as my colleague the member for Peake so cleverly pointed out yesterday. There will be increases in driver's licences, stamp duty on third party insurance whilst reducing the eligibility claim and a levy on one's vehicle. This is fine if you rent a trendy, inner city apartment and you are not reliant on public transport—but even they will be hit every time they hop in a taxi. This is an absolute disgrace. The impost this Government has brought in on taxi drivers will

send a lot of taxi owners to the wall, and clearly it will impact on tourism.

The electors of Wright are reliant on their cars because they live a long distance out of the city. They are reliant on public transport. What are they getting? They cannot even get car parking to use the bus interchange at the village shopping centres. Daily we have approximately 100 cars parking in the streets or threatened with fines from the shopping centre management because we cannot get car parking for our people.

In relation to law and order, it is time this Government came clean about Focus 21. The vision for the future of policing in South Australia has been nothing but a disaster. It has been a disaster for the police and the people. Members only have to look at some of the comments made in the *Police Journal* over the past few months. In one article in February one police officer said:

> . . . 'Future directions'—that buzz phrase the SAPOL elite has caught onto. . . a recent national survey indicated that 78 per cent [of] South Australians were generally satisfied with the services provided by police: the highest rating of any police service in Australia. . . That was pre-Focus 21. . . Why such major change when so little has obviously been called for. . . It is with bewilderment that we become aware of operational budgets being significantly cut so as to feed moneys into the cost of change. . . It is common knowledge that some employees were given significant pay rises just for the privilege of working on a project team within Focus 21.

The March issue contains an article about the roster system that has been implemented under Focus 21, and reads:

> The harsh and oppressive nature of the 12-week roster appears to be a constant topic of discussion lately. And the injustices go well beyond affecting members only. They extend to the families, friends and established life styles of those members.

In April, a letter from a police constable in Port Pirie stated:

> I have never bothered in 20 plus years in the job to put pen to paper over any issue as most times I was more than happy to go along with what was being done. But I am far from happy at the moment and the reason is that I am a career copper, someone who joined the job from school at 17½ years of age and full of hope. . . I lost all hope last week when we had a visit to our workplace by Focus 21—what a load of crap they tried to sell us, all these beautiful proposals. . . My big problem is that I still care about the job I joined all those years ago, I still want to come to work and do my share. I still enjoy the work! Another problem is that I am a dinosaur and still work as if the hierarchy care about their workers.

These are the views of the people on the ground, the people who put their lives at risk every day. But the concern does not stop with the rank and file: it is with the upper echelons of the Police Department as well. Only a week or so ago I received a letter from the General Manager of one of the food markets in my electorate, who had been meeting with a number of senior police officers in relation to serious crimes that were being committed against his premises at Sunnybrook. He wrote to me that his discussions with the police officers included the following:

> The current amount of trouble in the area obviously needs a lot more police patrols, but it was pointed out they do not have enough resources.

This House must be getting sick and tired of my raising this issue as I have done time and again. Under Focus 21 the Para subdivision was dismantled. The officers from Para Hills were transferred and Salisbury Police Station ended up with 17 fewer police officers. The Tea Tree Gully patrol base was transferred to Para Hills. We no longer have a police patrol base in the whole of Tea Tree Gully; they are operating out of their area. Did we get a new police station in this budget? No, we did not. Focus 21 is not a vision for the future; it is a dim vision for South Australians.

Mr Koutsantonis: It's a disgrace.

Ms RANKINE: It is an absolute disgrace. We cannot get a patrol base in the vast council area of Tea Tree Gully. They do not even know when we are likely to get a police station—and this is the vision for the future!

Mr Koutsantonis: They don't listen.

Ms RANKINE: No, they don't listen. And what about the hotels? There is not a lot of sympathy out there for hoteliers, for publicans. I must place on record that, if I had been in this House at the time of the vote to introduce poker machines, I would not have supported it. However, it is time that this Government looked a little more deeply when it brings in these imposts. I have had contact with publicans. They are not big wheeler dealers out there. I have a publican who started as a barman and who is purchasing his own hotel. Jobs will go in his hotel and he is looking to have to make up $1 000 a day.

We are constantly asked what we would do if we were in office. The Leader spelled this out yesterday when he said that Labor would seek to increase the economy with a strategy to get people back to work and, in the process, get more revenue from higher levels of economic activity. Quite frankly, we can forgive the Leader for making such an obvious comment when we look at the record of this Government. Labor would declare war on the Liberals' waste. We would cut some of the Liberals' dodgy deals, such as the $15 million spent on Australis and the $30 million spent on the EDS building. We would not have signed the cogeneration deal that has led to the loss of nearly $100 million. We would not spend the $30 million being paid to Morgan Stanley to sell off the power companies.

Labor would cut the Olsen Government's self-serving and wasteful political advertising and would cut the number of executives earning over $100 000. Also, Labor would not spend the $50 million spent by the Olsen Government on high-flying consultants such as Kortlang, Burke, Kennedy and Anderson.

Not long ago we had a series of questions from Government members to their Ministers about what they would do with the $2 million a day savings. I sat and thought about what I would do with just $50 million savings from the consultants. To start with, I would build a police station in the electorate of Wright. I would ensure that our police numbers were up to scratch; that our police officers had rosters which they could work and which did not impact adversely on their families. I would make sure our public transport commuters had somewhere to park their cars so that they could use the O-Bahn. I would not be means testing students. I would rebuild the burnt out unit at Fairview Park Primary School, and I would not be closing our schools or slashing teacher numbers. I would make sure that people had decent health services.

Only a couple of weeks ago the 65 year old grandmother of some of my constituents was buried the day she was rescheduled to have surgery. She needed urgent heart surgery and, after being prepped for surgery, was told that her surgery had been cancelled and she was asked to leave the Royal Adelaide Hospital. The same thing happened to my personal assistant. Her father was prepped at four o'clock in the morning at the Queen Elizabeth Hospital and at eight o'clock he was handed a telephone and told, 'Ring your family and tell them to come and get you; your surgery has been cancelled. We don't have an intensive care bed for you.' That is after the families had been through all the stress and trauma of preparing themselves for this life-threatening surgery. No ifs, no buts: 'You're on your way out; we don't have a bed.'

I have had doctors ringing me, telling me how bad the situation is at the Queen Elizabeth Hospital.

I would have surgery made available for people like my 71 year old constituent who needs a hip operation. She is crawling around the floor, cleaning her home and doing jobs. She cannot participate in any of the social activities she used to participate in, nor can she continue with any of her charity works. So, with $50 million a year I am sure I could fit in those things and also some of those that the member for Peake would like for his electorate.

In conclusion, I do not envy members opposite: I think that they have a very tough job. I take comfort from the fact that I am telling my constituents that we are not responsible for this disgraceful attack on every family, every young person and every aged person in our community.

Ms THOMPSON (Reynell): Others have covered many of the areas that I would normally like to raise, and the member for Kaurna, particularly, has talked about some of the issues down south. In Reynell we have schools that are small and therefore now vulnerable. These schools are providing particular services for their community, and I will speak about these issues in another debate. We also have the issue of security. Time and again I have contacting my office people who feel insecure because they cannot see a police presence and they can see a lot of people who do not feel connected to our community, who do not feel they have a future and who are therefore at a loose end and often aggravated and aggravating. These people want to see a police presence in their community.

Whilst I acknowledge that there has been an increase in the number of police at the Christies Beach Police Station, there are still not enough to provide security for these people. There is not enough opportunity for the police to relate directly with the community to give them some ideas as to how they can feel safer and more powerful in their environment.

Education and health are major issues in my electorate, but the one I want to speak about, because it has not yet received much attention, is housing. In so doing I acknowledge that this budget does quite a good job in relation to housing. Unfortunately, I have to qualify my comments. 'Quite a good job' means that the State Government did not reduce its commitment to housing expenditure when the Commonwealth did. Under the Commonwealth-State Housing Agreement it was very likely that the State would have reduced its commitment. So, I congratulate the Government on maintaining at least this year's expenditure.

However, as with so many areas, the cuts under previous budgets are only just being rectified. We can get some idea of the change in the priority accorded to public housing by this State Government by looking at the figures over the past few years. In 1993-94, 795 new houses were constructed; in 1994-95, 716 new houses were constructed, 87 houses were purchased and 374 houses were upgraded. Until that time, the number of houses upgraded was not recorded, so we see some new figures here. In 1995-96, the number of new houses constructed was down to 383—less than half the level in 1993-94—with 51 houses being purchased. In 1996-97, 70 houses were constructed, five houses were purchased and 650 houses were upgraded. In 1997-98, 75 new houses were constructed, 45 were purchased and 850 were upgraded. For 1998-99, the estimate is for a mere 110 houses to be constructed and for 945 to be upgraded. What we see is a shrinking public housing stock. This is entirely in line with the recommendations of the Audit Commission and with the Coopers & Lybrand review of public housing in South Australia, as well as the philosophy on housing for people on low incomes being maintained by the Howard Government.

Those of us in Labor circles readily recognise that we have not always got it right in public housing and that, indeed, in recent years, when there was an attempt under the Hawke-Keating Governments to overcome the problem of massive public housing towers in the Eastern States, there was some fallout for States such as South Australia that had a good track record in public housing. But the fact that one group of people did not do as well as they would have liked is no reason to compound the situation. And what we have now is a Government committed to reducing the public housing stock from 60 000 houses in South Australia to about 43 000 in the year 2012.

I ask members to consider what that means for people in our community. It has an impact at many different levels. One is to produce welfare housing instead of low income housing—and there is an important difference between the two notions. Low income housing recognises that, for workers and retirees on low incomes, it is not easy to own a home or to readily obtain a home in the private rental market. It also provides a break on market forces; it acts as an incentive for responsible land development; and it allows a mixture in the community in that we do not have all welfare housing in one place, compounding problems faced by families in welfare housing.

The notion of public housing for low income people, as opposed to welfare housing, has important social consequences that have been canvassed very well in this State by both Hugh Stretton and Lionel Orchard, and I do not intend to go through all those issues now. But when we look at what is happening in South Australia, with the announced program for targeted welfare housing, and consider the impact on the community, we have to look at such things as what it means for those families when they are told that, once they receive a good income, they will no longer have a right of tenure. What incentive is there for members of a family who have a house that they find comfortable, secure and reliable on a temporary basis to improve their income situation if the consequence of their getting a job is that they lose their house? To me, the impact of that is just ludicrous. And what losing their house means is that their children are likely to have to move schools—children who, if they are in a family where there have been difficulties and a requirement for welfare housing, probably already have a large number of social and educational challenges to overcome. They have probably just settled into a school, embarked on a good, secure education program and, when one of their parents gets a job, they have to move house, leaving their school and their friends.

Ms Rankine interjecting:

Ms THOMPSON: It is social deprivation, as the member for Wright says. They have to leave their friends and the environment in which they are feeling comfortable and start again. In terms of the protection of the public housing stock, if someone knows that they will have to leave their house if they get a job, what incentive is there to grow a garden, to water a lawn, to plant a tree and to provide a nice environment, as well as improving the value of Housing Trust stock?

Siting all welfare housing in one area impacts on both the schools and the health services in the area. As I said, those who require assistance through welfare housing often have a series of problems within the family. Where there are many

children in one school who come from families that are facing disruption and disadvantage, the school has to work extremely hard to raise the expectations of those children in terms of their own educational and social achievements. We all know that it is easier to develop our own talents and skills if those around us have high expectations and achievements and we have a challenging environment in which people are all seeking to succeed and excel.

If a school is located in an area which comprises mainly welfare housing, it is extremely likely that there will be a low level of education among the parents and, therefore, a lot of suspicion and fear of education at times, and children who do not have the advantages of being read to from the time they were babies. The literacy and numeracy challenges in these areas are quite high. There is no need to compound the situation for these children by locating them all in an area of welfare housing.

The focus on the private rental market that is being advocated by Liberal Governments at State and Commonwealth levels has its own problems. Until very recently, about 12 per cent of the South Australian community was housed in public housing, and that level is already down to 10 per cent. However, many families that come to me face many difficulties in accessing the private rental market. They find that, if they have three or four children, if they have pets or if they are unemployed, the private rental market is not interested in them. One family with whom I was dealing recently has four young children under the age of nine and had become so desperate to find a home—

The Hon. M.K. Brindal interjecting:

Ms THOMPSON: Mr Acting Speaker, could you ask the rude person opposite to be a bit more polite?

The ACTING SPEAKER (Mr Brokenshire): Sorry, I did not hear it, unfortunately.

Mr Hanna: Ask him to be more polite, too.

Ms THOMPSON: Well—

An honourable member: Who are you talking about?

Ms THOMPSON: The rude person recognises the description. I was talking about the problems faced by people trying to access the private rental market, when they have several children, when they have pets, and particularly when they are unemployed or receiving welfare support. A family that came to me recently illustrates this vividly.

They rented a home in Christie Downs nine months ago and were paying rent of $130 a week. They have four children. He is receiving a blind pension and she is receiving a carer's pension. Their older child has considerable health and learning problems. He is under constant medical supervision and had just settled into the Christie Downs Primary School with a specially negotiated education program in which he is finally flourishing. However, they discovered that their $130 a week home was somewhat of an illusion. The home itself was already structurally in decay. After nine months it was covered in mould. The bottoms of drawers were falling out, and the surrounds of the hand basin in the bathroom had moulded away.

They were constantly invaded by mice. No matter how often they cleaned, the place always looked and smelt dirty. They wanted to get out. They went from rental agency to rental agency trying to find a home. They paid $90 to a home finders' agency, which offered them a home at $180 a week at Victor Harbor. They found this—

Ms Rankine interjecting:

Ms THOMPSON: Blood suckers is one description. They found the home for $180 a week at Victor Harbor that was totally unacceptable for a number of reasons: first, they could not afford $180 a week; and, secondly, all their family and support was located in the south, either at Morphett Vale or Mitchell Park. For a family with limited means, travelling to Victor Harbor was just impossible. As I have already said, their oldest child had finally settled into Christie Downs Primary School and was at last achieving. They were fearful of the impact of the disruption to his education. They had been to agent after agent and were simply told that they had four children, they had two pets and they were living on welfare with no immediate prospects of leaving the welfare support system. This family was living out of a suitcase in the two-bedroom unit of his father—where three adults were already living—because they found their rental house so dirty and disgusting that they did not want to expose their five month old baby to any more time in it.

These are the people who require public housing. These are the people who are finding it very difficult in a system where private rental is regarded as the major provider of housing for low-income families. Australia has a unique position in terms of who provides homes in the private rental market. In North America and many European countries, superannuation and life-insurance companies are major providers of public housing, and there is much more emphasis on community housing organisations. In Australia 78 per cent of people in the private property market have but one property for rent. They are looking for security and often superannuation for themselves, and this is a laudable aim. The difficulty is that most of these people are not familiar with issues relating to property management or tenancy rights, and the people who lease these houses often encounter considerable difficulties with the property owner.

In fact, recently I was discussing some of these issues with the general manager of one of the major industries in my electorate. He said that his job with an international company requires him to move around quite a lot and he frequently finds himself renting. He told me that he had just been involved in a dispute with his landlord for a whole year and that he considered himself fairly adept at negotiating contracts and resolving conflict. He could see that, if he was having this problem, other members of the community who are less aware of their rights and less comfortable in the legal system would be having great difficulty.

It almost seems that the Liberal Government is saying to our community, 'If you cannot afford to own a home, we do not think you deserve secure housing; we do not think you deserve decent housing; and we do not think you deserve a choice about where you live.' Certainly, people with difficulties find that they are not able to make any sort of choice in the private rental market, and the public rental market is becoming so constrained that they do not get a look in. I am really amazed at this emphasis on the private rental market with all its difficulty at a time when the Federal Treasurer is lamenting the low rates of private property purchase and home building. He wonders why, at a time of record low interest rates, the rates of private home ownership are dropping to lower levels than have ever been recorded in Australia's history.

Perhaps he should be looking at the factors that enable people to buy a home. Some are the same as the factors that enable people to rent securely. They involve their having a long-term job, not a job that has been organised through a body hire firm on a three month renewable contract. You cannot get either a mortgage or secure long-term private rental housing in this way. I can only express my admiration

of those organisations that are providing emergency housing at the moment, because it is certainly not being provided through the Housing Trust, the way most of our community thinks it is being provided.

I place on record my admiration and thanks to the emergency housing organisations in my area that have so often assisted desperate families who have come into my office. These organisations include the Calvary Family Accommodation Service, the Cooperative Foundation Homestead, the Eleanora Centre, the Southern Area Women's and Children's Shelter, the Southern Junction Youth Services, Trace-a-Place and the YWACSS. These organisations do an amazing job providing support and emergency accommodation to young and old people and to families in great need. The ability to have secure housing is at the foundation of stability in our lives. I urge this Government and the Commonwealth Government to rethink their abandonment of the public housing needs of our community.

