

SOUTH AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

**First Session of the Forty-Eighth Parliament
(1994)**

The Forty-Seventh Parliament of South Australia having been prorogued until 8 February, and the House of Assembly having been dissolved on 4 November, general elections were held on 11 December. By proclamation dated 11 January 1994, the new Parliament was summoned to meet on 10 February, and the First Session began on that date.

LEGISLATIVE COUNCIL

Thursday 10 February 1994

The Council assembled at 11 a.m. pursuant to proclamation issued by Her Excellency the Governor (Dame Roma Mitchell). The Clerk (Mrs J.M. Davis) read the proclamation summoning Parliament.

GOVERNOR'S COMMISSION

The Commissioners appointed by the Governor to do all things necessary to prepare for the opening of the session, the Honourable L.J. King (Chief Justice) and the Honourable C.J. Legoe (a Judge of the Supreme Court), were announced by Black Rod (Mr T.R. Blowes) and conducted to the chairs on the dais.

A message was sent to the House of Assembly requesting members of that House to attend to hear the Commission read. The members of the House of Assembly having arrived, the Clerk read the Commission.

The Senior Commissioner (the Honourable Mr Justice King) announced that Her Excellency the Governor would, in person in this place, declare the reasons for her calling the Parliament together as soon as the new members of the Legislative Council and the members of the House of Assembly had been sworn and the House of Assembly had notified her that it had elected its Speaker.

The members of the House of Assembly and His Honour Mr Justice King withdrew.

MEMBERS, SWEARING IN

His Honour Justice Legoe produced a Commission from Her Excellency the Governor authorising him to be a

Commissioner to administer to newly elected members the Oath of Allegiance or receive an Affirmation in lieu thereof, also a writ and returns for the election of 11 members.

The Oath of Allegiance or Affirmation was then administered to and subscribed by the new members, who signed the members' roll.

The Commissioner retired.

PRESIDENT, ELECTION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I remind the Council that the time has arrived for the election of its President. I move:

That the Hon. Peter Dunn be President of the Council.

The Hon. C.J. SUMNER (Leader of the Opposition): I second the motion.

The CLERK: Are there any other nominations?

There being no other nomination, the Hon. Peter Dunn was declared elected and was escorted to the President's Chair by the mover and seconder of the motion.

The Hon. PETER DUNN: I humbly submit myself to the will of the Council.

The Hon. R.I. LUCAS: Mr. President, on behalf of all members in this Chamber, I congratulate you on your election to the office of President. As you know, I have always had a long held view that there should not be any interjections in this Chamber, and I hope that Opposition members will behave as well in this Chamber as we did during the last Parliament. I am very disappointed that the Hon. Anne Levy is not here at this juncture.

I am sure all members will agree that this place generally has operated with a spirit of good will, harmony and cooperation between all parties represented in this Chamber—the Government, the Opposition and the Australian Democrats. On behalf of Liberal members in this Chamber, Mr President,

I wish you well and indicate that we will certainly do all that we can in offering our support—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I am sure you will and that you will say so. Mr President, we offer you our support in maintaining the dignity in the office of President and also the dignity of this Chamber.

The Hon. C.J. SUMNER: Mr President, I extend the congratulations of Labor members to you on your election as President. The last time I was in this position in 1979, which is longer ago than I like to think about, the election of the President was somewhat more controversial. In fact, there was a contest between the Hon. Arthur Whyte and the Hon. Mr De Garis, at least outside the Chamber if not within it. However, on this occasion your election was unanimous, and I was pleased, on behalf of Labor members, to second the motion for your appointment. Your Party colleagues, Sir, had already shown their confidence in your capacity to assume the office of President by selecting you as the Liberal Party's nominee.

Presiding Officers in Australian Parliaments do not by tradition resign their Party allegiances and, indeed, continue with them even to the extent of attending Caucus or Party meetings. This has been criticised from time to time as being inimical to the necessary impartiality which must be shown in the office of President or Speaker. However, in my view, there is no alternative to this situation in State Parliaments, given the relatively small numbers in each Chamber. For instance, in the United Kingdom, where this tradition pertains, the House of Commons has more than 600 members.

It is also true that in Australian Parliaments, particularly State Parliaments, we have often seen the need for the exercise of casting votes by the Presiding Officer. Therefore, it seems to me that there is no alternative, in our system at least, but for the Presiding Officers to retain those Party allegiances.

However, despite maintaining them, the success of a Presiding Officer in an Australian Parliament, and in this Parliament as well, depends on exhibiting impartiality in the conduct of the proceedings of the House, which of course enhances of the capacity of the House to effectively discharge its business, and in exhibiting a fairness in other aspects of the administration of the Parliament when dealing with honourable members fairly in matters on which the President is called upon to adjudicate from time to time, the allocation of resources, accommodation and the like being just some of those duties.

The Labor Party has confidence that you, Mr President, will conduct yourself in the best traditions of Presiding Officers in Parliaments of the Westminster tradition, and we wish you well in this new phase of your parliamentary career.

The Hon. M.J. ELLIOTT: On behalf of the Australian Democrats, I would like to congratulate the new President and wish him well in his new position. In the eight years in which I have been in the Legislative Council we have had two Presidents, who have displayed impartiality, with little exception. We have had a Council which has functioned well for the greater part. There has been dignity within the Council, and I hope that is maintained. It is the responsibility of not just the President but of all the members to maintain that, and we wish the Hon. Mr Dunn well on his election to that position.

The PRESIDENT (Hon. Peter Dunn): I thank members of the Council and the Hon. Robert Lucas, the Hon. Chris Sumner and the Hon. Mike Elliott for their kind remarks. I come to you with an ambition to be fair and apolitical while in this Chair. I suppose I come to you with a different background from some: I have a background that runs to clod-hopping and shepherding. I am a farmer by profession, but I have assistance other than that background. My rulings will be guided by Standing Orders and I guess the Clerks, their able staff and perhaps a dash of Erskine May will help.

In addition, I am relying on two able people here in the form of the Whips. They remind me of two important elements in my life, namely, the two dogs that I have at home. One is a kelpie and the other is a border collie. They assist me greatly, but sometimes they have their own will and go their own way and, usually in a loud voice, I remind them of their obligations. In fact, sometimes I challenge their heritage and, when that does not work, they get a shower of stones. However, they always come back, wagging their tails and wanting to lick the palm of my hand. I do not demand that faithfulness from the two Whips, but if they work properly this Chamber will be a better place to work in.

I would like to see this Council reviewing and initiating legislation with the flair and interest in debate which it has shown in the past, so that the people of South Australia are the beneficiaries.

At 11.40 a.m., attended by a deputation of members, the President proceeded to Government House.

On resuming at 11.53 a.m.:

The PRESIDENT: I have to report that, accompanied by members, I proceeded to Government House and there presented myself as President-elect to Her Excellency the Governor, and claimed for the Council the right of free access to and communication with Her Excellency, and that the most favourable construction might be placed on all its proceedings. Her Excellency was pleased to reply:

I congratulate you on your election to the office of President of the Legislative Council, and the honourable members on the choice they have made. I readily assure you of my confirmation of all the constitutional rights and privileges of the Legislative Council, and I assure you that the proceedings of the Council will always receive my most favourable consideration.

[Sitting suspended from 11.56 to 2.15 p.m.]

GOVERNOR'S SPEECH

Honourable members of the Legislative Council and members of the House of Assembly:

I have called you together for the dispatch of business.
A NEW ERA FOR SOUTH AUSTRALIA

During this session of Parliament, my Government proposes to introduce a number of measures to signal a new era for South Australia.

My Government received the very strong support of the people of South Australia at the December 1993 Election to implement four priority programs to rebuild the State's economy, its finances, and confidence in our future.

These programs focus on—

- rebuilding jobs
- reducing Government debt
- returning standards of excellence to key community services
- restoring community confidence in the institutions of government and increasing individual freedoms.

In the first eight weeks of its administration, my Government has already taken significant action to implement these programs.

As the foundation of a new era for South Australia, my Government is working to develop—

- new opportunities for investment and job creation in South Australia
- new relations between employees and employers to create a more productive, competitive and dynamic workplace, giving our State access to new national and international markets
- a new Public Sector culture based on service to people, improved efficiency and removing unnecessary obstacles to job creation and economic development
- new means of providing key public services to ensure standards of excellence and the containment of costs to the public.

ECONOMIC AND EMPLOYMENT GROWTH

My Government has given the highest immediate priority to employment growth.

A total of \$28 million has been provided in a range of incentives to stimulate job creation and to facilitate exports.

Major changes have been implemented to economic development functions following a review of the Economic Development Board and the Economic Development Authority.

The new membership of the Board will be announced shortly while the Authority now has clear directions to implement my Government's economic policies.

My Government is giving leadership insisting that the Public Sector adopts a new approach to providing for the economic and social needs of our State.

Improved standards of service are being required across the board.

Already, executives have been instructed to ensure that their offices are open at times more adequately to meet the needs of the public.

A number of changes have been made at the most senior levels in executive management and all Chief Executive Officers have been advised of the Government's insistence on the highest levels of performance.

My Government is committed to a continuing improvement in the quality and efficiency of public service.

Changes will be made to the Government Management and Employment Act to modernise it and to ensure that it provides the right legislative support for the Government and for agencies to achieve their objectives.

The Government Management Board will be abolished because it has not provided the oversight and policy functions intended for it.

The Government Management and Employment Act also will be streamlined to make it simpler and to remove provisions which create additional bureaucracy while adding little of value to the accountability or efficiency of the public sector.

The Department of Premier and Cabinet is taking on a key role in whole of government strategic planning.

The Department will service the new Economic Development Board.

A Major Projects Co-ordinator has been appointed in the Department of Premier and Cabinet to ensure effective co-ordination between Departments and Agencies and full, prompt and continuing attention to proposals for investment.

The travel and tourism industry is a key sector targeted for future growth and development.

There will be a new climate for private sector investment in new and expanding tourism projects with my Government providing infrastructure where necessary to secure this investment.

The effectiveness of the South Australian Tourism Commission will be enhanced by structuring and staffing it as a separate body corporate with a clearly defined business plan and appropriate performance goals.

Arrangements are being developed with the private sector to ensure a co-ordinated and effective campaign to attract national and international sporting and other events to South Australia.

Actions which culminated in an agreement signed last September to transfer the Australian Formula One Grand Prix to Melbourne were beyond the control of my Government.

Nevertheless, my Government is determined to continue to stage a world standard event while Adelaide retains this race and has also secured an agreement that the race will revert to Adelaide should Melbourne be unable to fulfil its contract.

Negotiations with the Federal Government have resulted in an agreement on the future direction of the MFP through Centres of Excellence to encourage investment in high technology research and development in South Australia and to translate this project into commercial opportunities and jobs.

Priority is being given to major reform of computer processing and software development in the Public Sector. The Government is acting to ensure that its significant expenditure in this area, now exceeding \$300 million annually, is used to maximise private sector investment in South Australia. An Information Technology Industry Development Task Force will report to the Government by June 30 with proposals for specific initiatives and projects to stimulate economic development.

As well as concentrating on industries of the future, my Government will ensure that our primary industries which have been the backbone of our State's economy for generations, have new opportunities to develop.

New policy initiatives which help the family farm to remain the core of our rural production have been adopted.

A Young Farmers Incentive Scheme has been implemented to provide subsidies of up to 50% of commercial interest rates for approved loans to buy farming land or to participate in share farming.

Legislation will be introduced to exclude from liability for stamp duty transfers of farming properties within a family and re-financing of rural loans.

My Government has initiated an independent review of the nature and extent of rural debt as a further basis for action to assist our farming communities.

Important amendments will be introduced to the Meat Hygiene Act to provide for greater industry involvement in its administration and more flexible and economical means of maintaining hygiene standards.

In the minerals and energy sector, major regional surveys of the State will continue with a particular focus on the north east of the State.

My Government will pursue negotiations to extend the State's current natural gas contracts beyond the year 2003 and to obtain a new source of natural gas.

Agreement has been reached to dismantle the redundant Osborne Power Station equipment, and its generating plant to be transported to China for recommissioning. The process will be assisted by ETSA.

A NEW CLIMATE FOR INDUSTRY

My Government believes that many of the constraints and regulations under which business and industry have operated in South Australia must be reviewed to encourage a new climate of international competitiveness for our State and to provide new employment opportunities.

Accordingly, major amendments to our industrial relations laws will be introduced.

These changes will focus industrial relations at the enterprise level in both the private and public sectors, while preserving the award system as a basic safety net for employees.

Workers compensation and occupational health and safety laws also will be co-ordinated under a new, single authority.

An inquiry into shop trading hours has been initiated.

All statutes and regulations affecting small business are being reviewed so that those no longer serving a useful purpose can be abolished.