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

Mrs MAYWALD (Chaffey): In recent weeks we have heard the Premier threaten us with unpleasant budgetary consequences if the sale of ETSA and Optima assets is not agreed to by Parliament. His first threat is further to increase taxes and to cut spending on Government programs and services in a mini-budget. This threat to raise taxes further than this budget already provides for is made despite the fact that the State is already reeling under the burden of a new round of tax increases as a result of gross overspending during the Bannon era and the previous Government's decision not to ditch its crazy pre-election promise not to increase taxes.

The second threat the Premier makes is that up to 20 000 public sector jobs will go if we do not roll over and submit to the sell-off of our electricity assets. In other words, we are offered the choice of keeping ETSA and Optima and disposing of 20 000 public servants, or selling the assets and using the proceeds to pay the wages of 20 000 public servants. The Premier is demanding that we provide him with the politically easiest way possible to wipe the budgetary slate clean so that his Administration can start again.

But what I say to the Premier and to the Treasurer is that, before we can take seriously their promise that they are addressing themselves responsibly on behalf of the budgetary future of all South Australians, they must convince us that they are capable of confronting and that they have honestly and sincerely confronted the mistakes of the past. By any reading of the 1998 budget papers, an honest confronting by the Premier and the Treasurer of past mistakes has not happened. I agree that the Premier's inherited budgetary legacy presents the Government and the community with a major problem and a great challenge.

I am questioning whether that challenge is being met or whether once again the challenge is being avoided. In my view, the budgets brought down by the Premier and Treasurer's predecessors were nothing short of irresponsible. The 1994 Audit Commission analysed and reported in stark terms the extent of the problems confronting South Australia as a result of Labor's best efforts through the 1980s and early 1990s to bankrupt this State.

To address these problems adequately, the incoming Liberal Government had the options of either ditching its irresponsible election pledge not to raise taxes or cutting Government spending fast enough and deeply enough to make major inroads into the huge budgetary deficit it inherited. In the event, the Government's budgetary formula was fashioned around compromised and soft option political expediency. It was decided largely to ignore taxation and other revenue raising measures, to sell off what assets could be disposed of without causing undue political pain for itself, and implement some spending cuts.

Of course, such a soft option budget strategy was never going to correct a deficit of the magnitude that the South Australian community then faced. The reality, which must have been apparent to the Premier and the Treasurer of the day, was that the Bannon Government had been running up spending on public services and programs more quickly to a higher per head level than other States. One of the consequences of this spending blow-out was that State taxes under the Bannon Government were also rising faster than in other States.

By the end of the disastrous Bannon years, and quite apart from the additional blow-out resulting from the State Bank failure, there was a spending and taxation problem that had to be addressed and fixed. The reality is that the problem was neither addressed nor fixed. Underlying net current outlays on non-commercial public sector program delivery are estimated by the Centre for Economic Studies to have increased by about 10 per cent in real terms over the four budgets of the previous administration. Moreover, this increase was signed off over a four year period during which the positions of many thousands of public sector employees were eliminated, and additional savings were made through a major program of outsourcing. It is interesting to examine how these cuts translated into a disproportionate reduction to service and programs in country areas.

The tragedy is that, despite the savage Public Service program, staffing reductions, office closures imposed across the board in country areas and the very real privations and reductions in quality of life of country people that the Government program cuts have caused over the last four years, all the savings made and more will be blown on higher wages for the Public Service and increases in certain public sector programs. These are the budgetary errors and sleights of hand of the past that the Premier appears to have great difficulty in now confronting or acknowledging.

South Australians who live outside town and city limits are disillusioned and feel let down. They have been required to make major sacrifices over the past four years as the Government has cut back relentlessly on the services and programs available to them in their own towns and areas. The cutbacks were represented as an essential part of the plan to repair the mess inherited from Labor. The budgets of the previous Government cut spending but did not increase revenue. This Government is increasing revenue and increasing expenditure, relying on the sale of strategic public assets to fill the so-called black hole in the budget. If we look past the $450 million wage and salary increase provision, the black hole becomes difficult to see. Budget Paper 2 at page 5-5 states:

> Wage and salary costs remain the single largest component of Government final consumption expenditure. Wage movements in key areas of employment such as police, nursing and teaching have been influenced by national comparative arguments, despite significant cost of living differentials between South Australia and average of the other States. As a consequence, wage outcomes in recent years have exceeded the inflation forecast and budget estimates.

It further states:

The Government's forward strategy does not specifically aim to reduce the number of public sector employees nor has it set specific work force targets.

I see this as the Government not being really serious about the wage blow-out and the subsequent black hole that we are left with. I call on the Government to stop the scare-mongering through the media and provide us with detailed information to support its case that there is a black hole and that there is a requirement to sell ETSA and Optima assets, and that there will be a net gain from such a serious step as this.

What were claimed as major savings in public sector spending were phoney. There were certainly spending cuts, and country people were made to bear a disproportionate share of the effects of such cuts, but the savings from the programs and services taken away from country people are now being poured back into public sector wage increases and devoted to a few high profile spending programs. Understandably, country people are looking for concrete benefits from the cuts and closures of the past four years. They seek relief and some assurance that the sacrifices are paying dividends. Regrettably, the Government has chosen to offer relief without having any real improvement in the State's budgetary situation to back it up.

This is not a budget which sets out to correct past failures by bearing down on public sector expenditure. In fact, the opposite is true. The Government has opted to budget for real spending increases on top of the already excessive spending it inherited. To make the books balance, it must rely on tax increases and, in particular, on a windfall payment of proceeds from the hasty sale of publicly owned electricity assets.

The budgetary bird might have feathers, but it will not fly. It is an ostrich with its head in the sand. The danger is present, but it is being ignored. Debt overhang remains, and public sector spending is budgeted to continue in 1998-99 at an excessive rate. To continue the avian metaphor, the Government has gambled on being able to force South Australians to accept a solution that involves putting all our budgetary eggs into one basket. I refer, of course, to the proposed sale of ETSA and Optima assets. The question rural communities are asking is: is this sensible, sound, fiscal management with long-term goals, or an attempt at a quick fix for short-term gains?

Bill read a second time.

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services): I move:

That the Bill be referred to Estimates Committees.

Motion carried.

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services): I move:

That the House note grievances.

Ms HURLEY (Deputy Leader of the Opposition): In my grievance contribution today I want to talk about a press release received from the Australian Services Union stating that ETSA Corporation has just announced its intention to close 14 ETSA offices to the public in the next few weeks. Those offices are located at Victor Harbor, Mount Gambier, Port Augusta, Murray Bridge, Mount Barker, Barmera, Clare, Kadina, Port Pirie, Whyalla, Port Lincoln, Gawler, St Marys and Holden Hill.

ETSA's customers and electrical contractors, etc., will no longer be able to gain access at any of these offices. In the future, customers will only have real access to ETSA Corporation to query their accounts or conduct any of their business via the telephone. Customers do not even have access at ETSA Corporation's head office at Keswick. The Australian Services Union, when questioning the appropriateness of such comprehensive office closures prior to the proposed privatisation, has been told by ETSA that these closures would be in their view consistent with the operation of a private sector owner. John Fleetwood, the Australian Services Union Industrial Officer, said:

Clearly ETSA Corporation is gearing itself towards the privatisation by closing these offices. These office closures are only an initial sign of the effects that privatisation will have on this industry. Customer service and job losses are not going to be something that a private owner will worry about.

That is very true. Considering that we just had the member for Chaffey talking about the disproportionate effect on country areas that a lot of this Government's measures have involved, it is interesting to see that, of those 14 closures, 12 are in the country and only two are in the suburbs—at St Marys and Holden Hill.

In fact, at around Christmas time people who reside in Gawler contacted me and said that the Gawler ETSA office had been closed. They said that they thought this was preparatory to a full closure of the office—and how right they were. These people who went to the ETSA office and who were inconvenienced by it not being open had contacted a Labor member of Parliament to complain about it because, obviously, their Liberal member of Parliament had not been able to give them a satisfactory explanation. In Question Time today the Minister for Government Enterprises quoted a report on privatised organisations and said that they have improved profits, increased employment and increased service. The closure of ETSA offices is an example of the way in which privatised organisations improve their profits. They do it by decreasing the level of service that they provide to the community. They close down offices such as these and create problems within the communities in order to save money.

We have to wonder about the Government's balance and its commitment to country areas when it sits back and watches this sort of thing happen, because we know that ETSA is not able to make a single move without consulting the Minister. The Minister has authorised and approved the closure of 14 ETSA offices, 12 of which are in the country. The Opposition is not opposed to privatisation as such. We have adopted a very reasonable position on a number of privatisation proposals and, indeed, there was a small measure of privatisation during the former Labor Government. But we want to see some proper accounting. We want to see full facts about these privatisations which, I must say, this Government has not provided, particularly on the privatisation it proposes for ETSA. This is the problem about which not only the Labor Opposition but the Democrats and Independent members have complained. In fact, not only has the Government been not particularly forthcoming with facts but it also has been misleading and twisting of the facts that it has presented.

Country members and city members deserve a full account of what will happen if ETSA is privatised, including a statement of the impact on customers of closing ETSA offices and services, including the impact this will have on country towns. If you look at the sorts of areas in which these offices are closing, you see that a number of towns have been hit again and again by Government decisions, including cities such as Port Pirie, Whyalla and Port Augusta. Once again, a

Government office in each of those three cities, which have experienced job losses and closures both in the private and public sectors, will close. Port Pirie, Port Augusta and Whyalla will again lose services and employees and will again see people moving out of their city. Of course, that is the same situation for any of these other cities. For example, in Mount Gambier there was quite a lot of publicity in the local newspaper and on the local television about the loss of both Federal and State Government services. Indeed, some of the smaller towns in this list will be hit very hard. In towns such as Clare and Kadina I hope that people will contact their local member of Parliament and let them know of their displeasure with this Government's activities.

We do not have the full story on ETSA privatisation in terms of either financial figures or the community impact it will have. After saying before the election that ETSA would not be privatised for many of these reasons, the Government has now turned around—on the basis of supposed financial figures and reports which it is not prepared to release—and said that we must sell ETSA. Yet it has not been forthcoming in disclosing these financial pressures and, indeed, seems to shift the goal posts all the time. Government members talk about high taxation if we do not sell ETSA; they talk about job losses if we do not sell ETSA; and then they talk about risks further down on the Government's bottom line if we do not sell ETSA. But no-one, including my constituents, is convinced that the Government is telling the full truth on this matter.

When that happens people ask themselves, 'Why is the Government not telling the full truth on this matter?' and they start to believe that the Government has something to hide. The Government may be wanting to hide either the true facts and figures or, quite possibly, its own incompetence, because we saw this in the water contract. The tender process was appalling; the contract was badly drawn up. The Government has not enforced many of the provisions of that contract and has refused to invoke the penalty clause when many conditions of that contract were not met.

Some of those conditions that we were told were absolutely unshakeable, such as Australian ownership, have now slipped by the board. The concern is that while we are not getting the full facts and figures, while this Government is not being open and transparent, there is no way that the citizens of South Australia will be able to judge the privatisation of ETSA in terms of the contract, the outcomes for South Australia and any guarantee that those proposed outcomes might be enforced. This Government has been very weak as regards standing up to bodies such as the Australian Competition and Consumer Commission, NEMMCO and other organisations which have advocated privatisation.

Mr WRIGHT (Lee): I will take this opportunity to say a few words about the industrial dispute which Australia has experienced over the past few months. I deliberately waited for this opportunity because I thought that there might have been other opportunities and/or other people who may have wished to put something on the record about the wharf dispute, which at this stage seems to have gone into abeyance. Unfortunately, I do not think we have necessarily seen the end of it. It is an ongoing dispute which, obviously, has occurred around Australia, including Port Adelaide. It is perhaps an appropriate time for this House to acknowledge in particular the work of the industrial movement and the Maritime Union of Australia in trying to reach a settlement of the situation that has existed since last year and before.

In the main, we in Australia have had an industrial relations system, at both a State and Federal level, which has worked for Australian workers and Australian employers and which has been a plus for our country. Of course, there have been situations where industrial dispute has occurred. There has been disagreement, particularly between the major political Parties, in terms of how industrial relations and, for that matter, workers compensation legislation will work in Australia. It is probably one of the big issues that will divide, and has divided, this House and, of course, has divided the House at a national level.

The maritime dispute, which sadly has occurred throughout the ports of Australia over the past six months, can be traced back to this conservative Federal Liberal Government, which has turned back the clock to the seventeenth century with respect to industrial relations. I am extremely pleased that the State Liberal Government does not mirror the industrial relations agenda of the Federal Government. There are significant differences between both sides of politics in this Chamber, but I am pleased that this State Liberal Government does not have the same draconian policies and philosophies with respect to industrial relations.

The Federal Government's motive is the political destruction of the trade union movement. If we go back to when Peter Reith introduced his grubby legislation to the Federal Parliament, and if we look at the training of the mercenaries at Dubai and the sacking of 1 400 workers, we see the agenda that this Federal Government has for the workers of Australia. I am left in no doubt that the Federal Government's agenda relates not just to the wharves of Australia but to the trade union movement *per se* and unionised workers around Australia. This Federal Government, together with Patrick Stevedoring and the National Farmers Federation, has interfered with the good conduct of a union and its members.

It is a nonsense for the Federal Government to parrot out some of this information about the reform that has not taken place on the wharves, because that is simply not true. Some of the information that the Government has been pedalling for the past six to nine months about the lack of reform within this industry is not true. There have been huge cut-backs in the work force and there have also been significant improvements in the microeconomic efficiencies of the work force. One only need look at the number of containers that are moved to realise that some of the wharves where workers were sacked were of world standard.

Peter Reith and John Howard have their fingerprints all over this dispute. The way in which they have behaved does no-one any credit. I well remember John Howard, our Prime Minister, putting his arms around Peter Reith when those 1 400 workers were sacked. That is an absolute disgrace. This dispute has been nothing more than a political exercise—no more, no less—and it should be recognised as such. I suggest to members on both sides of the House that by far the majority of members of the community, irrespective of their political belief, do not and will not support the actions taken by a conservative right wing Liberal Government which has taken industrial relations back to the seventeenth century. Patrick Stevedoring and Corrigan in particular have gained no credit from this episode, not only from the point of view of industrial relations but also in respect of their behaviour in terms of company law. The stripping of assets and the use of security guards and dogs and non-union labour is an indictment on Australia as a country. The National Farmers Federation has also played a poor role in this dispute.

Mr Hanna: Grubby.

Mr WRIGHT: A very grubby role. I say to members on both sides of the House that never in all my time of actively being involved in politics and listening to debates both inside and outside the Parliament have I heard someone like McGauchie speak so poorly to all sections of the media. The National Farmers Federation and farmers around Australia have not been well represented. I do not believe that the leadership of the National Farmers Federation—from McLachlan to McGauchie, from the shearing sheds to the wharves—has truly represented its members. I have a number of friends in the farming community. They probably do not vote in the way in which I would like them to vote, but they have said that the actions of the National Farmers Federation do not reflect their attitude to this dispute.

The National Farmers Federation is a funny mob, because when it comes to deregulation, of which it is obviously very much in favour with regard to the labour market, I pose the question: what about the deregulation of the Wheat Board and the Barley Board? I do not see the consistency of their argument, and I do not believe that they are fair dinkum about taking Australia into the next century. I think they are very short-sighted. If they want deregulation, let us give them deregulation and totally deregulate the whole of the industry and the market. In their High Court decision, 10 eminent judges found against the actions of Patrick Stevedoring and, therefore, the Federal Government.

I believe that the leadership of the union has handled itself very well. In particular, I congratulate the State Secretary of the MUA, Mr Rick Newlyn. I do not know Mr John Coombes, the National Secretary, but I am impressed by the way in which he has handled himself in front of the media and, I suspect, his membership. I think he has tried to do it in a non-inflammatory way.

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

Mr BROKENSHIRE (Mawson): I am glad that the time is up for the member for Lee because, as I have said previously in this Parliament—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr BROKENSHIRE: —whenever I follow the member for Lee, I could write his speeches. I suggest the honourable member photocopy his speech and change the date because the theme is always the same. I will also talk about what has happened regarding the wharves because it affects my constituency immensely. We know the background of the member for Lee: his father was involved in the union movement and then came into the Parliament; now he is following in his father's footsteps and will try to push the same line. I give the member for Lee some disappointing news. The honourable member mentioned the High Court and what a good job John Coombes and the rest of the union executive have done. In fact, they have lost. When members think about it and analyse it for a moment, if John Howard achieves no more than what he has already achieved—

An honourable member interjecting:

Mr BROKENSHIRE: You think about it and look at the depth of it. The fact is that, if John Howard achieves no more than what he has already achieved, he has obtained the result that was primarily sought; that is, stopping the nepotism and the rorts which have gone on for far too long and which have stopped the productivity opportunities of Australia. We all know that Australia is an island continent and we cannot export our produce to other parts of the world unless it goes by sea. We have been held to ransom for too long. Some of my constituents remind me of my own father. The other day I received a letter from one of my constituents in which he said, 'Play your part to ensure that you keep going hard on this union issue because you are right.' He said, 'By the way, if you get a chance, remind members in the House and the community of South Australia what the wharfies did during the Second World War.'

He said that he thought the enemy he was fighting was the Japanese and the Germans. However, when he returned to Australia for some leave, he did not have any leave because he was forced to load produce for the Australian troops who were at the battle front because the communist element in the wharfie precinct said that they would not load Australian ships which were taking supplies to troops fighting to stop communism from entering this country. I have no sympathy whatsoever for those sorts of actions. We are not about trying to break down the union movement; we are about allowing democracy to come into this State and into this country.

The other day I was in Darwin looking at some developments with a good colleague of mine. It was interesting to talk to one of the senior executives of the Ports Corporation in Darwin who was a captain on major oil tankers and container ships. He is also a pilot as well as an engineer in the Ports Corporation in Darwin. He told me that he was delighted with the commitment to stop the nonsense on the wharves which has been going on for too long. He gave me a few examples, including the fact that on a regular basis he saw crane operators with the MUA hold a container in the air for two minutes so that all the wharfies on that shift received three hours overtime. That is the sort of nonsense stopping young people from getting employment. It is about time members opposite had the intelligence to tell young people that they do not want them to have jobs and, for once, be honest with the community.

Mr Wright interjecting:

The DEPUTY SPEAKER: Order! The member for Lee was heard in silence.

Mr BROKENSHIRE: I heard the member for Lee have a crack at the Farmers' Federation and attack farmers.

Mr Wright: Not farmers.

Mr BROKENSHIRE: An attack on wheat and barley grain growers.

Mr WRIGHT: Mr Deputy Speaker, I rise on a point of order. The member for Mawson is—

Mr Brokenshire interjecting:

Mr WRIGHT: I beg your pardon?

The DEPUTY SPEAKER: Order!

Mr WRIGHT: The member for Mawson has incorrectly implied that I attacked farmers, which I never did, and I ask him to retract that comment.

The DEPUTY SPEAKER: There is no point of order.

Mr BROKENSHIRE: This is about giving people options. All the National Farmers Federation was trying to do, fully supported by the South Australian Farmers' Federation—in which I declare an interest as an affiliate member—and everyone who is committed to seeing this country grow, was stop the regression and the recession that we had to have as a result of the years of Socialist Government. All we ask for is an opportunity for non-union labour to be involved in working on the wharves and an opportunity for children in my electorate to put their hand up for a job on the wharves. They should not be deprived of such an opportunity simply because they are not a relative or a mate of someone employed on the wharves or a person with a

union ticket. It is about fairness and democracy. As long as I have breath, I will fight for true fairness and democracy.

We heard the former Prime Minister (Hon. Paul Keating) talk about freeing things up for Australia in the Hilmer Report and in respect of national competition and by getting rid of monopolies. That is what he was all about, and he was supported by all members opposite, both when in Government and in Opposition, and by their Federal colleagues. However, they talked with forked tongues again. In fact, because of the money the unions pay into their coffers, they are not prepared to look at what is in the best interests of Australia. They know that the postcards and all the people who ran around their electorates talking a lot of nonsense and untruths before the election were funded by their union mates and, for those reasons, they are not prepared to break away from the person that they espouse to be the greatest thing since sliced bread, the Hon. Paul Keating. They are prepared to run away from his direction which was a fair go for all and people being competitive. All farmers and my electorate are asking is for people to be given the opportunity to be involved. In the electorate that I represent, I value them as my—

An honourable member interjecting:

Mr BROKENSHIRE: That is all right because I work for them; they employ me.

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

ESTIMATES COMMITTEES

The Legislative Council intimated that it had given leave to the Treasurer (Hon. R.I. Lucas), the Attorney-General (Hon. K.T. Griffin), the Minister for Transport and Urban Planning (Hon. Diana Laidlaw) and the Minister for Disability Services (Hon. R.D. Lawson) to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

APPROPRIATION BILL

Second reading debate resumed.

Mr BROKENSHIRE: I appreciate the support of my colleagues in the House after dinner tonight, particularly those on my side. In my last few minutes I simply want to say that it was implied earlier in the debate that my community in Mawson, the community I am employed by and represent to try to get things happening in this State, is against unions. It is not at all, and neither am I. There is a place for unions. As a dairy farmer and a member of the South Australian Dairy Farmers Association and affiliate of the South Australian Farmers Federation, I am a union member, so I have no problem with unions as representative groups. I am simply saying that there needs to be the opportunity for choice. One should not be forced into being a member of the Dairy Farmers Association or the Farmers Federation, the MUA, the AMEU or whatever it is.

Obviously, it should be by choice, and by giving choice, by freeing up the work force and freeing up the opportunities, you will give jobs to young South Australians. That is why I support what the Farmers Federation and the Howard Government have done. First and foremost, I care—and for as long as I am here I will always care—for my constituents and for their children's futures. That is the biggest thing facing any parent—a future for their children. Let us stop the rhetoric and the nonsense. This is not about union bashing. This is simply about saying that there is a choice and there is an opportunity for a young person to have a job.

The checks and balances are in place, although I am sure that work practices can improve. I give accolades to many of the unions because they have got together with the employers and the people they represent and said, 'We will get a better deal for you and a better deal for the employer.' That is what it is all about. The only union that I can recall that has not offered that until now—and it has been partly forced into it but still not really offering it—is the Australian Maritime Union. The fact of the matter is—

Mr Conlon: What would you know?

Mr BROKENSHIRE: I know how to create jobs, and I know that that would happen to a greater extent if we had some support from the Opposition. The fact is that John Howard has won this, because from now on you will see a situation on the wharves whereby the union will not have a monopoly, work practices will be improved and there will be real job opportunities created right across the spectrum in a holistic approach through the initiatives of John Howard. I say to the community of South Australia: have a look at what that man is doing and look at the choice. The alternative is to go back into the dim dark ages like the Labor Party of South Australia, whose mentor (Don Dunstan) is someone who should be enjoying retirement and not being held up as a guru.

Ms KEY (Hanson): I will deal with a couple of matters tonight, in particular the comments that were made by the Premier during Question Time, when he talked about meetings between the Government and trade unions. And I am delighted to hear that the member for Mawson is a member of a trade union: it is good to see that he has a progressive position in that regard. I am not sure whether it is a registered trade union, but I can take that up with the member for Mawson at some other time. And I know that the member for Hartley also is a member of a union. It is pleasing to note that some people have seen the light with regard to organised labour. But that is not the reason for my address this evening.

I believe that it is important to clarify a couple of points that were made by the Premier, in particular his reference to what seemed to be a cosy arrangement between the Government and the Electricity Trust of South Australia unions with regard to the sale of ETSA. The Premier mentioned a couple of union officials, and I know that both Mr Donnelly and Mr Fleetwood have had a number of meetings with members regarding whether they see their future as being with the Electricity Trust, whether they are interested in being redeployed, or whether they want to look at targeted or voluntary separation packages. I have been privileged enough to be invited to some of those meetings, so I have first-hand experience of the discussions that have taken place with the members of the collective Electricity Trust unions about where their future as workers may lie.

In 1991, there were about 5 000 workers associated with the Electricity Trust and now, with both Optima Energy and the Electricity Trust, there are about 2 400 workers. Most of the workers who are still working for the public sector through the energy corporations are younger people, and my concern is that, although a targeted separation package or a voluntary separation package may be attractive to them, where do they go when the money runs out? Will they be retrained; and will they have an opportunity to get back into

the work force, especially when we consider the very high level of unemployment that we have in this State?

Having attended the rally in Victoria Square—looking at the anti-privatisation of ETSA and SA Generation Corporation—despite what was said by the Premier, I noted that one of the leaflets that was handed out at that rally had contact names on the back. One of them was John Fleetwood, who I understand is an official with the Australian Services Union. Other names are Bob Donnelly, who is, I understand, an official with the CEPU Electrical Trades Branch, and Michelle Hogan, who is the Assistant Secretary of the Trades and Labor Council. It seems that they are representatives of a community group which has been formed to oppose the privatisation of ETSA and SA Generation Corporation (or Optima Energy) and which is part of a broad alliance of interested and concerned people and community groups. So, although I know that Mr Fleetwood and Mr Donnelly, amongst other union officials, are certainly meeting with their members and listening to their concerns and views about the future, it seems to me that they would not be at a rally unless there were some quite serious concerns.

At the rally—which was attended by more than 500 people—a number of issues were raised. A speaker from New Zealand referred to the disaster in Auckland; and there were representatives from church organisations, community organisations and the union movement. It demonstrates that a number of people have concerns about this sale.

To emphasise my point about the union officials and the union's position—and a number of unions were represented at the rally—the motion that was passed by the rally indicates to me that people are not very happy about the sale of the SA Generation Corporation or ETSA. The people at the rally agreed that they were opposed to the privatisation of ETSA Corporation and SA Generation Corporation (Optima Energy) as it will severely disadvantage the South Australian community in respect of the reliability of our electricity supply; affect job security in the electricity industry; have major effects on the State's future income, which will seriously affect moneys for schools, hospitals and so on; disadvantage people in rural communities; increase costs and charges for electricity; inhibit the move to a renewable energy economy and thereby fail to reduce greenhouse gas emissions; and result in the unsatisfactory situation where the essential service of electricity will be in the hands of private enterprise.

None of those points sounds as though the unions or the union organisers that were mentioned by the Premier are in favour of the sale of ETSA or SA Generation Corporation. The rally called on the Liberal Party, the Australian Labor Party and the Australian Democrats to honour their pre-election commitments not to privatise the electricity industry, and requested that the resolution be communicated to politicians of the South Australian Parliament, which I have done for them. It would seem to me that, judging by the variety of people attending this rally, there is a lot of opposition to the sale of ETSA.

A lot of comment has been made by members on the other side of the House about Opposition members secretly supporting the sale of ETSA or Optima. Although I know that it is healthy for people to debate their views on a particular political issue in a Party room, unless no-one is telling me, I am not sure to whom members on the other side are referring. Obviously, we have different views about public ownership, but I invite members on the other side to start naming the people about whom they are talking, because that view certainly has not been reflected in Party meetings that I have attended.

The finger has been pointed at members of the Opposition but a number of Government members, particularly country members, have privately said to me that they have some concerns—they are not saying that they rule out the sale of ETSA or Optima Energy—about their constituents and whether a decent level of energy supply will be maintained. They also have concerns about the subsidy factor, which deeply affects people in country areas on many levels, not just in relation to ETSA and Optima. Finger pointing across the room is quite ridiculous. Basically, people need to consider seriously where this whole debate is going.

Instead of getting into political point scoring we should be looking at what this will mean to South Australia in the future. In previous comments to this House I have pointed to other overseas and interstate examples with regard to the consumer. As a member of this House who represents constituents, I am very concerned that people in the electorate of Hanson will not be able to pay their electricity bills. I challenge any member in this House to consider whether the sale of ETSA and Optima will necessarily make life easier, better or cheaper for our constituents.

My real concern is that we will experience the same sorts of problems with our electricity services as we have with the water hike that has occurred since the changes in ownership and services involving our engineering and water supply undertaking. I am particularly concerned, as I have said, about the rural areas. I am also concerned that the unions have been misrepresented today. I believe that unions do have an open mind to their members' concerns about their future with ETSA or Optima. Members need to know and, having been a trade union official, I personally know that if you do not listen to your members you are not a very good trade union official. I have no doubt that Electricity Trust and Optima unions are doing that; their opposition on a political level is apparent and was certainly demonstrated this evening at a very well attended rally.

Mr LEWIS (Hammond): At the conclusion of the remarks I was making in the course of my contribution on the budget, I mentioned my concern for the future of the Australian Federation. I believe that we are in grave risk of losing the Federation which at present provides the sovereign States with the legislative prerogatives to make laws about how people behave—laws that are more relevant to the smaller areas of land covered by the States than can ever be the case with a slab of land as big as Australia.

I therefore have no compunction whatever about arguing passionately, if for no other reason than this, for the retention of the Federation. It is not appropriate for people in Canberra who are elected from the length and breadth of the nation to make decisions about the law as it relates to human conduct, whether you live in Cairns, Queensland, or Campbell Town, Tasmania, or Campbelltown, South Australia.

Mr Scalzi interjecting:

Mr LEWIS: I am reminded by my colleague the member for Hartley that Campbelltown in South Australia is in a good electorate—the one he represents. It is an area for which I have a fondness, having lived in that vicinity for many years until not so long ago. The all important consideration is to leave the prerogative powers with the States' Parliaments to make such laws. There are occasions when I think it is possible for the States to cooperate with one another and pass legislation which is identical to that of all other States by

agreement between the relevant Ministers involved. I do not see that as needing a Commonwealth, Federal or national Government—call it what you like—to be involved, and to have over-arching and total responsibility for it, because that implies that the Commonwealth and the Commonwealth alone can change the law. If the law is found—once it is made identical to one or more other States—to be inadequate in that respect, the prerogative of the State's Parliament to change that still abides. It still provides for that safety valve.

The way people behave is very much influenced by climate, and the law needs to take into account the way in which people would spontaneously choose to behave and relate to one another, being free to do whatever they wish, always subject to the rights of others. That climatic influence is a very compelling reason, if we have no others, for us to keep the Federation of the States.

Clearly there is benefit in having one national Government providing us with a sound economic mechanism for the management of those matters relating to trade, both within Australia and between Australia and other countries, and relating also to foreign affairs—our relationships with other countries which impinge on the policy area of defence. That was the reason why 100 years ago those conferences were held which resulted in the formation of the Federation. The argument to and fro that I have read over the last 20 or so years in those discussions has provided us with the understanding of the benefits to which I refer in the broad brush that I have taken.

We have saved ourselves from the problems that were emerging with the separate colonial administrations, having separate customs services, separate defence forces, separate migration laws, separate trade arrangements, separate laws governing the way in which people can travel on the highway, and so on. We now have a much sounder system than that, but we definitely do not have justification for questioning why the Federation remains relevant at the present time. Yet I see through the budget process a clear indication that, unless we are very careful, the Australian society will slip into the view that the Federation is redundant and that we need to have only one central government.

There are those from the Left who remain ardently committed to that course of action, notwithstanding the fact that the system of Government which existed in the United Soviet Socialist Republics failed—of all those republics—because it was a multiple level of Government with only one place within its structure that could make statute law, and that was based in Moscow. There were at least five levels of government in that society and that collapsed simply because it was incapable of responding to people's needs. It was too rigid.

Notwithstanding that, the Left still fondly believes that it is the best way to govern society, that everything can be codified and controlled and that there needs to be planning approval, that you can determine what is good and what is not in terms of economic activity by law. That is not true. The market decides what people want, what they are prepared to pay for, how much they are prepared to pay for it and whether or not they will forgo one product or one service in favour of another. Altogether I therefore strongly advocate that we should have a series of conferences or conventions—conferences to begin with at least—involving the wider community and give serious consideration to the reasons why we keep the Federation and to the kind of Federation we want.

I now change the subject matter to which I draw the attention of the House to something far more personal, namely, section 35(1) in the Summary Offences Act. Daily there is a large number of breaches of that law. It refers to the printing, selling and distributing of newspapers or any other regular publication which report questions involving sexual immorality, unnatural vice (such as necrophilia or buggery) or indecent conduct and containing other material descriptive of or relating to those things. If you look at the advertisements to be contained in our daily or weekly newspapers published in this State you will find that that law is in constant breach. The size of the type used and the extent to which the items are published is far greater than the 13 ems wide and the 50 lines that are permitted in law. We should either change that law or enforce it. The width of 13 ems is about 55 millimetres.

I draw members' attention to page 119 of the *Sunday Mail* of 3 August last year, page 120 of 2 November last year, page 92 of 1 February this year and page 105 of 3 May this year; and, likewise, page 106 of the *Advertiser* of Saturday 1 November last year. These are the means by which people engaged in prostitution, or those who live off the proceeds of prostitution, find their clientele. At present it is being offered on the Internet as well. There is a double standard. I do not think the publishers of those newspapers or the people on late night television who supply advertisements ought to be allowed to go unchallenged because it is otherwise building up a body of thought in the wider community that the conduct that is encouraged is acceptable. It is extremely dangerous. It is not only dangerous to health because it is promoting promiscuity but also dangerous to the environment in which we raise children because it promotes paedophilia.