All legislation administered by the Office of Fair Trading is the subject of review by a Government and private sector Legislative Review Team. It is intended to complete that review within six months.

My Government is requiring the development of a Business Impact Statement for all new regulatory proposals affecting business and industry.

Business Licensing will be rationalised with the ultimate objective of introducing a single fee master licence renewable at three year intervals.

Where appropriate, my Government will promote industry self-regulation, co-regulation and codes of conduct as alternatives to government regulation.

An amendment to the Real Property Act will greatly streamline land division registration processes, offering particular benefit to the urban development and land conveying industries.

TRANSPORT FOR INDUSTRY

My Government is committed to improving transport infrastructure for South Australian industry.

Legislation will be introduced to restructure the Department of Transport's Marine and Harbors agency as an authority concentrating on commercial activities to ensure our ports operate on a sound commercial and competitive basis.

The upgrade of the Adelaide Airport for both passenger and freight use is critical to stimulate tourism and promote exports of perishable products. Negotiations are proceeding with a major international airline to provide a weekly charter freight service.

My Government has initiated discussions to attract private sector capital to support the construction of a railway between Alice Springs and Darwin to complete Adelaide's rail link with northern Australia. My Government has pledged \$100 m over 5 years as South Australia's contribution to this vital national project.

To encourage further industrial development in the southern metropolitan area, as well as to ease serious daily traffic congestion, my Government has signalled its intention to begin construction, in 1995, of a third arterial road from Darlington to Morphett Vale.

Detailed plans are now being prepared for this project, together with a 10 year strategy for the sealing of all rural arterial roads in incorporated areas of the State.

PLANNING FOR INDUSTRY

My Government has approved a Planning Strategy for metropolitan Adelaide which provides an integrated planning

and development system to generate confidence and predictability in approvals required for development.

The operation of the Development Act, which came into force last month, will be monitored to ensure that the objectives of the Planning Strategy are met.

TRAINING FOR FUTURE JOBS

In training and further education, the Commonwealth/State Agreement establishing an Australian National Training Authority will come into full force during 1994.

South Australia will be an active participant in the national system but my Government will insist that decisions on priorities affecting local industry needs must be made with significant State input.

To ensure this, legislation will be introduced to establish the State's relationship with the National Authority and a South Australian Vocational Education, Employment and Training Board.

THE STATE'S FINANCES

While there are early signs of a lift in business and investor confidence following the election, my Government recognises its responsibility to ensure sound management of the State's finances as an essential step in the rebuilding process.

My Government will present a major economic and financial statement to the Parliament, following the report of the Audit Commission which my Government appointed on its third day in office.

This statement will set out the principles and directions for the State Budget to be presented in August and also foreshadow further economic initiatives by the Government.

My Government is developing a completely new approach to the management of the State's essential publicly owned infrastructure and other assets.

My Government will publish new forecasts on long term asset replacement costs—the first since the 1987 report of the former Parliamentary Public Accounts Committee.

A Task Force is being appointed to undertake a major review of Government property holdings and oversee the identification and sale of underutilised and surplus assets.

The proceeds of these sales will be applied to reduction of State debt.

As an important part of this work, a policy statement on asset management requirements in the public sector is being prepared.

This statement will cover the whole life cycle of capital assets from forward planning for acquisition to eventual disposal and will be the most comprehensive of its type issued by a government of this State, foreshadowing a much more rigorous, analytical and business-like approach to the management of an infrastructure and capital asset portfolio worth at least \$27 billion.

My Government is preparing this statement to help ensure that standards of essential public services are maintained and improved in the long term at affordable costs.

Standards relating to the collection of charitable donations also will be improved.

THE STATE BANK

Legislation to provide for the transfer of a major part of the State Bank of South Australia to a new company formed to carry on the business of banking under the law of the Commonwealth will be placed before honourable members.

This will bring the ongoing operations of the State Bank under the formal supervision of the Reserve Bank and make the State Bank subject to Commonwealth taxation.

The legislation will satisfy two of the commitments made to the Federal Government in return for the financial compensation package provided to the State in 1993.

BUILDING UP THE SOUTH AUSTRALIAN COMMUNITY

My Government is fully committed to returning important public services to standards of excellence.

· EDUCATION

A new Department of Education and Children's Services has been established to provide more choices for parents and students within the Government system and to promote excellence and equity in schooling and child care.

The Department is undertaking a careful process of restructuring to ensure the most efficient use of resources.

My Government will improve teaching and learning in the early years of schooling.

Early intervention programs will focus on further improving literacy and numeracy skills and other competencies needed for effective participation in education and later life.

Individual levels of literacy and numeracy will be identified through a Standards Assessment Program.

Additional staff such as pathologists, special education trainers and guidance officers will be provided to help children with learning difficulties.

Improving school discipline will be another major focus of my Government through the introduction of a Fair Discipline Code to signal a stronger approach and the need for greater co-operation between schools, students and families.

Extra places in alternative Learning Centres will also be provided.

To support and enhance the quality of teaching in our schools, a Performance Management policy is being finalised to enable recognition of effective and successful teaching as well as improving poor performance.

My Government recognises the importance of accessible and effective child care. An extra 1900 child care places will be provided over the next three years.

· PASSENGER TRANSPORT

My Government will introduce major reforms in the provision of passenger transport services.

A Passenger Transport Bill will be introduced to reverse the decline in public transport patronage and to promote increased choice for the travelling public.

A new Passenger Transport Board will be responsible for administering an integrated network of services in the metropolitan area and the country, and establishing improved standards of service.

· HEALTH

In the Health area, my Government will require the administration of health services to respond to Regional Health priorities. A strategy is being developed to identify the optimum number of regions, and to provide for the devolution of functions which can be more effectively and efficiently carried out at a regional level.

Regarding the provision of specific Health Services, a reduction in the number of people waiting for surgery in public hospitals is a high priority.

My Government will introduce Casemix-based funding for public hospitals, which will provide opportunities to achieve significant improvements in cost efficiencies.

This new method of funding will lay the foundation for a major reduction in waiting lists.

In recognition of the ageing of the South Australian population, a Health of Older Person's policy will provide a framework for improvements in the health status and social well-being of our senior citizens.

The health status of South Australia's Aboriginal communities has long been a matter of great concern. Aboriginal health will be given a greater focus.

My Government is committed to upgrading and refurbishing metropolitan public hospitals. Improvements will be made to in-patient facilities at the Royal Adelaide and Queen Elizabeth Hospitals and the accident and emergency services at Flinders Medical Centre.