Ms STEVENS (Elizabeth): I refer to the issues that I raised today in two questions to the Minister for Human Services in Question Time. This relates to health funding, both Commonwealth and State, over the past five years and also in the next five years when the new Medicare agreement is supposed to be operating. First, I will refer to the past five years. We know, as the Minister began his answer correctly, that 80 000 people have dropped out of private health insurance in South Australia over the past five years. Recently, the Opposition put a question on notice to the Minister which asked for the details of that drop out and which asked how much was the cost to the State Government of picking up the tab for the 80 000 people who dropped out of private health insurance. The answer we got back from the Minister last week was '$45 million'. That is one figure.

I now refer to the cuts that were made in successive State health budgets over the life of the previous Government. Those cuts totalled $230 million. I am not making this figure up. Members are welcome to take out their budget estimates books for the past four years. If they do that and work through it as we have done, they will find that I am correct, that over the past four years the current State Government removed $230 million from State health funding.

In the lead up to the signing of the next five year agreement the Minister has, in fighting the fight, blamed the Federal Government for the large drop out from private insurance and the consequent effect on State revenue for health. My point is that $45 million can be sheeted home to the Federal Government. The Minister does have a point. The fact is that the Federal Government, even though trigger points were established in the last Medicare agreement, did not honour those trigger points. However, $45 million can be

sheeted home to the Federal Government but $230 million is absolutely the responsibility of this current State Government. There is no escaping that fact.

It is interesting to hear the Minister for Human Services trying to rewrite history. He came into the job as a new Minister, much better and much more competent; but for a little over half of the past four years he was the Premier of this State and he presided over the cuts to the health services.

As I said today in Question Time, the Minister gave evidence to the Senate committee investigating the health situation in relation to the current negotiations on Medicare. It was certainly most interesting to read the transcript of his comments about the things that are happening in our hospitals, which we have been talking about for the past three or four years and which were flatly denied not only by the previous Health Minister but by the current Human Services Minister when he was Premier, by his refusal to enter the debate, and certainly by the current Premier. I will read some of the things that Dean Brown said to the Senate committee a few weeks ago. He said:

> Let me get down to specific details about what is occurring at the coalface within the hospitals. Occupancy rates are one important issue. Take as an example the Flinders Medical Centre, which covers the southern metropolitan area of Adelaide: it is routinely running at over 90 per cent bed occupancy levels. The optimum is considered to be about 85 per cent. I can say that, in the past few months, the Flinders Medical Centre has been running at 97 per cent occupancy.
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> . . . I met with senior medical representatives of all our major hospitals last Friday, and they told me that for the past two weeks there has been a critical shortage of hospital beds within our public hospitals. . .
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> Take another example: the waiting period after a person has been admitted to the emergency department and before they can get into a hospital bed. This reflects the level of occupancy of beds within that hospital. I take the Flinders Medical Centre. If we set as the standard those patients that have to wait more than 12 hours after being admitted to the Flinders Medical Centre before they can get into a bed, in 1994-95, 1 per cent of the patients had to wait more than 12 hours. In 1997-98 8 per cent had to wait more than 12 hours, and that figure appears to be significantly higher again this year, although we cannot give you the full figure for the full year.
>
> . . . That is not unique, it is also occurring in other hospitals. For instance, at the Queen Elizabeth Hospital. . .

He goes on further to talk about the matters that I raised earlier today in terms of waiting times and women being discharged two days after giving birth. He also talks about the incredibly high level of stress of medical nurses and support staff within hospitals. I must say that it was refreshing to hear the Minister admit that this was happening. This has been happening over the past five years. Remember, the Minister is giving this argument to the committee and he is talking about the past five years—the five years in which the Federal Government failed to reimburse $45 million but in which the State Government took out $230 million. As I said before, we have said these things time and again over the past few years but this is the first time we have had a Liberal Health Minister actually admit that what we have been saying and what so many people in the community have been saying constantly is, in fact, true.

I actually looked up some of the information that we had from a long way back and noted that, as far back as 1995, the Vice President of the AMA had warned that cuts to the health budget and bed closures could lead to the loss of lives. At the same time (1995), the Queen Elizabeth Hospital said that bed closures would lead to waiting lists for diagnostics procedures such as angiograms for heart disease and that patients were being transferred to the RAH because the Queen Elizabeth could not cope. The Chairman of the Queen Elizabeth Hospital's Medical Staff Society warned that bed and ward closures meant that hundreds and possibly thousands of people could not be admitted for treatment. This happened in the past five years. Time and again we are reminded of this.

At the moment the Minister is negotiating strongly on behalf of South Australia with other Health Ministers and the Federal Health Minister. I want to make quite clear that we absolutely support the Minister's endeavours in relation to the Federal Government. We also agree that the Federal Government has a responsibility to put in more funds, because we have greater levels of activity, an ageing community and advances in technology that cost more. So, we have a strong position of absolute support for our Human Services Minister in this State with the other Human Services Ministers fighting for more money from the Federal Government for the next five years.

However, I would also say that health funding is a two way street. Health funding comes from both State Governments and Commonwealth Governments, and I would have thought that, as well as fighting strongly for more Commonwealth funds, this State Government would also acknowledge that it had a responsibility to change its game. In the present budget delivered last week we read that resources will be maintained at existing levels. The point I am making is that, if you are going to demand more from the Federal Government, fair is fair. After all, the biggest cuts—the biggest damage to our health system—did not come from the Federal Government at all: they came from this Liberal State Government, and it is about time it looked squarely at itself in the mirror, saw itself as it is and took up its responsibilities.

Mr HAMILTON-SMITH (Waite): I commend this Bill and this budget. I will focus my address on one particular aspect of the affairs of State at present, and that is abuses of the WorkCover regime and the Government's good efforts in containing the costs to the taxpayer associated with that illegal activity. The Workers Rehabilitation and Compensation Act 1986, as amended on 3 June 1996, provides for a new method of resolving disputes about workers' compensation claims. It replaced the former regime which was essentially litigious and adversarial in nature and which comprised a review panel, the Workers' Compensation Appeal Tribunal and the Supreme Court of South Australia. The new regime is primarily focused towards early intervention and structured conciliation. The Act and WorkCover have, however, always been subject to fraudulent or deceitful action by both employers and employees. This fraudulent activity has been the subject of considerable media attention and legal action.

Examples of fraudulent activity have included: employers claiming more money from WorkCover than they pay their injured workers; false claims for non-existent injuries or injuries incurred outside the workplace; claimants working while still receiving payments; illegal immigrants receiving benefits; over-servicing by health and medical workers; misrepresentation of medical status by employees at the commencement of employment; and fraudulent action by employees in receipt of benefits designed to avoid returning to work. Estimates of the extent of the fraud range between 5 per cent to 20 per cent of claims. Some fraudulent activity is clearly in breach of section 120 of the Act, section deals with dishonesty. These cases can be prosecuted under the Act, with maximum penalties of up to $50 000 and imprisonment for one year.

Examples of successful prosecutions in 1996 of such clear and apparent breaches make for interesting reading. In one case, a 56 year old former cashier claimed $47 000 in benefits for a false stress claim through the Women's and Children's Hospital. Meanwhile, she worked 35 hours with a law firm whilst claiming a benefit. In another case, a meat processor dishonestly received benefits after claiming a fellow worker broke his toe while stepping on it! It was later revealed that the fellow employee was not on duty that day. The claimant was fined $2 000 with $2 500 costs. In a third case, a locum who was found over-servicing patients had visited a WorkCover patient 349 times in 245 days. The doctor was only reprimanded. In a fourth case, a 41 year old man collected $28 500 in benefits while also shearing in Victoria and Tasmania. The man injured his ankle at work in 1990 and was receiving about $827 a week in benefits. In a fifth case, two employers deceived WorkCover by $21 000 by receiving more in payments than they paid out to injured employees. They were fined $10 000 and ordered to repay WorkCover.

There are other, less apparent abuses. The problem for enforcement of the Act is that many frauds and abuses are very difficult to prove. This is particularly so with psychiatric disability, repetitive strain injury, back injury or invisible lumbar injuries, loss of sexual performance, hearing loss, etc. Amendments to the Act implemented in the past two to three years have tightened up section 30A—Psychiatric disabilities—to require more stringent testing on compensability. Action was also taken to remove claims for incapacity to engage in sexual intercourse. Such claims were rampant in 1996 and in the view of many, constituted a flagrant abuse of the Act.

A problem is that a number of weaknesses remain in the Act. Section 53 of the Act outlines arrangements for the determination of the claim and it is arguably fairly weak in the requirements it places on the claimant to substantiate an injury. In effect, a worker can allege an injury, go to a doctor, have a doctor confirm that there is an injury, and make a claim. A requirement for the injury to be witnessed by a third party, or for any other form of substantiation, is the employee's word against the employer, although in certain cases the Act requires an employee to submit to a further medical examination. Upon receipt of a claim through its claims agent WorkCover may direct an authorised officer to make investigations which may involve attending the employer's premises to obtain statements and other information. The employer is obliged to provide such assistance as may be necessary to facilitate the investigations under section 110(8) of the Act.

There are weaknesses in the dispute resolution process, however. A statutory right exists to review or dispute decisions on claims for compensation pursuant to section 89 of the Act. The problem is that the Act is devoid of incentives for businesses to take the time or maintain the resolve to question claims they suspect to be fraudulent or dishonest. The reality is the employer must pay the levy, presently on average around 2.8 per cent of payroll. The levy provides insurance for the employer against claims. To further examine this problem for small business, I remind the House that the Act enables dishonest claims to impact considerably on the levy an employer must pay due to the bonus penalty scheme introduced in 1990 on the basis of section 67 of the Act. A participating employer with a good claims record may qualify for a bonus or remission of levy of up to 30 per cent. A bad claims record is likely to result in penalty levies of up to 50 per cent.

The only criteria upon which the claims record is assessed is the actual claims cost. Unfortunately, the Act fails to recognise that the high cost of claims may not be attributable to an unsafe employer but rather to poor claims management or a few costly, dishonest claims by a minority of employees. The claim costs upon which the levy is calculated not only encompasses weekly repayments, medical rehabilitation expenses and lump sums, but, since July 1996, has included legal and investigative costs. One measure this Government has taken to address these problems is to operate a fraud unit which assesses dishonest activities within the context of the Act. It receives, on average, 60 to 70 referrals per month. Currently, over 200 fraud files are under investigation and legal opinion is being sought on 16 files with a further 27 matters before the courts. Nine to 10 prosecutions are completed every quarter.

Case history shows a tendency for interpretation of the Act favourably towards employees, particularly in less apparent abuses. As the Supreme Court found in section 5246, *South Australian Mental Health Services (Appellant) v Marg Ush (Respondent)*, usually the worker will prove enough to put an evidentiary onus on the employer. Another measure which has been implemented by employers to tighten up arrangements for implementation of the Act is to require, through employment applications and employment contracts, information and undertakings from prospective employees about their prior medical history and subsequent conduct. In particular, for minor claims the Act simply requires an employee to convince a doctor that an injury has been sustained. Of course, doctors stand to benefit financially from a successful claim and it is a matter of ethics as to the extent to which they give an employee with an invisible injury the benefit of the doubt.

I have spoken to the strengths and weaknesses of the legislation in the light of tort and make conclusions in respect of the objects of the Act. It is reasonable to conclude that most of the objects of the Act are being achieved but there is some further work to do. The operation of this legislation also underlines the difficulty that exists in prevention and proof in cases of less apparent dishonesty. In incorporation of third party negligence the employer contributing negligence into the general provisions of the Act on a no fault basis is also at the employer's expense for which there is no escape for management.

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

Mr CONLON (Elder): I did not intend to address the matter just addressed by the member for Waite: it is impossible in a 10 minute grievance to give an examination of the depth and breadth of the ignorance of the member for Waite on this subject. I will just point out a couple of things to him before I move on to the subject I will speak about. In his desperate desire to find dishonest and predatory workers on the WorkCover system, he has managed to identify 27. Let me tell him about some doctors, those doctors who take the Hippocratic oath to care for people. I have seen them, at $1 500 a pop, review hundreds of workers every year referred to them by insurance companies—hundreds of workers every year over decades—and they have never found a worker with anything wrong with him or her. So, when the member for Waite talks about people with no ethics, when he talks about fraud, he should address some of his own bias and ignorance. I also say this: if the member for Waite is injured at work, he

will have a far better time of it than any worker in South Australia.

The Hon. M.K. Brindal interjecting:

Mr CONLON: We are covered night and day. Having got that off my chest, I turn to do something in this House that I have not done in the short time I have been in it. It goes against my nature, but I congratulate the Government and the Liberal Party in South Australia on one position that they have taken, and that is their position on matters associated with race. In particular, I refer to the Government's recent attitude to the Sorry Day of 26 May, and also to the attitude of the State Liberal Party on Pauline Hanson's ignorant One Nation Party, that is, the decision of the State Liberal Party to put it last when it comes to preferences.

I compare this to the actions of the Prime Minister of Australia (John Howard) and the actions of the current Queensland Government, scrabbling without ethics, without principles, without morality, to keep their hold on Government. They stand in stark contrast to the principled position taken by this House and, I must concede, taken by the Liberal Government in this House, which has never in my experience sought to score cheap political points in this despicable area. Pauline Hanson, despite the unwillingness of John Howard to say anything bad about her, is a person who is ignorant in the truest sense of the word: she does not understand or will not understand the evil she does.

The One Nation Party is a collection of flat earth economic vision, snake oil policy remedies, and the rest of it is made up with a few pints of black, bitter hatred, ignorance and xenophobia. Despite this, what have we heard the Prime Minister of this country say about members of this Party: 'They are no more racist than you and I'. He might be able to say that about himself and Pauline Hanson, but he cannot say it for me.

Mr Koutsantonis: She thinks John Howard is a gentleman.

Mr CONLON: And well she might. The Prime Minister of this country, instead of condemning this woman, has done nothing but blow kisses to her across the Chamber for three years. His performance is a disgrace.

I turn now to the genie that this Prime Minister has let out of the bottle. And this man has a very poor track record in this regard. It was the current Prime Minister who, in about 1988, was the first person of any stature in this country to play the race card, when he suggested that Asian immigration might need to be slowed down for the sake of national cohesion. The man has a track record.

Let us look at what he has achieved for Australia in the past three years. He has refused to be condemnatory of Pauline Hanson and her poisonous followers: in fact, in the first comments he ever made about her he basically applauded the fact that, since getting rid of the evil Labor Government, people had the right to speak their mind. We now see that the race genie has well and truly been let out of the bottle in this country. In Queensland, in collusion with John Howard—virtually encouraged by John Howard—we have seen a decision by the National-Liberal Coalition to direct its preferences to One Nation ahead of the ALP. That is a Party that should have been condemned by every right-thinking person, by every right-thinking opinion leader in this country and by every member of this House—and I applaud members for that. It was given a status, a seriousness and a legitimacy that it does not deserve, that it has never deserved, and Australia will pay the price.

We now see, since this grubby, vile deal, One Nation in some seats in Queensland running the risk of putting people in the Lower House. The Prime Minister, in his address to his Party room the other day, said, 'They are nothing to worry about; the Democrats went that well at first.' What a consolation that is for the people of Australia. I point out that the Democrats have seven senators and, if John Howard believes that it is acceptable that these poison pedlars should have seven senators in our Senate, that they should hold the balance of power in this country, I believe that he stands condemned.

I refer also to the immigration policy of the current Government. I referred to John Olsen as 'the back door man' the other day. I believe that that does him a disservice because, if there is a back door man in this country, it is John Howard. He eventually apologised for his comments on Asian immigration in 1988—he eventually did, dragged kicking and screaming. But he did not mean it, because since then we have seen a cut in migrant intake. I say, in all seriousness, that I wish with all my heart, in the interests of South Australia, that we could have some migrants, and some Asian migrants—migrants from anywhere. But what we have seen is a cut in the migrant intake. There has been no analysis of the national interest, but we have seen subtle back door changes that have ensured that the Asian proportion of the migrant intake is not favoured. John Howard has got by the back door what he raised in 1988, and it is a disgrace.

This Government and the Queensland Government stand condemned for their position on race. Every right-thinking person in this country is now sitting with a nervous chill in their spine looking towards the result of the Queensland election on 13 June. I hope that the people of Queensland will show better judgment than have the Government of Queensland and the Prime Minister of Australia and turn their backs on the ignorant, flat-earth, snake oil racist merchants from One Nation: I hope that they will show better judgment than those people and not vote for them in the manner that the current polls suggest. But, if they do, it will be the legacy to this country of the worst Prime Minister we have ever had.

I do not extend my condemnation of these people to the Liberals in this Chamber. I again congratulate Minister Dorothy Kotz on her position on the Sorry Day and I contrast it with the position of the Federal Government. John Howard will not apologise. He will never apologise: the man is too small, too churlish, too curmudgeonly and too deeply conservative in his heart—but we can live with that. But what did we see from the Federal Minister for Aboriginal Affairs, who has responsibility for the welfare of Aborigines? He called those members of Parliament who showed emotion about it 'cry-babies' and 'wimps'. The Federal Minister for Aboriginal Affairs—in comparison with the Minister for Aboriginal Affairs in this Government—also stands condemned. I hope very fervently, and from the bottom of my heart, that in the election on 13 June the people of Queensland show better judgment and foresight than does their current Government.