Additional beds and services will be provided at Lyell McEwin Health Service and 'step down' care accommodation is planned for across the metropolitan area.

The infrastructure of country hospitals is also a matter which will be addressed.

My Government is committed to the retention of country health services.

· FAMILIES

My Government is preparing a number of programs to mark the International Year of the Family in 1994.

Other initiatives to support families will include the establishment of an Office of the Family within the Department of Family and Community Services; the implementation of Family Impact Statements for major Government decisions; and the establishment of a partnership between the Government and non-government sectors to pilot a community-based 'Caring for Families' program in the western region of Adelaide.

My Government, in consultation with employees and employers, will create greater flexibility for family and workplace responsibilities within awards and enterprise agreements.

· WOMEN

Positive steps will be taken by my Government to ensure that women have a pivotal role in rebuilding South Australia and that they are given greater opportunity to participate fully and equally in all levels of decision-making.

A Women's Advisory Council is being formed to provide women with a strong voice in government policy formulation and service delivery.

My Government also will move to establish a Joint Committee of the Parliament to examine measures necessary to assist the entry of women into Parliament.

The Women's Suffrage Centenary Committee has organised a comprehensive program to celebrate the Centenary of women in South Australia becoming the first in the world to have the right to stand for Parliament and the first in Australia to have the right to vote.

· YOUTH

For young South Australians, a range of award schemes is being developed to recognise community contributions by the youth of our State.

In this way, my Government will aim to increase public awareness and recognition of the positive role young people play and build youth confidence and self esteem.

· ABORIGINES

During this session, my government will table a report on South Australia's responses to the Royal Commission into Aboriginal Deaths in Custody.

As a matter of priority, new policy arrangements for Aboriginal Housing will be developed in consultation with the Aboriginal Community.

A detailed response to the Commonwealth Native Title Act is being prepared.

Issues of particular concern to my Government are—

- the security of title in relation to past grants that may be invalid as a result of the Commonwealth Racial Discrimination Act. My Government is considering what legislative response to the Native Title Act and the Racial Discrimination Act is most appropriate
- acceptance by the Commonwealth of full responsibility for compensation for past invalid grants
- the impact of the Native Title Act on development in South Australia.

My Government is also considering issues relating to the Constitutional validity of the Native Title Act.

MULTI-CULTURAL AND ETHNIC AFFAIRS

Those South Australians who have settled in our State after being born in other countries have made an enormous contribution to the State's cultural and economic development.

My Government wants to build on the connections they have maintained overseas.

It will financially assist the South Australian Employers' Chamber to provide facilities for country-specific chambers of commerce wishing to share premises and promote vital trade links with their countries of origin.

My Government will also provide funds to assist these Chambers to promote South Australian participation in overseas expos.

THE ARTS

This year, South Australia again hosts the Adelaide Festival and the Festival Fringe.

Both events are important to the cultural enrichment of the State and they generate significant economic benefits and jobs.

A new Festivals policy will co-ordinate both Government funding and Government marketing of the host of arts and cultural festivals held throughout South Australia each year.

My Government is also preparing an Arts and Cultural Development Plan to integrate the arts into all sections of society and to promote excellence.

RECREATION, SPORT AND RACING

My Government will provide programs through the Division of Sport which will enhance sporting opportunities for all South Australians.

The Southern Region Sports Complex will receive financial assistance towards further development of a football oval to league standard.

Action has been initiated to ensure that South Australia benefits from the staging of the Year 2000 Olympic Games in Sydney.

My Government will introduce legislation to strengthen the financial viability of the State's racing industry.

NATURAL RESOURCES AND ENVIRONMENT

South Australians place a high priority on the preservation of their environment.

My Government is preparing regulations to ensure that the Environment Protection Act passed by the last Parliament can be proclaimed as soon as possible.

Priorities for pollution control and waste management have been established through the Office of the Environment Protection Authority.

These include the negotiation of environment improvement programs with key industries.

My Government will move for a joint committee of both Houses of Parliament to develop a State Conservation Strategy.

This Strategy, to be based on principles of ecologically sustainable development, will focus on the future development and conservation of South Australia's living resources.

The Committee will be required to report by the end of 1994.

My Government is committed to schemes to re-use treated effluent on woodlots, agricultural crops and recreational areas to minimise its impact on gulf waters and inland rivers.

My Government also is implementing programs to reduce pollution of the Patawalonga Basin and River Torrens.

Those programs will adopt a whole of catchment approach and will be implemented through a partnership with local government and the community.

My Government regards water as the State's most precious resource which must be managed carefully.

My Government will develop a South Australian Water Plan which will define the location, quality and quantity of all the State's surface and underground water resources.

My Government is committed to waste management and waste minimisation and will inject an initial \$7m into the implementation of a comprehensive and co-ordinated waste recycling program.

JUSTICE AND COMMUNITY SAFETY

My Government will introduce legislation to put an end to the early release of prisoners and implement a policy of truth in sentencing.

Prisoners will have to serve the full minimum term fixed by the court and then apply for parole.

They will have to demonstrate good behaviour, including abstention from drugs and alcohol; participation in work, trade training, education and, where appropriate, anti-violence programs; and minimal risk to members of the public on their release.

My Government recognises that domestic violence is the consequence of many factors and is committed to constructive education, economic, housing, welfare, counselling and other policies to address this issue.

Domestic violence legislation will be introduced to enhance the safety of those in troubled domestic relationships and an amendment to the Criminal Law Consolidation Act will create a new offence of stalking.

My Government also intends to introduce legislation to govern the electronic recording of police interviews of persons suspected of having committed indictable offences. This will offer safeguards for the accused, efficiencies for the system and will enhance the credibility of the justice system.

To improve community safety, my Government will proceed with plans to establish community police stations and regional Safer Cities Programs.

VOLUNTEER FIREFIGHTERS

The recent tragic bushfires in New South Wales enabled our firefighters to demonstrate their skills and commitment to the protection of the community.

My Government will introduce legislation to recognise the importance of maintaining a separate force of volunteer firefighters in South Australia.

PARLIAMENT

In placing its proposed legislative program before Honourable Members, my Government recognises its

responsibility to ensure full accountability for its actions through the Parliament to the people.

Already, my Ministers have been required to fulfil strict Code of Conduct requirements to avoid any conflict of interest in the discharge of their Ministerial duties.

An agreement has been reached with the honourable the Leader of the Opposition in the House of Assembly on a minimum number of questions to be asked each sitting day.

Legislation will be introduced to improve the Parliamentary Committee system.

Parliamentary Committees enable Members of Parliament to investigate matters of public importance and to keep Government Departments and Agencies under scrutiny.

My Government also proposes legislation to provide for voluntary voting at future State Elections.

It believes that there is no doubt that voluntary voting will enhance the political process in South Australia as it has done in the many democracies where the freedom to choose whether or not to vote has been recognised for a very long time.

FORMER MEMBERS

Since the previous address in this place, I have to record the deaths of the first woman elected as a member of the Legislative Council and of a former Minister who also served the community with great distinction.

Jessie Mary Cooper was a member of the Legislative Council from 1959 until 1979. In this, the Centenary Year of women's suffrage in South Australia, there will be many opportunities to recognise the contribution of Mrs Cooper to this Parliament and to South Australia.

John Charles Burdett was elected to the Legislative Council in 1973 and retired at the calling of the election last year. He was a Minister of Community Welfare and Minister of Consumer Affairs and also took an active role in a number of important Parliamentary Committees.

I know that you will join me in expressing sympathy to the families and relatives of these past members.

I now declare this session open and trust that your deliberations will be guided by Divine Providence to the advancement of the welfare of the people of this State.

The President again took the Chair and read prayers.

BURDETT, HON. JOHN, DEATH

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

That the Legislative Council expresses its deep regret at the recent death of the Hon. John Charles Burdett, former Minister of the crown and member of the Legislative Council, and places on records its appreciation for his distinguished public service.

Mr President, in moving this motion I would like to refer briefly to the recent headline of the obituary in the *Advertiser*, the picture, and the caption, which together basically said it all. The headline of the obituary referred to 'An MP with compassion'. There was a photograph of the Hon. John Burdett and the caption read, 'Both compassion and a balanced judgment'. The obituary referred to the Hon. John Burdett's distinguished Ministerial service from 1979 to 1982 as Minister for Community Welfare and Consumer Affairs. It also referred to his distinguished community service of a voluntary nature for various charitable organisations and community organisations, such as the St Vincent De Paul society.

As a colleague of John Burdett it was one of the great sadnesses of the recent election campaign that he passed

away. The fact is that John and Jean missed out on enjoying, first, a long and happy retirement but, secondly, on enjoying what would have been for them the fruits of many years of long and loyal service to the Liberal Party, and that was the victory on election night. There is also the sadness that John could not be with us on this occasion today.

I think it is a testimony to the respect in which John Burdett was held by all members of Parliament that at his funeral there were present not only members of his own Party, the Liberal Party, but also the former Premier and now Leader of the Opposition, the Hon. Lyn Arnold, together with a number of members of the Labor Party and all the political Parties that have been and are represented in the State Parliament. It was a tribute to John's 20-year parliamentary career that it was not just his Liberal colleagues who attended that memorial service.

Mr President, as you well know and as other members will know, I and many other members spoke in farewell tribute to the Hon. John Burdett at the end of the last session. I therefore do not intend on this occasion to repeat many of the personal memories and tributes that I put on the public record on that occasion. A number of my colleagues have asked me to place on the record as well that, whilst they would like to have spoken on this occasion, in the last session they did place on the record their public tribute to the Hon. John Burdett and would like that recorded as their tribute to John Burdett's service to this Parliament.

I would like to conclude my brief contribution to the motion by personally paying tribute to a fine member of Parliament and a former Minister, a true gentleman and a friend of us all and I express on behalf of all Liberal members in this Chamber condolences to Jean and her family.

The Hon. C.J. SUMNER (Leader of the Opposition):

As the honourable Leader of the Government has said, at the end of the last session there were a number of valedictory speeches, including one acknowledging the impending retirement of the late John Burdett. At that time, a number of members spoke of his service to the Parliament and to the community, and I can only endorse again the remarks that were made at that time. It is of course a tragedy for him, for his family and friends that he died so shortly after retiring from this Council. As the honourable Leader has said, his wife and family have missed that period of retirement which is enjoyed by many other people.

As a number of us spoke on the occasion of the last sitting of the Council before the election about the Hon. John Burdett in great detail, I would just like to endorse the remarks of the Leader of the Government and endorse the remarks that were made at that time by other members and express my condolences and those of members on this side of the Council to the family of the late John Burdett.

Motion carried by members standing in their places in silence.

COOPER, HON. JESSIE, DEATH

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

That the Legislative Council expresses its deep regret at the death of the Hon. Jessie Mary Cooper, former member of the Legislative Council, and places on record its appreciation of her distinguished public service.

I am sure that all members will know that the Hon. Jessie Cooper was a trailblazer for women's representation in the South Australian Parliament. In reading some of the articles

and history of the Hon. Jessie Cooper in the Parliamentary Library I noted the obituary that was written by the Hon. Jennifer Cashmore about the Hon. Jessie Cooper, and I refer to one paragraph of that obituary which obviously was based on discussions that the Hon. Jennifer Cashmore had had with the Hon. Jessie Cooper:

In 1952, Liberal women, less than impressed with the elderly male Legislative Councillors in their district, encouraged her to have a go at Parliament.

I am sure that that attitude is not reflected in current times in the 1990s.

Members interjecting:

The Hon. R.I. LUCAS: I will press on. She was undaunted by her preselection defeat in 1952 and, as we know, the Hon. Jessie Cooper stood again in 1959 and, together with the Hon. Joyce Steele, made history in being the first women elected to State Parliament. As Jennifer Cashmore noted in the obituary, the Hon. Jessie Cooper won her seat after a legal challenge centring on the question of whether a woman was a 'person' under the Constitution Act. I am sure we all acknowledge that times have at least changed to a relatively significant extent from 1959 through to 1994. As I said, in reading some of the clippings in the Parliamentary Library I was taken by the following quote, which I want to refer to. At the time of her election in 1959, the Hon. Jessie Cooper said:

The Playford Government does not seek economic development solely for its own sake. The Playford Government seeks economic development because it enables us to build up our educational system, to improve our public health and social services, to give people more leisure and to promote the cultivation of the fine arts and the sciences. In short, economic development provides money and the conditions for a better and easier life.

Most of us would acknowledge that the Hon. Jessie Cooper's comments made at the time of her election in 1959 are as relevant today as they were at the time she made them. The Hon. Jessie Cooper was a member of great principle and courage, as she demonstrated in this Chamber with her stance on the SANTOS legislation, which has been discussed on a number of occasions throughout my period of some 11 years in this Parliament. It is always difficult to take a stance, no matter what the issue might be, when your stance is at variance with the majority of your colleagues.