Mr CONDOUS (Colton): I was not going to speak this evening but, having just heard the member for Elder, I would like to say a few words about One Nation and the Pauline Hanson factor. I am very proud of being an Australian, having been born in the City of Adelaide of ethnic parents who migrated in 1928, and having lived in the heart of this city. I have always been proud that, as Lord Mayor, I have been able to travel the world and tell many people that people

of 151 nationalities lived in the City of Adelaide and that Adelaide probably did it better than anywhere else because of the harmony amongst ethnic communities: I have been able to say that acceptance by the Australian community of multiculturalism was better and healthier in Adelaide than it was elsewhere in the world.

We need go only to places in America to see the racial hatred involving the Hispanics and Indians to realise how bad things can be. Mind you, it was not easy for me in the early years either, because there was not a proper understanding by the Australian community of what multiculturalism was all about. I refer to the early 1940s when I attended Sturt Street Primary School for about four years and I got into fights every day because we were called dagos and all the other things that went with it. But that involved an ignorance by the community about what the contribution by migrants was going to be in this country.

I am horrified today that this woman—Pauline Hanson—who has absolutely no substance is dividing the Australian community more than any other factor that has ever come into this country. Never has one person developed so much bitterness and hatred among people. The alarming thing is that it has given an opportunity to come out to all the rednecks who were hidden under the floorboards, like termites in timber, because of one person's passion for hatred against anything that comes into the country from another place.

I refer to her total hatred of Asians. Certainly, I am grateful to God that he gave me the capacity so that, when I look at a person, I see no colour or religion. I simply judge them on what they are as a person and not their nationality, country of origin or religion. Certainly, if the people of Queensland are stupid enough on Saturday week to support Pauline Hanson, they will lose the respect of every decent Australian, who will see them doing nothing more than ethnic bashing and having no warmth or willingness to embrace others.

We must look at the colour that the people of 151 nationalities have added to our country and our community. I refer to the history that we have come to recognise from the various ethnic communities, the different dances, the cuisines, the customs and the colour that they contribute. Also, let us look at the number of people of ethnic background who have come to Australia, who have now become proud Australians, who fly the flag as Australians first and who have made major contributions to this country in education, commerce and business, health, architecture and many fields. In the space of a week I could come up with 1 000 names of people about whom members would be well versed. Let us take David David, who is of Lebanese extraction, of the Cranio-Facial Unit. Where would that unit be today if it was not for the effort of this man? Australians are proud because he has brought in children from the Philippines and South-East Asia who have huge facial deformities and sent them home with a life.

That is just part of it. We should not forget what this country is all about, because its strength lies in our ability to embrace each other and work together. Once we become divisive and want to find faults in each other, we are doomed. We will go down the proverbial gurgler quicker than anything.

The other night I listened to Pauline Hanson, and I could not make commonsense out of anything she said. I have watched her on television interviews for 20 minutes, and I have not been able to find one idea that made any commonsense which I want to embrace or which made enough sense to make it worth our thinking about. It was all just criticism of people, because of their colour, eye shape or religion.

I support the member for Elder. On Saturday week, we should all hope that Queensland people show a little character and absolutely ignore her. I am disappointed with the Prime Minister, too; it is appalling that he has not condemned her more strongly from day one and has allowed her to gain strength. She will become a knife in the side of every Australian—and not just those in ethnic communities.

Mr De LAINE (Price): This evening, I was going to raise a few issues involving my electorate but, after hearing the member for Mawson, I changed my mind. I just cannot believe the honourable member. Over the years, he has just not been able to bring himself to give any credit to unions. He comes into this place and bashes unions at every chance he gets, yet he knows nothing about them. He has no sense of history. He is a farmer. I assume that he is a good farmer, and I dare say that he knows a lot about farming. However, when it comes to unions, workers and industrial relations, he knows absolutely nothing, and he should keep out of that area.

I want to speak tonight in support of unions and what they have done. In particular, I would like to speak about the union that the honourable member criticised, that is, the Maritime Union of Australia (MUA). The honourable member and members opposite must realise that the need for unions was brought about by the way in which farmers and bosses treated workers in the olden days. That treatment created the need for unions, so they were formed, and ever since then farmers and bosses have proceeded continually to treat workers badly; and that has made unions as strong as they are today.

The Hon. M.K. Brindal interjecting:

Mr De LAINE: I know that, but that's the history of it, Minister. If the member for Mawson and other members are unhappy with unions, they have only themselves to blame. I know that is a generalisation, as there are plenty of good farmers and bosses. Nevertheless, bad farmers and bosses generally caused unions to be formed and to become as strong as they are.

The member for Mawson admitted he was a member of an organisation—the Farmers Federation. Of course, that is only another name for a union, and he admitted that in his speech. We have the Chamber of Commerce and the Australian Medical Association. Whatever they are called—whether they be federations, associations or chambers—they are unions, and they are there to protect their members and industries. I have no quarrel with that; that is good. Members such as the member for Mawson should not be hypocritical and abuse workers who also want to be in a union and to participate in union activities because, after all, we live in a democracy.

As I said, the member for Mawson has no sense of history. True, he mentioned communist activities within the Waterside Workers Federation. In times past, the Waterside Workers Federation was infiltrated by the Communist Party. Over the past 130 years, the Communist Party and other organisations have made many concerted efforts to infiltrate the former Waterside Workers Union—the MUA as it is today—and destroy it from within. However, all those attempts have failed. It is a great credit to the waterside workers that they have been able to withstand those sorts of pressures, and this present dispute will also fail for the same reasons.

It is necessary to achieve cooperation. The MUA members recognise that restructuring is necessary on the Australian waterfront. There has been quite substantial restructuring, and the union has accepted a drastic decrease—about 57 per cent—in the number of workers. They have restructured enormously, but they admit that there is still a way to go.

The way to do that is by negotiation and cooperation rather than confrontation. It is well known in Port Adelaide that, as a result of the cooperation between the Maritime Union of Australia and the shipping companies, much progress has been made. In fact, with respect to this latest conflict, Sealand and P&O have come out strongly in support of the maritime union and its work. There are no problems with that. The Eastern States are lagging behind and, as I say, the union recognises that restructuring needs to be undertaken.

The member for Mawson and most members opposite are enjoying a standard of living today which, in the main, was brought about by activities of the former Waterside Workers Federation. The wharfies of the 1940s and 1950s did all the hard stuff: they worked under appallingly dreadful, dirty and very dangerous conditions and endured enormously long working hours. In many cases they were treated like slaves. Many waterside workers were killed and many very seriously injured because some of the bosses at the time forced them to load slings and pallets past their safety limits, and with tragic results. Horrendous injuries and even death, as I say, affected the families of the waterside workers enormously.

These workers had to endure this situation, but they had the guts to stand up and be counted. They won all the hard fights. They won wage and award conditions which ultimately flowed on to other unions and then to the general community at large. As I say, every one of us in society today must largely thank the former Waterside Workers Union for the standard of living that we enjoy today.

In recent times members of the Maritime Union of Australia put their hands in their pockets and gave $250 each towards a fund to assist drought-stricken farmers. The total amount donated to the farmers was approximately $70 000. This donation was to assist unfortunate farmers and their families. I cannot ever remember a time when farmers put their hands in their pockets and did the same thing for waterside workers and their families when they were suffering hard times.

The member for Mawson gave a couple of examples of what he called 'unfair' behaviour by waterside workers. I could quote hundreds of examples of the inhuman way in which shipping companies treated waterside workers. I will not go into that now but, having been born and raised in Port Adelaide, and being very proud of it, I might add, over my lifetime I have known very many waterside workers, some having been family members. I am not saying that they were always right but, as far as I am concerned, in most cases they were.

The vast majority of times they would strike on safety issues. Very rarely did they strike for wages. Now and again they did, but people tend to think that they were always on strike, that they were greedy and that they always wanted more wages. That was not the case. Most of the strikes related to safety issues and, in the late 1960s, an agreement was signed whereby they would not strike for any reason other than safety issues. The workers have shown a lot of responsibility in that respect and they continue to show that responsibility.

Most of the waterside workers I have known throughout my life were decent men whom I could look up to. They came from decent families and always tried to do the right thing. All they wanted was a fair go, and I have been proud to know them. They wanted only to be part of a union, to ensure that their work place was safe and to make sure that those conditions flowed on to other unions and workers in our society.

Every Christmas a social function is held by the Maritime Union of Australia, and all present and all former Maritime Union members—seamen and waterside workers—are invited. I am also invited every year, and I thoroughly enjoy that function, which is attended by a lot of men and a few women. It is a marvellous show and it is good to mix with these types of people. There is always someone in any organisation who is a bit radical or a bit of a rebel, but most waterside workers I know are decent, law-abiding citizens who want nothing more than a fair go.

I pay tribute to the effort put in by Federal Secretary John Coombes and State Secretary Rick Newlyn during the recent MUA dispute. These two men are very sensible people. They remained focused on the main game, they never got personal and they conducted themselves on behalf of their members in an exemplary way. They contributed towards the two judgments that were handed down in favour of the Maritime Union. The fight is not over by any means but the Maritime Union won the first two rounds and I pay a tribute to those two men, in particular, who led a disciplined effort by all Maritime Union members for the sake of the industry. As time goes by we will see how it pans out, but I am sure that they will win in the end.

Mr McEWEN (Gordon): I wish to report on a decision that I made today in the Economic and Finance Committee to disallow the River Murray Catchment Water Management Board's initial catchment water management plan for 1998-99. It is a decision that I did not take lightly and one the enormity of which I am unaware. Tomorrow, when the matter is brought before the House, I will accept that at the end of the day it is the Government's decision, not my decision, so I will not resist it. However, tonight I want to briefly put on the record the numbers that were presented to the committee today. On the basis of those numbers, members will see why, on the surface, to support this catchment water management board is simply to support what could only be described as a bloated bureaucracy.

Mr Hill: If it's bad today it'll be bad tomorrow.

Mr McEWEN: It will still be bad tomorrow, I accept that, but tomorrow I will be only one vote out of 47. Tomorrow Parliament will decide. Tomorrow I will say at the end of the day that the minority Government is accountable to the people. That notwithstanding, I wish to put on the record the numbers that were presented to us today, to give others the opportunity to convince us that they can be interpreted differently. However, I can tell the House that, along with the shadow Treasurer, my interpretation of the numbers is quite simple.

Today we were presented with a total budget of just over $6.21 million, of which at the end of the 12 months $1.49 million would be in reserve. That meant that this budget would expend $4.714 million in the 12 month period. Of that, $3.036 million would be taken out of the catchment budget as a contribution towards the National Heritage Trust, leaving in the budget $1.674 million of core funding. When I turned to the operating overheads I noted that approximately

half of that sum, namely, $814 000, would be spent on operating overheads.

On my reading of the figures, I inferred that 50 per cent of the total budget would be spent on overheads. One line in the budget provides for 'outsourcing—research and investigation—$300 000'. In the best possible light, I could take the $300 000 out of the operating overheads budget and put it into the projects budget. That would reduce the operating overheads budget from $864 000 to $564 000, so in the best case scenario, 33 per cent of the budget would be spent on overheads.

The worst case scenario is 50 per cent, and I would ask how anybody could seriously allow such a budget to go forward. We will be told tomorrow that, as rubbery as it is, it is only an indicative budget. Do not believe that, because the General Manager on $90 000 a year is already appointed; the Project Manager on $60 000 a year is already appointed; and the Finance Manager on $50 000 a year is already appointed to run a budget of about $1.8 million. That is absolutely outrageous. The Administrative Officer on $40 000 is already appointed, and the Administrative Assistant, whose salary was not disclosed to the committee today (but I could put it down at maybe $25 000), is already appointed. These are not indicative. These are actual expenses that will be incurred in the next 12 month period involving five people in this bureaucracy who have a core function of managing a budget of $1.8 million.

On that basis, and after quizzing the experts who came before the committee this morning, and then deferring the Economic and Finance Committee meeting and reconvening this afternoon (thanks to the privilege of the House), we were given absolutely no reason to put any other interpretation but that on the figures. On that basis, one could only disallow the budget for the River Murray Catchment Water Management Board's indicative catchment water management plan 1998-99.

However, if we disallow in Parliament tomorrow, we do something quite different. We actually now put the environment at risk. This is the second time within a week that we have had a gun at our heads, when we have had to ask: what comes first, democracy or the environment? Remember the 'Sorry' day we had last Thursday, when we actually put on the electors of Schubert the only division 1 levy on ground water anywhere in South Australia? I am not accountable to the electorate of Schubert for that, but remember that at that time we were told that the Murray Catchment Water Management Board also had division 1 levies in it. The Murray Catchment Management Board does not have division 1 levies for ground water.

The Hon. D.C. Kotz interjecting:

Mr McEWEN: This is important. You will have your opportunity tomorrow, Madam Minister. Faced with the facts with which I was presented today, I had no choice but to say that we cannot support a bloated bureaucracy with overheads of somewhere between 50 and 35 per cent. Unfortunately, within the time frame, we did not have the opportunity to go back and renegotiate this expenditure. Tomorrow the decision will be one between democracy and the environment, and I think once more, unfortunately, we will have to go ahead with it.

Mr HILL (Kaurna): Tonight I will address a number of issues in the environment area. First, I refer to a couple of contributions made today by the member for Waite. He surprised me, because I thought he was a man of some sensibility. He made two contributions, the second by far the worse, and that was his appalling denigration of people who have suffered under WorkCover, an absolutely one-sided and biased account of problems in the WorkCover area.

The earlier speech, which he made on behalf of the Minister for the Environment, was an attack on me for comments I made in the House yesterday. This was a written speech that even he, the member for Waite, was embarrassed to be making. I was very interested in what he had to say. However, I was very disappointed that the Minister herself, if she had some objections to my comments or wished to debate with me about these issues, did not come in here and make the comments personally. Instead, she sent a rather embarrassed member for Waite to make the comments on her behalf.

That is par for the course for this Minister. The comments just made by the member for Gordon also demonstrate amply the incompetence of this Minister for the Environment. Again we have a serious mistake in the Water Catchment Board area. Once again we have had an Economic and Finance Committee object to a proposal put before it because of incompetence in the construction of the plan, a bloated bureaucracy in this case where 50 per cent of the levy would go to administration.

The same thing happened last week. Sketchy plans were put before the Economic and Finance Committee, they were rejected and the Minister came into the House without any warning and wanted them pushed through the Parliament. Sadly, the Government's numbers prevailed. By the sound of it, the member for Gordon has done it again. I am disappointed that, if today he considers it incompetent, wrong and a travesty, tomorrow he will consider it the opposite. You cannot have it both ways—either it is wrong or it is right. If it is wrong, you should knock it off and allow the Minister to sort out her own problems, because she has plenty of problems; water catchment is just one of them. We have seen a whole list of mistakes she has made in that area. We have two Independent members of this Parliament as a result of the incompetence of the Government over this issue. That incompetence will continue.

When this water issue came to my attention just after I was made a shadow Minister I said that the simple solution to this—what the Minister should do in the case of the South-East—is to appoint an independent review process to try to sort it out rather than have local people with vested interests fighting amongst themselves. The Minister rejected that, said that I was ignorant and did not know what I was talking about and that I was totally wrong.

I was delighted two days ago to receive some correspondence from Dr Wally Cox and Mr Paul Baxter under the heading, 'Independent Review of South-East Groundwater Management and Allocation'. The Minister for Environment and Heritage has announced that they 'will be undertaking an independent review of groundwater management and allocation in the South-East of South Australia'. I feel vindicated because that is what I said some months ago should happen. After three or four months of absolute confusion and concern in the South-East we are finally getting what should have happened, namely, an independent review of the matter. No doubt the Minister will accuse me again of being ignorant and get one of her backbenchers to come in here and make a speech in opposition to me. She will not come in here and say it herself.

The other issue where the Minister's incompetence comes to the fore concerns native vegetation. Earlier this year the

Minister introduced some regulation changes which would have allowed greater opportunities for people in rural communities to clear native vegetation. The Conservation Council was opposed to this and we opposed the regulations in this House. The Minister then said that she would set up a review of the native vegetation regulations and that there would be a process whereby all possible regulations could be considered.

Unfortunately, Jasemin Rose, the Vice-President of the Native Vegetation Action Group of the Conservation Council, wrote to the Minister and said:

> We were sure you proposed a full consultation re the Native Vegetation Act and regulations. The significant changes to the terms of reference are causing us considerable concern. We ask: why have you decided to make these changes?