In concluding my contribution and in paying a tribute to the parliamentary record of the Hon. Jessie Cooper, I was taken by the comments made in 1979 by a former member of this Chamber and a current member of the other place, the Hon. Frank Blevins, when he talked of the political courage of the Hon. Jessie Cooper. In his August 1979 contribution the Hon. Frank Blevins, with his usual touch of good humour, stated:

In case members think I am getting carried away in paying this tribute [to the Hon. Jessie Cooper], I must also point out that Mrs Cooper was a high priestess of high Toryism. However, if we are to have high Tories in this place, may they all have the intellect, humour and courage of Mrs Cooper.

Mr President, that was a tribute from a political opponent in this Chamber to the political courage that the Hon. Jessie Cooper had shown on a number of occasions in stances she adopted in this Chamber. In moving the motion and speaking to it I express the condolences of Liberal members in this Chamber to members of Mrs Cooper's family.

The Hon. C.J. SUMNER (Leader of the Opposition): I second the motion. In doing so I endorse the remarks made by the Leader of the Government. The honourable Leader referred to Mrs Cooper and Mrs Steele as being the first women elected to the South Australian Parliament. In fact,

the late Jessie Cooper has the honour of being the first woman elected because, as I understand it, Mrs Cooper was declared elected at noon on 18 March 1959 and Mrs Steele was declared elected just after 1 p.m. on 18 March 1959. So, in a close race it seems that the late Jessie Cooper was in fact the first woman elected to the South Australian Parliament although, of course, both of them were elected at the same election.

Jessie Cooper was personally known to me, as we were colleagues in this House for some four years—from 1975 to 1979. She was certainly an extremely pleasant person. She contributed to debates in a serious manner and always had something important to say. At a personal level she was unfailingly courteous in her dealings with all honourable members—something, I regret to say, which is somewhat lacking in modern-day politics in this Chamber as elsewhere.

There is no doubt that she took an extremely courageous stand in 1979 with the late Dick Geddes and the Hon. Don Laidlaw (former member of the House) when they supported the then Labor Government in taking State legislative steps to block the takeover bid by Alan Bond interests in SANTOS and the Cooper Basin. It was an issue of some considerable moment in the community. It raised ideological issues as to whether Government should interfere with the operation of the market and the like. In that context it was very strongly opposed officially by the Liberal Party in this State. However, Mrs Cooper, along with those other members I have mentioned, showed considerable courage, which may have been to their detriment ultimately in terms of their political careers. They showed considerable courage on such an important issue in supporting and voting with the Labor Government of the day and against their colleagues in the Liberal Party.

I suppose whatever one's view might be about whether there is some sanctity in the operation of free markets or not, subsequent events in the rise and fall of Alan Bond's career I think would lead most people to conclude that the decision to block him in his takeover of the interests in SANTOS and the Cooper Basin was justified. I endorse the remarks made by the Leader of the Government and join in expressing my condolences and those of the Labor members to the family of the late Jessie Cooper.

The Hon. ANNE LEVY: I wish to join wholeheartedly in supporting this motion, particularly as the Hon. Mr Sumner and I were the only people to serve in this Chamber with Jessie Cooper.

The Hon. K.T. Griffin: I did.

The Hon. ANNE LEVY: I am sorry; very briefly.

The Hon. K.T. Griffin: One year.

The Hon. ANNE LEVY: Yes, one year. When I became a member of Parliament, Jessie Cooper had been a member of this place for nearly 16 years and for all that time had been the only woman present. However, when I was elected she certainly welcomed me as another woman in the Chamber. I can certainly testify to her compassion and courtesy at an individual level. Her sympathy and support when my husband died was outstanding and certainly far exceeded that of any other member in this Chamber on either side.

I first met Jessie Cooper when I was a small girl. Somehow my mother had met her, but I never found out how. I recall an occasion when the family was invited to the Coopers and I went along. We were served afternoon tea in the most beautiful Wedgwood china tea set that I had ever seen. I remember my mother being extremely concerned that I would break it, but I managed not to do so. However, it lived long

in my mind and for many years I associated Jessie Cooper with beautiful Wedgwood tableware, which is not an inappropriate association.

Jessie Cooper had a Bachelor of Arts degree in music; she was interested in arts and crafts of all types; she was a regular attender at concerts and anything associated with music; and she had a deep love for and an extensive knowledge of the arts—of a conservative kind but most sincere and deep nevertheless.

When she was elected to Parliament in 1959—I was a little older at that stage—I recall the interest in her election as the first woman member. I will not say that it served as a role model for me, but it brought home to me that it was possible for women to become members of Parliament, which I suppose was an idea that had not crossed my mind prior to that time.

I think we should acknowledge that when she was elected there was the famous court case to see whether the word 'persons' included women. The young lawyer who argued that 'persons' did include women was a man called Don Dunstan. It was an interesting political alliance which resulted in Jessie Cooper's being able to take her place in Parliament at that time, very much to the relief of all the people who supported having women in Parliament.

Jessie Cooper was certainly no feminist, despite the important place that she has in history as being the first woman member of this Parliament. I do not think she ever referred to the fact that she was the first woman member or the fight which had taken place 100 years ago to enable women to have the right to sit in this place.

Nevertheless, her place in history is assured. She will be remembered and honoured by the women of this community, and I am sure her role in this place will be carefully analysed at some stage. She remained a backbencher throughout her 20 years in this Parliament and, despite the fact that for many of those years there was a Liberal Government, I strongly suspect, given her intelligence and ability, that some sexism may have operated in the Government Party at the time which prevented her undoubted talents being recognised and her achieving more than backbench status.

Notwithstanding, the Hon. Jessie Cooper contributed considerably to this place. I may add that I very rarely agreed with her politically, and we had frequent political arguments both in the Chamber and outside, but that in no way detracts from my respect for her, for her achievement and a recognition of her most important place in the history of South Australia.

The Hon. DIANA LAIDLAW (Minister for Transport): I congratulate you, Mr President, on your appointment to this important position. I wish to place on the record my condolences to the family of the late Mrs Jessie Cooper, and I also note on the record my respect for Mrs Cooper. She was a family and personal friend. I know when I stood for preselection in 1982 she very keenly endorsed my preselection and said that she did not know that she had much influence on the Party any more but that she had one husband who had a vote and she would guarantee me that vote. That was my first vote, other than perhaps that of my own father, who was also a delegate at that time, and he held off a bit longer before promising me that I would receive his vote. So, Mr Cooper was the first, and that was thanks to Jessie Cooper; and I knew then that I was on my way.