Well they might ask because the Minister makes changes lots of times without telling people why she is making those changes. The council that looks after native vegetation, too, is of great concern to the Conservation Council and to me. The Conservation Council of South Australia expressed the following concern:

> Despite the council being charged with the 'conservation of the native vegetation of this State in order to prevent further reduction of biological diversity and further degradation of the land and its soil', the State Government has appointed a majority of agricultural interests (including the new Presiding Member—former Liberal MLC Peter Dunn). . .

In addition, the Minister has reappointed a person to the council who was knocked off by former Minister Wotton because he was so closely aligned to Graham Gunn, the member for Stuart. He basically did the bidding of that member, fell asleep during most of the meetings and then voted the way he had been told to by the member for Stuart. He was put back on the board by the current Minister, this incompetent Minister, who replaced a botanist from the University of Adelaide, Dr Jose Facelli, who actually knew something about the issues—but why would you want expertise to get in the way?

Mr Dunn, who is now the presiding officer of the Native Vegetation Council, said the following about native vegetation in 1984, when he was a member of the other place:

> I believe that agriculture should be given due consideration and due reward.

With which we would all agree.

> This legislation—

that is, the native vegetation legislation which he now administers—

> cuts right across that objective and does not support or help agriculture in any way at all.

How can a man who was opposed to this legislation when it was first introduced 14 years ago now be put in charge of running it? How could anybody have confidence that this particular board will do the proper job that it was set up to do?

The other area in which the Minister has shown her complete incompetence concerns the Pastoral Act. Some time ago, the Minister put forward some amendments to the Pastoral Act. There was no proper consultation with the Opposition. I did not see any departmental officers. I had a brief chat with the Minister, who told me that it was all right; but little information was passed. We opposed it, and in the Upper House it was referred to a select committee. I offered to negotiate a compromise on this. I talked to the Pastoral Board chair and to the Farmers Federation. I said that if we could get some acceptance on a few simple issues we would get this legislation through; but no compromise was offered. If the Minister had accepted that compromise—and we were not asking for a substantial amount—she would have got her legislation through. But, no, she would not do that.

Another area in which the Minister has shown incompetence is in relation to waste management. In this State at the moment we have absolute chaos in this community because nobody knows what is happening in the area of waste management. All the communities that face the threat of having dumps in their area are absolutely up in arms. No consideration has been given to their concerns. The Government is just ploughing ahead with a second-rate system. If the Government had done what its own document said it would do, which was to have a proper planning process and to involve the EPA at a proper level, this would not have happened.

The other issue I will mention in conclusion relates to the secrecy which surrounds the Minister and her department. Since I have been the shadow Minister I have had two briefings with the head of her department. On both occasions a political officer from her office was taking notes and was, no doubt, reporting back to the Minister. I have been given no other opportunity to talk to departmental officers whom I have asked to see: I have only been allowed to see the head of the department. Lower level officers have not been able to see me. They look embarrassed when I front them in public places, at meetings and so on; in fact, they move away from me as they do not want to be seen next to me because they have been banned from talking to me.

In fact, the chair of an independent board came to me and said that he had been told not to talk to me. He had been advised against talking to me by the Minister's office. That says something about the secrecy of that office. This is a Minister who is supposed to be looking after protected species, but by the way in which she behaves the only protected person in her office is herself.

This Minister is out of control. She does not know what is going on. She does not have the confidence of her backbench. When she is on her feet they snigger behind her back. They know that she has made a mistake about the water catchment boards. If they were capable of an honest vote, they would vote against her and, when her Bill comes in tomorrow, if they are honest they will vote against it.

Mr CLARKE (Ross Smith): There are a couple of points that I will raise in my grievance debate tonight, and it is appropriate that you, Sir, should be in the Chair when I make some observations with respect to Question Time today and yesterday. Yesterday, I believe that the Opposition asked about six questions during the hour set aside for Question Time; today, according to my calculations, the Opposition got through seven questions. The last Minister to answer a question was the Minister for Education, Children's Services and Training who took six minutes to answer a dorothy dixer from the Government side.

I do not know whether someone is running a secret book in this House on who can be the most verbose and time-wasting Minister on the front bench, or who can exceed the former Minister for the Environment (the member for Heysen) in being verbose and time-wasting in answering questions. We repeatedly see Ministers, particularly in reply to dorothy dixers, engage in debate, which, in my view, is contrary to Standing Order 98, and taking inordinate time to answer the question. The truth of the matter is that they do not answer any questions. In fact, Standing Order 98 is more honoured in the breach of it than in its observance.

Over time, a practice has developed where Ministers are given a great deal of latitude in the way in which they answer questions. I have often thought that, if I asked a question about whether the sky was blue, the Minister would reply that the moon was made of cheese—there would be a great deal of difference between the question and the answer. That is the type of answer that we get from Ministers. I think this Parliament is being treated with absolute contempt by Ministers of the Crown. They make no attempt to answer questions but deliberately pad their answers to frustrate the Opposition in terms of the number of questions that the Opposition can ask, and there seems to be very little that the Opposition can do about this.

When the Opposition reacts by way of interjection or heckling or whatever else that may take place, it is more out of a sense of absolute frustration because Ministers refuse to be accountable for their actions. They treat this Parliament with contempt and give long-winded answers which, in the main, have no relevance to the questions that are asked. I will leave my criticism of that aspect of Parliament at this juncture. I can only trust that there will be some restoration of the Westminster principle of the accountability of Ministers to this Parliament and this Chamber, in particular, by questions being answered succinctly.

The other point that I want to raise concerns a rally that I attended this evening in Victoria Square of those persons who oppose the sale of ETSA and Optima Energy. I had the pleasure—if I can term it that way—of listening to the Democrat spokesperson for ETSA and Optima Energy, the Hon. Sandra Kanck, speak at that meeting. I could be forgiven for thinking that the Democrats—who, when they went to the election in 1997, like all the major Parties including the Liberal Party, said, 'We will not sell ETSA or Optima Energy' and who pride themselves on 'keeping the bastards honest'—would be readily able to give their side of the picture in so far as the Government's proposal to sell ETSA or Optima Energy is concerned, but what did we hear from the Hon. Sandra Kanck tonight? Very simply, she is still sitting on the barbed wire fence—and apparently enjoying it.

I do not know what sort of a masochist is the Hon. Sandra Kanck, but the Democrats garnered a lot of votes in the Legislative Council at the last election by making it absolutely clear in their campaign commercial—'Don't sell South Australia short'—that they opposed the privatisation of this State's fundamental public utilities, including ETSA and Optima Energy. The Hon. Sandra Kanck is now going around wailing and wringing her hands, investigating all the Government's positions with respect to the sale of these energy concerns, in order to make up her mind as to which way the Democrats should vote.

In my view, it is very simple. The Democrats got an extra member in the Upper House partly because they campaigned strongly on the basis of 'We'll keep the bastards honest' and 'We oppose the sale of ETSA and Optima Energy.' It is no good now for the Democrats to say, 'Just like the Premier, we've been thunderstruck by new information which makes us gnash our teeth and wail.' The Democrats would like the Labor Party to relent on its policy position so that they can take the high moral ground and vote against this proposal. The Democrats hate having to show some backbone, but on this vote there is no in-between. They cannot be like blancmange and slip between the rocks and somehow escape unnoticed. If ETSA and Optima Energy are sold, that will happen solely because the Democrats ratted on their election commitment of October 1997. They lack spine, and they lack any guts or integrity whatsoever.

I expect that sort of behaviour from members of the Liberal Party because that is their track record. If you deal with snakes and snake oil salesmen, do not expect them to react any differently. The Democrats do not pretend to be holier than the members of the Liberal Party, but this is a bit rich coming from the Democrats when they pretend to be holier than thou and end up being harlots.

I saw them engage in that type of behaviour with respect to the retail shop trading hours in the last Parliament, when the Hon. Mike Elliott stood out on the steps of Parliament House with me, saying to the small traders and shop assistants, 'We will not support the extension of Sunday trading' with respect to the shopping hours—but they ratted at the eleventh hour. I remember the Hon. Mike Elliott outside on the steps of Parliament House before 15 000 workers on a hot day in February 1995 saying that the Democrats would not allow the atrocities the Government sought with respect to WorkCover to take place; they would oppose that legislation. But they ratted in substantial part when push came to shove.

I have seen that on a number of occasions over the past four years during which I have been in this Parliament. This is their biggest test, because if the Democrats fail this test they are utterly condemned. No more can they say, 'We will keep the bastards honest', because they have not done that whatsoever. They have betrayed all those people who voted for them with their primary vote and who had not yet decided to come across to the Labor Party. We got a lot of their second preferences, but not their primary vote. They will condemn themselves at the next election; they will be the bastards, because they have not honoured their commitment. We have seen this before with the Democrats federally with respect to the Industrial Relations Act when Cheryl Kernot was the Leader of the Democrats.

An honourable member interjecting:

Mr CLARKE: I understand that, and I have not forgiven her for what I regard as her ratting on the workers with respect to that industrial legislation in Canberra. She has her views on the matter; I have mine. What I am particularly concerned about here in South Australia is the lack of backbone of the Democrats. When I heard this mealy-mouthed type of act of 'on the one hand this and on the other hand that' it reminded me of the comment of President Harry Truman. When discussing the economy he said, 'For God's sake give me a one-handed economist.'

What we want from the Democrats is a firm answer. Will they live up to their election commitment or will they once again try to weasel out at 2 o'clock in the morning after pretending they are the great champions of the working class and, when the going gets tough, slink away and show the lack of spine they have shown so often in this Parliament?

Ms THOMPSON (Reynell): Earlier today in my comments on the budget I mentioned school closures and said that I would address that issue further. I wish to do so now. The announcement that the Government intends closing 30 schools caused great distress and alarm to two schools in my electorate in particular, because they recognise that because of their small numbers they are likely to be focused on first. But each of those schools has its own community, its own character, its own need to exist and its own need to decide its own future, not to have a future thrust upon it. Tonight I will speak about the needs that those schools are addressing.

One of the schools is Lonsdale Heights Primary School in Sunningdale Crescent, Christie Downs. It has 270 children attending it at the moment, from CPC to Year 7. Some 60 per cent of the students are on schoolcard, and it is recognised as a disadvantaged school under the Commonwealth Literacy Program. Forty-nine of the children in the primary school are on special education programs, but I am pleased to say that 34 children are students with high intellectual potential and on a special SHIP program. This is a new initiative which recognises that children of high intellectual potential in an area where educational expectations are generally not high have particular challenges. This program has received a fantastic response and the children and their parents have embraced the opportunity.

The school has new leadership this year which, figuratively, has breathed new fire into its belly. The Principal is Geoff Higgins who comes with a great commitment and passion to providing educational opportunities for children who, under normal circumstances, may not expect to do very well at school. He is ably supported by his deputy, Chris Brown, who is extremely creative in his interactions with children and he has reformed the school assembly process so that children are able to display their skills and talents in many ways, develop some confidence in public speaking and in being able to show their achievements. Another important person in the leadership team is Michael Howell, the new Chair of the school council. As are many of the leaders in the school communities in my electorate, Michael is experiencing long-term unemployment. He and many others have devoted their attention to their children's opportunities, through extensive participation in the school and the efforts of these people is really making some of the schools in my electorate zing and develop strong bonds between the school and the community.

What are the issues facing the Lonsdale Heights school and many similar schools? One issue is convincing some of the children and their parents of the value of the education that they have access to through the school. Another issue is the maximum utilisation of the scarce resources available in the school. It is a bit old, a bit tired and a bit run down. I was pleased to see that expenditure in the budget is earmarked for replacing the straw ceilings in the school, one of those dated architectural phenomena now causing great problems, especially for children and staff with breathing difficulties. However, there is a special role for small schools. This has been shown in some recent Victorian research which has been looking at the important place of small schools in addressing poor literacy, especially in areas where there is a high level of low literacy.

Dr Peter Hill has identified that to do well children in these environments need high expectations, focus explicit teaching and engaged learning times. These are all best provided in a small, friendly, community based school environment. I will look at each of these factors in turn. First, in relation to expectations, it is generally the case that, when parents are experiencing long-term unemployment, it is difficult for them to see that their children could be doctors or lawyers. They often develop considerable skills in the workplace only to find that they have been replaced by technology, international capital and tariff adjustments. It is very hard to feel much self-confidence and self-esteem when a job that you have been proud to do no longer exists in Australia and you begin to feel that you are as irrelevant as the work you did.

For these parents to inspire their children takes extra effort, especially when there are high concentrations of these parents with low expectations of education and its value. It takes a lot of work in the school community to provide that high expectation which is likely to make children achieve. The parents need to be engaged in the school activity and affirmed in the value of what it has to offer. One recent example at Lonsdale Heights was an outbreak of head lice. Instead of doing what normally happens and calling in the community nurse, Geoff Higgins called some of the parents together to discuss their experience of dealing with head lice. They also brought in the community nurse to take part in this discussion. Once again it is an indication of the way the City of Onkaparinga is prepared to engage with its community in taking this different approach. The result of that single incident was that the parents felt much more empowered, much more able to feel that they had some experiences that were worthwhile, and to engage in the problem of eliminating head lice, simple as this might seem.

Another indicator of a low level of expectations of what a child can achieve is participation in a music program. Educationists generally consider that playing a musical instrument as a child offers many opportunities in terms of discipline, of learning the value of repetition and of learning the value of concentration, and it is regarded as being highly important in developing children with high motivation and expectations. Four of the 210 children in the primary school at Lonsdale Heights play a musical instrument, and they come from two families. In contrast, just to take at random a school from the much more privileged area of Magill, of the 570 students in the primary school at Magill, 140 have the value of playing a musical instrument. Overcoming that deficit is something that requires special concentration in the school community.

The second factor was focus explicit teaching, which means that the learning must make sense to each child. Again, this is something that can be achieved in a community that is small enough to be able to identify with the needs of the children and their family. Most important is engaged learning time, which is underpinned by good relationships and respect and trust between the parents, children and teachers. Again, a school of 700 or 800 is less likely to be able to develop these relationships than is a school of 200. Lonsdale Heights has made great progress in building a school community where all can flourish. If it were to close, the nearest school is Christie Downs Primary School, a large school of around 600 pupils. It is also excellent in its environment, but for some it will be unsuitable because it requires the crossing of major roads; for others it will be unsuitable because it is just too difficult to get there; and for still others it will be unsuitable because it removes the choice that parents have had in deciding whether their child will do better in a large or in a small school.

Parents with money have lots of choices about their children's education, and I consider it important for parents without money in the Christie Downs area that their choice be preserved. The other school at risk is the Morphett Vale South Primary School. I previously noted some of the factors involved there in terms of its providing education for children in transit.

Mr FOLEY (Hart): I want to make a short contribution tonight. The issue of Pauline Hanson was raised extremely eloquently and with great passion tonight by my colleague the member for Elder, and I also acknowledge the contribution by the member for Colton. In no way do I want to contribute any more in terms of the great feeling put in by the members

for Elder and Colton, except to say that I think that, given the speech in the past 24 hours by Pauline Hanson, which is one of the most reprehensible speeches made by a politician in this Commonwealth, it is an opportune time for us on both sides of this House to make some contribution.

The member for Elder is to be congratulated for not making this a Party political issue in this Chamber. He quite rightly acknowledged the statements of the Minister for Aboriginal Affairs—and, indeed, the present Premier and the former Premier were not at all supportive of Pauline Hanson. Unfortunately, the Prime Minister of this nation is not of that view, and I believe that is quite regrettable. One of the few times that I have felt at one with comments of Malcolm Fraser was when I heard Malcolm Fraser's reflections on the decision of the Coalition Parties in Queensland in terms of the preference allocation for Pauline Hanson. I believe that former Prime Minister Malcolm Fraser was correct in his condemnation of the decision of those Coalition Parties.

I believe that this nation lost a great opportunity through our Prime Minister's not taking the views of Pauline Hanson head-on some 2½ years ago. I recall attending a luncheon as a guest at the Israeli Chamber of Commerce in South Australia and I will not name the senior businessman involved, but I discovered that a former head of one of Australia's largest banking groups was quite a fan of Pauline Hanson and, much to the horror of many of us at that luncheon, he was quite supportive of the Prime Minister, supportive of the right of Pauline Hanson to say what she had said and very supportive of the overall tenor of what Pauline Hanson was on about.

In fact, I will name the person: it was Jim Service, the former Chair of Advance Bank of Australia. I was stunned by his contribution, because I would have thought that someone in banking, and someone who had made great gains in business in terms of dealing with Asia, would not in any way, shape or form be remotely supportive of or interested in the comments of Pauline Hanson. He certainly was—and many at the dinner table would verify those comments. In addition, to have made those remarks at the Israeli Chamber of Commerce showed significant lack of judgment and very poor taste. That was 2½ years ago and, because political and business leaders at the time were not prepared to make significant attacks on Pauline Hanson, this has allowed an environment over the past 2½ years or so in which the views and the attitudes of Pauline Hanson were encouraged, and I believe that that is a great shame for this nation.

I know that I speak for most, if not all, members in this Parliament in condemning the views of Pauline Hanson. Her role in the Queensland State election is clearly opportunistic. Her speech last night was disgraceful, and I believe that Pauline Hanson should be condemned at every opportunity. I believe that the very brief contributions from both sides of the House tonight have been appropriate, well made and a signal that certainly in this Parliament and in this State both political Parties in this Chamber, together with the Independents and the National Party, will not cop the views and attitudes of Pauline Hanson, and we stand resolute in opposing that. And when politicians are prepared to show that opposition, her ability to make a beachhead in our State is thwarted. Had John Howard been prepared to make a similar stance as many Liberals throughout this country have been prepared to do, Pauline Hanson would not be as prominent today as she is.

Tonight I want to touch briefly on another issue that has had a little bit of airplay and perhaps will get a bit more tomorrow.

Members interjecting:

Mr FOLEY: No, just a couple. I refer to water catchment boards. The Minister for Environment has been most upset with the actions of the Economic and Finance Committee. I simply say to the Minister for Environment that she may well be highly critical of the Economic and Finance Committee but, if she as Minister and her officers in the environment department are prepared to sign off on what are less than adequate business plans and proposals to the Economic and Finance Committee, we will keep sending them back. And the proposal put forward today by the Murray Water Catchment Board was, quite frankly, appalling, and any committee of this Parliament would have had little trouble in coming to the same conclusion.

The Minister for Environment can rant and rave, carry on and be critical of the Economic and Finance Committee, but we are not a rubber stamp committee. We will not rubber stamp poor proposals, and credit goes to the Presiding Member of the committee and to all members of the committee—Labor, Liberal and Independent—for being prepared, when poor Government policy has been put to us, to say, 'We will not accept this.' Today was an example of that. In fairness to the Presiding Member and the Liberal member, they did oppose it—

Ms White interjecting:

Mr FOLEY: No, in fairness to the Presiding Member, he did oppose the proposal to object.

Mr Brokenshire interjecting:

Mr FOLEY: No, in the Chamber, by way of interjection. The public criticism will come tomorrow. The committee has shown an ability to work through those issues. The credit I give to the Presiding Member of the Economic and Finance Committee is that he allowed the committee to work through those issues: even when he has not supported the views of the Labor Party and the Independent member, at least he has allowed us to carry out our proper parliamentary duty in scrutinising these proposals. It is poor form by the Minister for Environment to be criticising and chipping away at the Economic and Finance Committee when she should really be looking at the policy formulation within her own agency and the quality of the information put to us. I simply give her the message as constructively as I can in Opposition that, if she allows such poor proposals to keep coming before the committee, we will keep sending them back. It is as simple as that. If she wants to avoid the embarrassment and the hassle of having to deal with these issues time and again, she should get it right in the first place and she will not have a problem.

The Hon. M.D. RANN (Leader of the Opposition): Tonight I want to take time to talk about small business compliance costs which, I know, will be of interest to all members in the House. Earlier this year I mentioned that one of the ALP's chief sayings during its time in Opposition was to build a stronger alliance with small business. Today I want to elaborate further and talk about the impact of compliance costs on small businesses in this State. By compliance costs, I mean the financial impact on small businesses of what we decide in Federal and State Parliaments by way of legislation, regulation or service. Compliance costs are the costs to businesses of interacting with Government in meeting an obligation or obtaining a service. Compliance costs are

incidental to the obligation itself and are often related to the processing and providing of information.

Each week for the past two years I have made a point of visiting small businesses—retailers, manufacturers and service companies—to hear the views of small business and to help Labor develop a policy that responds to the needs of small business. In doing so, Labor is recognising the importance of small business to our fragile regional economy. We are recognising that it is small business that has the best and fastest chance to create jobs, particularly jobs for young people, but small business is telling me and my Labor colleagues that it has become the forgotten sector of the South Australian economy. It is telling us that small business has suffered from this State Liberal Government's failure to provide the policies, leadership and confidence necessary for South Australia to take advantage of the longest period of continuous economic growth nationally over recent years.

Certainly, Labor recognises the vital role that small business plays in South Australia's economic development. Small business should be the engine room of employment growth in our State but, under this Government, as I said before, it has become an area of neglect with the Government preferring the big end of town. Time and again I have been told by retailers that, because of sheer bastardry by shopping centre owners, particularly family businesses, despite huge up front investment, they are often forced simply to work for wages, and the response from most Westfield tenants I have met has been overwhelmingly negative in terms of the way they have been dealt with by shopping centre owners. They just feel that they are battling against the odds, that there is a Government which is in bed with big business and big retail shopping centre owners, and that they are squeezed in between.

Certainly, the Liberal Government has failed to recognise the changes to the structure of the economy and adequately protect small business from exploitation by big business in commercial transactions where the terms are determined by parties with unequal strengths. While a few big interstate and foreign companies have received tens of millions of dollars in incentive packages, small business in our State has borne the cost of those subsidies, paying more than their fair share of taxes but still being ignored.

Certainly, Labor is committed to developing and implementing policies that will strengthen the performance of small business by improving the business environment, continuing regulatory and microeconomic reform, and encouraging modern, efficient and competitive business practice. We regard small business proprietors and their employees as the new battlers, and certainly Labor is committed to forging strong links and alliances with this sector.

At the last election we announced that Labor, if elected, would assist small businesses by providing the policies and leadership necessary to achieve South Australia's full potential in terms of employment and economic growth. We also announced strong measures in terms of retail tenancies and fair trading. For instance, we pledged to introduce changes to the Retail Tenancies Act to strengthen retail tenants' rights. We promised to legislate to provide relief to small business from unfair contracts, conduct or business practices by commercial parties with greater bargaining power. We promised to advise retailers of their rights to fight cases of predatory pricing. We promised also to introduce legislation to ensure that large retail centres pass on to their tenants only the reasonable cost of services such as electricity. Also, we promised—and this is so important for the retail centre—no further extension to Sunday trading in the suburbs, having seen the devastation caused and the loss of jobs that occurred in the central city since the move was made by this Government.

We also wanted to deal with a number of areas of improving the Government's relationship with small business. We pledged to ensure that our Small Business Minister acted as the small business ombudsman inside a State Labor Government. We promised not to introduce any new taxes or increase any existing taxes or charges beyond the CPI. We promised also to provide guaranteed response times by State Government agencies to requests and applications from small businesses. We also said that we would establish a process encompassing the Local Government Association, councils and small business to streamline regulation, and to establish reasonable time frames for local government development approvals and provide adequate consideration of economic and employment impacts of new shopping centre proposals before they were approved.

We also pledged to provide adequate resources within the State's economic development agency to support small business and to establish a point of contact of small business in every Government department. We said that we would set up a bill paying hotline to ensure payment by Government departments to small businesses within 30 days, and to provide a level playing field in Government purchasing and tendering procedures for small and large business. We also promised to cut red tape by at least 25 per cent and introduce positive measures such as regulation exemption, a plain English approach to legislation and regulations, and the standardisation of forms.

In the area of small business education, we also said that Labor would introduce small business management education modules as part of relevant courses for senior secondary, trade and professional training students, and to establish a small business training advisory committee.

However, tonight I want to talk particularly about the need to establish in South Australia how the range of compliance costs are impacting on the growth and potential of small business in our State. Last week's South Australian budget jacked up a massive range of fees, fines and levies. We were told by the Premier that this action was tough but fair, even though the same Premier and his Treasurer last year promised a balanced budget without a quantum increase in taxation after the election. Once again, that was a promise betrayed.

One problem is that whilst much of the focus of small business is rightly on tax hikes, because small business will always be hurt, there are other compliance costs that are not just for taxes, fees and charges. Compliance costs are the costs of local companies being forced to comply with legislation and regulations passed by State and Federal Parliaments.

I was recently sent some information about the compliance costs issue that is currently of major debate in New Zealand business, Government and parliamentary circles. That information was provided to me by Mike Moore, the former Prime Minister of New Zealand. His information says that in the early 1990s, when the New Zealand Government was struggling to stay on top of the deficit, it decided to stop paying the cost of red tape created by new industry-related laws and, instead, made companies pay. Company heads said that this resulted in a more sluggish economy, and many were deciding against expanding their companies, taking on more staff or even continuing business because of the rising costs of complying with Government regulations and legislation.

Of course, ultimately these extra costs were being passed on to consumers.

In New Zealand the Employment Contracts Act, Resource Management Act, Building Act, Health and Safety Act, Human Rights Act, Privacy Act and Consumer Guarantees Act were just a few of the many dozens of pieces of legislation that were introduced over a five year period.

Researchers from the University of Victoria's Institute of Policy Studies published in 1992 a report which estimated that the cost of compliance paid by New Zealand companies in administering business tax alone was close to $1.8 billion, or 2.5 per cent of New Zealand's GDP. Bill Wilson, the Director of Wilson and Horton, the publishers of the Auckland daily paper, the *New Zealand Herald*, estimated that his company spent $1.5 million on compliance costs alone—a sum rising at the cost of $500 000 per year.

Some of the costs likely to result from legislation include the following: legal advice; other specialist consultants needed in order to assist companies to comply with regulations and legislation; the development of plans, for example, health and safety in employment; physical changes to the work place to meet health and safety requirements; the development of documents, such as employment contracts under New Zealand's iniquitous laws; procedural changes, for example, the rewording of terms of trade to comply with the Privacy Act; the development of new procedures, for example, disciplinary procedures; training—direct costs plus cost of staff to cover the positions of those being trained; technology, for example, new software; insurance for directors who now face greater liability under New Zealand's Companies Act; and other internal alignment required, such as from the impact of laws on accounting or marketing functions.

New Zealand's Business Roundtable had broader concerns about the costs of compliance, and the Executive Director of that organisation, Roger Kerr, said that the organisation's concerns about compliance were far-reaching and included the wider problem of Government intervention which concentrates benefits amongst particular groups, whereas costs are widely disbursed. He said that this creates a bias and unjust impact on the business sector. He also said that resources devoted to compliance activities are a deadweight loss from a community perspective and that recent advances in financial management meant that there were strong incentives for Government and its agencies to pass costs on to the private sector.

Many New Zealand managers felt that they were less in control of their organisation. For example, they said that the Human Rights Act in New Zealand unduly restricted the wording of job advertisements and limited the questions that could be asked of potential employees. That may well be a very good thing, but I am just citing some of the responses from businesses. The result, say business operators, is that they are unable to build up a picture of a potential employee who may be put in charge of customers or machinery worth hundreds of thousands of dollars. The business group said that the problem employees are usually those who are most aware of their rights—the sorts of things that we hear from the member for Waite.

A number of very important issues were raised about compliance costs. One of them is that policies of other Government departments can impact on other laws. For example, Income Support in New Zealand automatically stands down people who have been sacked from their job. According to small business operators, the Health and Safety in Employment Act had significant compliance costs which required them to take it into account financially. Some business owners say that the net result is that the implementation of much of the legislation has contributed to an ever increasingly litigious society and that there are also large and numerous costs in terms of financial penalties and time spent dealing with the IRD.

Last year the magazine *New Zealand Business* cited a report on compliance costs estimating that compliance costs for main business taxes amounted to $1.882 million, which included an estimate of 46.5 million hours of the time of proprietors, partners, directors and other staff, and cost over $600 million in extra advisory fees. It mentioned that compliance costs account for 13.4 per cent of the turnover in small firms but only .03 per cent for the largest companies. It cited one particular employee who said that she now spends up to 40 per cent of her 50-plus hours a weak dealing with compliance and related matters. The Government is reforming and simplifying on one hand but using the other hand to dispense new rolls of red tape. Every new Act becomes a new cost to small business.

Many, if not most, of those regulations I am sure every member of this Parliament would support—basic protections, important safety, important health measures and important privacy measures. What they are trying to do in New Zealand is calculate the cost of compliance—not the cost of the fees, but the actual cost of dealing with these obligations in terms of business expenditure, given that the Government is bailing out of these areas and forcing in the private sector.

The Commerce Committee of the New Zealand Parliament decided in August last year to conduct an inquiry into the compliance costs for small and medium size enterprises. The New Zealand parliamentary committee decided to focus on small and medium size enterprises because 92 per cent of all businesses employ fewer than 10 full-time staff and SMEs often lack the resources and expertise of larger businesses and are less able to achieve economies of scale, placing a disproportionately heavy burden on them.

The New Zealand inquiry's intention was to identify where compliance costs that are related to ineffective, duplicate or conflicting regulatory requirements could be either scrapped or reduced. That is what I am talking about tonight—not getting rid of essential safeguards, essential protections, but looking at areas which have ineffective, duplicate or conflicting regulatory requirements.

The Commerce Committee of the New Zealand Parliament said that compliance costs are the costs of affected parties of interacting with Government in meeting an obligation or obtaining a service. The committee conducted a major exercise to survey New Zealand's small businesses about the impact financially and in terms of time and money of compliance requirements and the associated paperwork, and how they affected businesses in terms of time, cost and competitiveness. A survey form was prepared by the New Zealand parliamentary committee to assist the initial selected group of representative firms to identify what contributes most to their compliance costs.

The committee recognised that not all questions would be relevant to every business, but it pointed out that participation by businesses in the survey was crucial to enable the committee and the New Zealand Parliament to initiate a program of progressively eliminating unnecessary compliance costs and reducing others.

I obtained some of the information from that committee. In terms of its executive summary, for instance, it found that

the inquiry's methodology was to interview eight small to medium size businesses to identify a range of compliance costs that those interviewees wanted the committee to address, and then to conduct a larger postal survey of small and medium size enterprises in the lower North Island of New Zealand to verify the results of the interviews. From those initial surveys, a range of compliance costs were identified that the committee wished to address and wanted the New Zealand Parliament to address, as follows:

(i) statistical returns: to limit the involvement of small to medium sized enterprises and/or to make statistical returns less frequent and less complex;

(ii) financial reporting: to provide exemptions where all shareholders are either directors or managers;

(iii) timing of taxes: to streamline the dates for PAYE, GST [in New Zealand], FBT and other taxes.

It is interesting that the New Zealand committee—and I would certainly advocate a similar approach by the Government here—appointed an outside adviser to assist the parliamentary committee, and that outside adviser first did a review of the literature of work undertaken in New Zealand within Government organisations on compliance costs and reducing compliance costs, and a review of national and international research, as well as the interview series.

The personal interviews with the eight SMEs were intended to provide a qualitative evaluation of compliance costs to enable the New Zealand Parliament to decide what the most significant areas of compliance cost issues are, and which areas could be dealt with expeditiously. The list of businesses was compiled from the Wellington Regional Chamber of Commerce's database of 1500 members. The postal survey went out in April this year and they got a return of 34 per cent, which is considered to be an excellent response rate. The remedies that respondents thought would have the greatest impact on their businesses were as follows:

(i) to limit the involvement [as I said previously] of small businesses in providing statistical returns;

(ii) to make statistical returns less frequent and less complex;

(iii) to provide that different ACC [the Accident Rehabilitation and Compensation Insurance Corporation] rates can apply to workers within a firm doing fundamentally different work;

(iv) to streamline fringe benefits tax returns with other returns; and

(v) to subject entertainment benefits to fringe benefits tax.

The items that respondents rated as the three most urgent were as follows:

(i) statistical returns: to limit the involvement of SMEs and/or to make statistical returns less frequent and less complex;

(ii) ACC: to provide that different ACC rates can apply to workers within a firm doing fundamentally different work; and

(iii) financial reporting: to provide exemptions where all shareholders are either directors of managers.

Certainly the result of the committee's decision on the priority of compliance cost issues to be addressed by the New Zealand Parliament was that those issues imposed a significant cost. This means that costs are significantly greater than the public and business benefit that arises from the compliance requirement. That is very important to stress, that they wanted to address those areas where the actual cost of compliance was significantly greater than the public and business benefit. The SMEs generally wanted a major revamp of the whole system; a credible option did exist; and proposed changes needed not only to be achieved within a reasonable time, but also to be workable and likely to actually reduce compliance costs significantly.

In summary, I am suggesting that this major undertaking, conducted in a bipartisan way in New Zealand with the cooperation of Government departments, business organisations, small business and so on, is likely to produce a major streamlining of regulations in the New Zealand area that impact on small business in particular. I have certainly found in my visits to small businesses in this State that they feel completely overwhelmed. They are nervous about a GST being introduced that essentially will give them another function acting as tax collectors for the Federal Government, that they will again be buried in paperwork.

I go to places like Westfield shopping centres and see families—often a husband, wife and kids—working for basic wages, despite their enormous up-front costs, and when they get their business up and running they are basically presented with exorbitant, if not extortionate, demands for the continuation of their lease. Certainly Westfield is an issue that is constantly raised with me and with other members of Parliament.