I wonder sometimes, and I had a small smile on my face of some sadness and some interest that Jessie Cooper died a

few days before the beginning of the women's suffrage year. We had many discussions about women's suffrage, and I was very keen that she accompany me to the launch of the women's suffrage centenary celebrations at Government House last year. She struggled with the thought, said 'Yes' and then, the day before, said 'No'. She was having some giddy spells at that stage and she did not know how hot or how long the day would be, and she felt uncertain. I felt it was a breakthrough that she had even said she would come with me in the first place. I knew she had been very sick for some time, and I am sorry that Mrs Cooper is not alive today to accompany me to a number of women's suffrage centenary celebrations because I think I was gradually wearing her down and that she may have done so this year.

Mrs Cooper was a dear personal friend who spent a lot of time speaking with my father when they were both members of this place. I remember many discussions over the SANTOS Bill to which other members have referred. Because of this Bill, I thought I would briefly look at the *Hansard*. The fact that three members of the Liberal Party crossed the floor on the occasion of that Bill would suggest that we might see a speech going over five or six pages. In fact, Jessie Cooper had made up her mind what she was going to do, and in five paragraphs she very quickly and clearly sold her message as to why she had taken this stance. It is worth putting on the record some of those reasons. She starts off:

Despite many misleading statements and much false propaganda, this is not a Bill to nationalise anything. Very few countries today would tolerate a monopolistic takeover of a nation-wide wealth-producing activity. . . This is a Bill to keep within the control of South Australians the production and sale of certain products and assets which, first, are of the South Australian soil; secondly, have been developed by South Australians; and, thirdly, are being bought and used by South Australians for South Australian industry, for essential livelihood and vitality.

She goes on to say:

. . . people who took no part in the original risk, took no part in the long years of doubt, took no part in the long years of exploration, wish to take over the organisation at what, I suspect, is a fraction of its true value, in order to exploit it as rapidly as possible for a quick financial return.

We know that was certainly the bidder's practice in taking over many other companies that were not even as important as Santos. So, for South Australia's sake and for a continuing supply of gas, I applaud the contribution by the Hon. Jessie Cooper at that time. It is also important to note one other remark she made when retiring from this place. She said in 1979:

. . . a woman in politics works twice as hard as any man. . . When I finally entered Parliament I set myself a workload that nearly killed me.

And she went on to talk about a few other things. She was a Liberal and, having looked at a number of her speeches during this suffrage year, I think that was the closest she ever came to being a feminist.

Motion carried by members standing in their places in silence.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): As the Leader of the Council I move:

That as a mark of respect to the late honourable members the sitting of the Council be suspended until the ringing of the bells.

Motion carried

[Sitting suspended from 3.38 to 3.55 p.m.]

MEMBERS, FORMER AND NEW

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

That the Council expresses its thanks to former members, the Hon. G.L. Bruce and the Hon. Ian Gilfillan, and welcomes new members, the Hon. Sandra Kanck, the Hon. R.D. Lawson and the Hon. A.J. Redford.

On behalf of Liberal members, I want to place on record my personal tribute to the long years of parliamentary service of the Hon. G.L. Bruce and the Hon. Ian Gilfillan. In relation to Gordon, we had an opportunity at the end of the last session for a number of members, myself included, to thank the Hon. Gordon Bruce for his service to this Chamber as President and prior to that as Whip, and as a member of this Chamber, and also for his friendship, whether that be with his own colleagues—on most occasions I am told—and certainly with members of the Opposition as we then were; that friendship was always freely shared whether it be in this Chamber or over a quiet ale in the members' bar after an evening session.

The Hon. T.G. Roberts: I hope the new President is as generous.

The Hon. R.I. LUCAS: We all hope the new President is as generous as the old one, and we intend to put that to the test very soon after Question Time today. I do not intend to repeat those personal comments I made on that occasion and I know that a number of my colleagues who spoke on that occasion at the end of last session will not repeat their comments but, nevertheless, their tribute remains.

At the conclusion of the last session, I made some oblique references to the potential departure of the Hon. Ian Gilfillan. He obviously cannot stay away from the Legislative Council—we have noted his presence here today through various ceremonies we have had. I want to place on the record a personal tribute for the work that the Hon. Ian Gilfillan did over a number of years in the Legislative Council on behalf of his Party, the Australian Democrats. As other members have said in earlier speeches and contributions today, for example, the Hon. Anne Levy, we did not always agree and that is the way of politics. There were many issues on which we strongly disagreed, and I think there was one right towards the end of the Parliamentary session where I felt that the Hon. Ian Gilfillan had changed his view on a certain issue and I was not happy about that change of stance. I always respected the opinions of the Hon. Ian Gilfillan, even though on a number of occasions we did disagree. We shared a number of interests both within this Chamber and outside, both political and on occasions social, and we pursued a number of similar interests in community organisations, and community interest groups.

The Hon. T.G. Roberts: Bongo dancing.

The Hon. R.I. LUCAS: Bongo dancing was not one of them, but if the Hon. Terry Roberts has got something to contribute on that later on in this motion I will be interested to hear it.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Or something that we do not know that we can use on him; we would look forward to it with interest. I know that those interests outside the Parliament that the Hon. Ian Gilfillan and I shared we will continue to share. I know he will continue to be an active participant in community activities, even though for the moment he is no longer a member of the State Parliament. I wish the Hon. Ian Gilfillan well in his retirement, if indeed that is what he is actually enduring at the moment.

Mr President, the motion also welcomes the new members to the Chamber, the Hon. Sandra Kanck, the Hon. R.D. Lawson and the Hon. A.J. Redford. I know they will enjoy their time in the Legislative Council. As I said earlier today,

generally there is a cooperative spirit amongst members in this Chamber which I am sure they will grow to enjoy. I certainly look forward to their individual contributions to the operations of the Parliament. If I could conclude with one small bit of advice to the Hon. Sandra Kanck as a new member of the Australian Democrats—and I am sure she can check this with the Hon. Ian Gilfillan or the Hon. Lance Milne (a previous member)—there is an unwritten convention for Australian Democrat members: if you are ever in doubt always support the Government.

The Hon. C.J. SUMNER (Leader of the Opposition): I support the motion moved by the Leader of the Government in the Legislative Council. At the end of the last session it was fairly clear that there was going to be an election when we had one set of valedictories and it was absolutely clear that we were going to have an election when we had the second round of valedictories. Now, it seems that we are to have a third set of valedictories. In the adjournment debates during the previous sittings the retiring members were spoken about at some length and a tribute was paid to their service to the Parliament at that time. Indeed, tribute was paid to some who were not retiring, but perhaps that was more in hopeful anticipation.