If we are to have an accurate picture of our local regional economy, if we are to be able to formulate policies in a bipartisan way to assist small business, we have to go out to small business in this State and ask it what are the compliance costs in regard to regulations, compliance costs in terms of time and money and in terms of the impact on the competitiveness of their businesses. It is a useful process for this Parliament and one which, if the Government and the Parliament does not pursue, I will be asking our shadow Minister for small business to join me in a major survey of small businesses in this State so that we can get a picture of the compliance costs they face.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

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

Motion carried.

Ms BEDFORD (Florey): I rise to speak tonight about a continuing trend within the Government in relation to secrecy. Secrecy impacts greatly on the rights of all South Australians in their endeavours to access knowledge on how their Government is operating. In particular, I speak of the contracts on the Modbury Hospital and SA Water and what the Government no doubt hopes, if things follow what has now become an established practice, will be the ETSA contract.

The issue that is a common thread in the Modbury Hospital contracts—and there are two of them now,following the renegotiation of the original contract—and the SA Water contract is commercial-in-confidence. When a contract is negotiated I can appreciate, as can most people, the necessity and need for confidentiality. Business operates today in a world where profit margins are tight and, when we speak in the realms of the amounts of money that big Government contracts generate, things can become pretty tight in the final stages of those negotiations. What I cannot accept is that when the contracts are finalised, when all the signatures are dry and all the t's crossed and i's dotted, the details do not become public, especially with contracts of such great size and importance.

When the Modbury Hospital was first earmarked for sale it was claimed to be the most efficient hospital we had in South Australia. There had been efficiencies introduced and cuts were made to make the hospital lean. In short, there was no fat left to cut. Why then would we want to sell off, outsource, privatise—call it whatever you like—such an efficient public hospital? It was because there was no longer a total commitment to the concept of public health as we had

come to know it. I acknowledge that there might have been room to introduce efficiencies: however, I do not and cannot accept that in the drive for more efficiencies we can make a profit from the health system.

There is and always will be people to care for in a community where we are living longer and have access to more sophisticated treatments and procedures. To make a profit from the sick—people at their most vulnerable—is totally abhorrent to most Australians. In fact, tonight I had a call from a constituent who was telling me horror stories of over-charging for services by doctors. That same constituent also had a lot to say about lawyers—that is another story.

Needless to say, we have all seen and heard stories about the American system of health care. We do not ever want to see what happens there happen in Australia. We all remember, too, how the President of the United States showed great interest in the Australian system of universal health care—Medicare—so soon after his election to office and how he went to extraordinary lengths to study our system to see how he could implement measures that would contain what had become for him a matter of great and urgent national concern.

Australians have always considered access to health care as one of the most important issues in their lives—so much so that it continues to be an election issue at each and every election held in our nation. Outsourcing of public hospital management was seized upon as an idea to contain the health budget—economic rationalism, user pays at its worst. To my knowledge, prior to Modbury it had only been attempted once before—at Port Macquarie in New South Wales. When news of what was happening at Modbury became public, there was much consternation and several rowdy public meetings searching for information.

The Hon. M.H. Armitage: Is this the Don Dunstan sausage sizzle?

Ms BEDFORD: We missed you at that one. Peter Botsman from the Evatt Foundation in New South Wales made the trip to Adelaide to share information which gave us all grave concerns. It seems that no-one except the Liberal Government was convinced that there was a hope of making a success of the quest for profit in a public hospital. So, after a delay in signing the contract, which was caused, we were told, by problems in drawing up the contract, the document was signed. Promised savings are still almost impossible to measure, because we are denied basic information to measure the success of the experiment.

At the time, an inquiry was launched by the Legislative Council. From what I know, that was all pretty tough going and answers were never provided because of commercial confidentiality. Access via freedom of information was no joy, either, for those seeking answers to questions and, from what the local action group which was formed at the time and which still continues to work on behalf of the public's right to know tells me, things have not changed.

Yet another inquiry will commence shortly. Submissions have been called for, and every effort will be made to defend the rights of South Australians in their effort to make Governments accountable. What will that cost on top of the first inquiry held prior to the October 1997 election? Accountable Government is lean Government and delivers the kinds of savings expected everywhere else these days.

As everyone here will know, a second contract was negotiated to assist the company which now runs Modbury Hospital to make a go of the whole experiment. Again, we are not privy to the details. Parliament does not even have the chance to scrutinise the details on behalf of the taxpayers who so far have footed the bill. How can this be? Why do we have to accept the 'I will look after everything' line that has been given to us in a climate in which I would think that it would be far better to have the facts on the table for all to see.

It is not hard to feel that there must be things that would not stand up to scrutiny if each and every time efforts to substantiate the details of deals being made within our public sector are hidden under the guise of commercial-in-confidence. Surely after a contract is signed—for a period of 20 years in the case of Modbury Hospital—there is no risk that making such a contract public could endanger it. What fine print must be in the contracts to make the public access so unpalatable to those concerned? What have we sacrificed to see the transfer of figures on the balance sheet to put us in the black?

With the water contract, it is a little different. Here we have a commodity for sale and a service to be supplied. As I recall, the tender process was finalised in circumstances open to question. This should never happen. Our processes must be open and fair at all times. There have been and continue to be many questions around the water contract, none more central than how, after all the promises, can the price of water go up rather than down. The answer is simple: when a contract is let to a private enterprise, they must make a profit for shareholders. There are only two ways I know to make a profit on enterprises such as hospitals and water utilities, that is, to put up the prices or to cut the costs.

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Cutting costs really means shedding staff, and shedding staff results in the basic maintenance required to make enterprises run efficiently not happening. The consequences of such cost cutting measures—false economies—were dramatically seen in Adelaide. We all remember the great pong prior to the election and what happened recently in Auckland. No matter how much one might like to say there is no similarity and no possibility of the same thing happening here, doubt lingers.

We have seen the shedding of many experienced staff from Modbury Hospital and SA Water. We have seen lucrative consultancies: more money paid out by South Australian taxpayers, in some instances, I am told, to the very same people who are no longer members of the staff. One cannot help but think that it will be a long time before we see any benefit from these experimental ventures. Public ownership does not mean poor management and bad performance. I do not accept that we cannot run and maintain institutions such as hospitals and utilities that provide water and power. Utilities make and continue to generate a profit for this State that will no longer be there for us once we sign them off—short-term gain that will bring long-term loss.

The relevant current debate before this House relates to the sale of ETSA. We must be diligent in our examination of the facts, which I am confident will not add up when subjected to the close scrutiny that such a major decision deserves. We must take the action that is best for South Australia and not only for a result in the short term. We must not be bullied into letting something happen without full and open discussion on all the facts and options. Selling ETSA is not the only option, but it appears to be the only acceptable option for the Government. That is a tragedy for open debate in this House and the wider community and, in the long run, for all South Australians.

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

Motion carried.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the proposed payments for the departments and services contained in the Appropriation Bill be referred to Estimates Committees A and B for examination and report by Tuesday 30 June 1998 in accordance with the timetables as follow:

ESTIMATES COMMITTEE A

Tuesday 16 June 1998 at 11.00 a.m.
Premier and Minister for Multicultural Affairs
Legislative Council
House of Assembly
Joint Parliamentary Services
State Governor's Establishment
Department of the Premier and Cabinet
Auditor-General's Department
Premier and Minister for Multicultural Affairs—Other Items
Wednesday 17 June 1998 at 11.00 a.m.
Treasurer
Department of Treasury and Finance
Administered Items for Department of Treasury and Finance
Treasurer—Other Items
Thursday 18 June 1998 at 11.00 a.m.
Deputy Premier, Minister for Industry, Trade and Tourism, Minister for Recreation and Sport, Minister for Local Government and Minister Assisting for Tourism
Department of Industry and Trade
South Australian Tourism Commission
Deputy Premier, Minister for Industry, Trade and Tourism—Other Items
Minister for Local Government and Minister Assisting for Tourism—Other Items
Friday 19 June 1998 at 9.00 a.m.
Minister for Environment and Heritage and Minister for Aboriginal Affairs
Department for Environment, Heritage and Aboriginal Affairs
Administered Items for Department for Environment, Heritage and Aboriginal Affairs
Minister for Environment and Heritage—Other Items
Tuesday 23 June 1998 at 11.00 a.m.
Minister for Government Enterprises, Minister Assisting the Premier for Information Economy, Minister for Administrative Services and Minister for Information Services
Minister for Government Enterprises
Department of Administrative and Information Services
Minister for Administrative Services and Minister for Information Services—Other Items

ESTIMATES COMMITTEE B

Tuesday 16 June 1998 at 11.00 a.m.
Attorney-General, Minister for Consumer Affairs, Minister for Justice, Minister for Police, Correctional Services and Emergency Services
Attorney-General's Department
Courts Administration Authority
State Electoral Office
Administered Items for the Attorney-General's Department
Police Department
Department for Correctional Services
Country Fire Service
South Australian Metropolitan Fire Service
State Emergency Services SA
Administered Items for the Police Department
Administered Items for State Emergency Services SA
Minister for Police, Correctional Services and Emergency Services—Other Items
Wednesday 17 June 1998 at 11.00 a.m.
Minister for Transport and Urban Planning, Minister for the Arts and Minister for the Status of Women
Department for Transport, Urban Planning and the Arts
TransAdelaide
Minister for Transport and Urban Planning, Minister for the Arts and Minister for the Status of Women—Other Items
Thursday 18 June 1998 at 11.00 a.m.
Minister for Primary Industries, Natural Resources and Regional Development
Department of Primary Industries and Resources
Minister for Primary Industries, Natural Resources and Regional Development—Other Items
Friday 19 June 1998 at 9.00 a.m.
Minister for Education, Children's Services and Training, Minister for Youth and Minister for Employment
Department of Education, Training and Employment
Administered Items for Department of Education, Training and Employment
Tuesday 23 June 1998 at 11.00 a.m.
Minister for Human Services, Minister for Disability Services and Minister for the Ageing
Department of Human Services
Minister for Human Services—Other Items

Ms HURLEY (Deputy Leader of the Opposition): I move:

To amend the timetables by leaving out '11 a.m.' wherever occurring and inserting '9 a.m.'.

The effect of this amendment is simply to increase the time for Estimates by two hours by beginning the Estimates program on each day at 9 a.m. rather than 11 a.m. This year the Government has programmed 10 Estimates Committees over five days to match the reduced number of 10 Cabinet Ministers. Junior Ministers will appear under the Cabinet Minister's allocation.

This amounts to a reduction of two days and four committees compared with previous practice and will cut into the Opposition's time to ask questions on Government and budget programs. Whilst the number of Cabinet Ministers has been reduced, the number of agencies remains about the same, and of course expenditure also remains about the same. One example of the way in which the reduction of time would limit the examination of programs falls within the human services area. Family and community services and housing will now be included on the same day as health and disabilities, resulting in less time to examine all three budget lines.

A second example is that of the Minister for Government Enterprises and the Minister for Administrative and Information Services who are responsible for no less than 16 functions, including most of the State's major commercial corporations. Over the years, members on both sides have commented on the need to improve outcomes from the considerable effort put into Estimates by Ministers, members, political staff and the Public Service. Much time is spent on preparing the Estimates programs by Ministers, political staff and the Public Service in briefing Ministers and by the Opposition and their staff in preparing questions. An enormous amount of time and effort goes into that process.

One of the main complaints centres on the practice of Ministers' filibustering, with long answers to dorothy dix questions. As we have experienced over the past three or four years, this severely limits the number of questions that the Opposition has been able to ask. The practice in Federal Parliament is to continue until all questions are exhausted, and often they sit all through the day and into the small hours of the next morning. We are not asking for anything as drastic as that: of exhausting the Ministers so they make mistakes at 1 or 2 in the morning; we are simply asking for another two hours, first thing in the morning.

The second issue is that, unfortunately, in spite of assurances from Treasury officials that the change-over to accrual accounting would be accompanied by the budget's being totally transparent, the opposite has been true. The budget is actually quite opaque. It is a victory for the accountants at the expense of all those in the community who have an interest in the programs of the Government and how public funds are spent. The change to accrual accounting has largely eliminated the program information previously available to the Parliament. No longer do we have in these budget papers details of expenditure for individual programs showing budgeted expenditure and staff allocations for the

coming year, and no longer do we have figures of last year's budget allocations, which would—

The Hon. G.A. Ingerson interjecting:

Ms HURLEY: We are trying to ask questions, Minister; we just do not have enough time. We do not have figures of last year's budget allocations which would allow a review of performance against budget. The new arrangement of comparing last year's actual expenditure with next year's budget is not transparent. It hides under-expenditures and over-expenditures and the reasons for those outcomes, whether they be changes in policy or perhaps in efficiency. As the Leader of the Opposition said in his reply to the budget, during the Estimates Committee Ministers will be requested to provide program information which is no longer shown in the budget papers. Ministers will appreciate how time consuming this will be if they are not well briefed, and it is hoped that the departments will provide the Committees with the same information as was previously available in the Program Estimates. Nevertheless, additional questions will need to be asked to elicit this information, and therefore additional time will be needed.

In addition to the changes in accrual accounting, the analysis of the budget is made doubly difficult by the changes to the administrative arrangement order and the creation of the 10 super departments. In most departments it is quite impossible to relate the information offered in this year's budget papers to last year's figures. I know that this difficulty is being shared throughout the community by interest groups who have contacted the Opposition and said they are unable to unravel the format to provide any useful comparison with this year's figures.

I hope that the Ministers will be fully conversant with the changes that have occurred and will be only too willing to spend extra time sharing the details with the Estimates Committee and the community at large—with the taxpayers who are paying through their increased taxes for all these expenditures. If Ministers are not confident in their own advisers I hope they are able to bring additional Treasury advisers to provide that advice.

I approached the Deputy Premier earlier to negotiate on extra time and was met with total refusal to consider any extra time, even for the larger portfolios. It is a shame that the Government has chosen not to be as open and accountable as possible, but I hope that members on the other side will be able to support this small change in the Estimates Committee timetable to allow some reasonable time to question Government Ministers on Government expenditure on behalf of taxpayers.

The Hon. G.A. INGERSON (Deputy Premier): The Government does not agree with the amendment. I will make just a couple of very quick points. Some 85 hours of questioning are available to the Opposition in five lots of Committees, and 8½ hours are allocated for each committee. There will be plenty of opportunity to ask questions.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.A. INGERSON: In previous years, according to the advice I have been given, it averaged between 75 and 100 questions per session. So, there is plenty of opportunity for the Opposition to ask questions. In terms of the general thrust of the debate, it is entirely up to the Opposition. Instead of asking political nonsensical questions, if members opposite get to the point and ask the questions, I am sure the Ministers will give very competent answers. In terms of the argument about accrual accounting, I would have thought that anyone who had been in business—and I know not too many members of the Opposition have been in business—would understand accrual accounting, and so it should be an easy process for those few—

Mr Foley interjecting:

The Hon. G.A. INGERSON: I actually know a bit about it. I think that should raise some very interesting questions. In terms of questions being put on notice, the Opposition is aware that any number of questions can be put on notice during the Estimates Committees and the Minister has a limit of 14 days in which to answer those questions. All the Opposition has to do is put remaining questions on notice and they will receive the answer within 14 days. The Government does not believe in filibustering and so members opposite will get very competent answers from all Ministers. The Government does not support the Opposition's amendment. We believe there is adequate time and it is entirely up to the Opposition to ensure that it uses the time allotted by asking very thrusting questions.

The House divided on the amendment:

AYES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K. (teller)
Key, S. W.	Koutsantonis, T.
McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

Majority of 2 for the Noes.

Amendment thus negatived; motion carried.

Mr LEWIS: I have some remarks I wish to make before you put the proposition.

The SPEAKER: Once the amendment is put, that opportunity is lost. I am sorry, but I cannot accommodate the member for Hammond. The problem is that the Deputy Premier in this case had already closed the debate.

The Hon. G.A. INGERSON (Deputy Premier): I move:

That Estimates Committee A be appointed consisting of Messrs Clarke, Condous, Rann and Scalzi, Ms Thompson and Messrs Williams and Wotton.

Motion carried.

The Hon. G.A. INGERSON: I move:

That Estimates Committee B be appointed consisting of Mr Atkinson, Ms Bedford and Messrs Gunn, Hamilton-Smith, Hanna, McEwen and Meier.

Motion carried.

MEMBER'S REMARKS

Mr WRIGHT (Lee): I seek leave to make a personal explanation.

Leave granted.

Mr WRIGHT: Before the dinner break the member for Mawson misrepresented me. Amongst his ramblings, he made comments that I criticised the—

The SPEAKER: Order! A personal explanation should be based on fact.

Mr WRIGHT: The honourable member said that I criticised farmers. That is clearly incorrect. I invite the member for Mawson to check the *Hansard* tomorrow and I look forward to his apology.

ADJOURNMENT

At 10.20 p.m. the House adjourned until Thursday 4 June at 10.30 a.m.