I do not wish to add a great deal to the remarks that were made at the time, particularly concerning the Hon. Mr Bruce, about whom we spoke at some length. I note that he was in the precincts today and watched the opening, and I can only assume that he is having a less than satisfactory withdrawal process from his parliamentary duties. It would seem also that the Hon. Ian Gilfillan is having the same difficulty, but for once he is not able to explain himself to let us know whether or not these withdrawal symptoms are serious.

The Hon. L.H. Davis: At least he can hide his bald spot up there!

The Hon. C.J. SUMNER: That is true. Having said that, I would like to thank the former member, the former Hon. Mr Gilfillan, although I assume that after his length of service he is entitled to retain the title of 'Honourable' if he makes the appropriate application to the Governor. I thank the Hon. Mr Gilfillan for his contribution to the Parliament. The former honourable member played a pivotal role in this place as an Australian Democrat representative. He was the second Australian Democrat elected to the Legislative Council and, when first elected, held the balance of power with the Hon. Lance Milne.

True, the Democrats have always held the balance of power since the change in the structure of the Legislative Council, so since 1975 the Government of the day has not had a majority in the Council. The Democrats have played that pivotal balance of power role and it has been an important role in the politics of this State over that period. The Hon. Mr Gilfillan was central to that role, first, with the Hon. Lance Milne and subsequently as Leader of the Australian Democrats with the Hon. Mike Elliott and there can be no doubt that the Hon. Mr Gilfillan's contribution was significant and important, whatever view we take of individual decisions that were made from time to time.

One thing I must say about the Hon. Ian Gilfillan is that he was succinct in his contributions to the Council, although not as succinct as the Hon. Jessie Cooper apparently was, as the Hon. Anne Levy has referred to today. However, he was definitely succinct in his contributions, he got to the point quickly and did not indulge himself as a good number of

honourable members do in lengthy, prolix and somewhat irrelevant contributions.

Members interjecting:

The Hon. C.J. SUMNER: With the first Australian Democrat representative, the Hon. Lance Milne—I am sure he will not mind my saying this—there was some difficulty in deciding whether the Hon. Lance Milne had actually made up his mind on a particular issue. I remember crossing the floor one day during a division and saying to the then Leader of the Opposition, the Hon. Martin Cameron, that dealing with the Hon. Lance Milne was like playing Russian roulette, because one never knew which way it was going to end up.

However, when the Hon. Ian Gilfillan came along and was Leader in his own right, one thing I can say about him is that he was decisive, he made up his mind quickly, he was able to get a good grasp of the issues very quickly and he was able to make up his mind about them. Importantly, he was also a member with whom one could negotiate and reach agreement about issues in a reasonably short space of time because of his capacity for quickly understanding issues and getting on top of his brief. He was a clear thinker about those matters with which he dealt. Therefore, I thank him for his contribution and endorse the remarks—or most of them—made by the Leader. I wish the Hon. Mr Gilfillan well in his retirement.

The Hon. M.J. ELLIOTT: I support the motion. At the end of the last session I had an opportunity to comment about the Hon. Mr Bruce and the role he played as a member of this Council and later as President. I commented upon his fairness in the way in which he carried out that office. Not a great deal of comment was passed at that time about the role of my then colleague the Hon. Ian Gilfillan, and I must say that I believed at the time that, if he was unsuccessful in his bid to win the seat of Norwood, we would see him back in this place. However, the matters that occurred during that election campaign, which I am sure we will examine again later, made things extremely difficult for Ian both during the campaign and subsequently. I will not dwell on that now, other than to note that 'unfortunate' is probably the kindest word one can use about it. I, for one, will not be a major crusader for shield laws, as Ian Gilfillan was, as to the media's capacity to say whatever they like, no matter what.

Should the question of shield laws re-emerge, it will be given a great deal more scrutiny. I believe that Ian may even say the same thing if he had the opportunity to speak in here today. He did receive what I believe was unfair treatment at a time that was crucial and at a time when he had no capacity to respond in any reasonable manner. I believe that he was crucified and, as I said, we will get an opportunity to comment on that later.

Also, I express my gratitude for the role that Ian played for the Democrats in this place. It is fair to say that before his arrival there was uncertainty from time to time about how the Democrats might react on a position. I do not believe that that was true in relation to matters that Ian handled, or certainly from the time when Ian became Leader, and I would hope and expect that we can continue that tradition. Certainly, I welcome my new colleague the Hon. Sandra Kanck and the other two new members of this place. This place does have its ups and downs but it does play an absolutely crucial role in the democratic processes in South Australia, and I hope that those members find their time in this place rewarding.

Motion carried.

MEMBERS, COMMISSION FOR SWEARING IN

The PRESIDENT: I inform the Council that I have received from Her Excellency the Governor a commission authorising me to administer the oath or affirmation to members of the Legislative Council.

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: I lay upon the table the minutes of the Assembly of Members of the two Houses held this day to fill a vacancy in the Legislative Council caused by the resignation of the Hon. Ian Gilfillan.

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

That the minutes of the proceedings be printed.

Motion carried.

PARLIAMENTARY DOCUMENTS

The PRESIDENT: I further lay upon the table a statement by the Clerk of the Legislative Council in relation to police access to certain documents. I wish to make a statement concerning access to documents relating to the Hon. Ian Gilfillan. I have been elected President of the Legislative Council. I now have the necessary authority to deal with the requests by members of the South Australian Police Force Anti-Corruption Branch for access to certain documents relating to claims by the Hon. I. Gilfillan for living away from home expenses. Because the matter is one of some complexity I have determined to first seek an opinion through the Attorney-General, as the first law officer, from the Crown Solicitor on the issue of parliamentary privilege and the status of the documents. I will report to the Council when I have an opinion.

ENVIRONMENT RESOURCES AND DEVELOPMENT COMMITTEE

The PRESIDENT: I lay upon the table a report of the Environment Resources and Development Committee on Southend Foreshore Erosion, which was authorised, printed and published pursuant to section 17(7)(b) of the Parliamentary Committees Act 1991.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1992-93—

Auditor-General's Department.
Freedom of Information Act 1991.
Government Adviser on Deregulation.
Industrial and Commercial Training Commission.
Non-Government Schools Registration Board.
Small Business Corporation of South Australia.
State Services.

Regulations under the following Acts—

Education Act 1972—

Alberton Primary School Council.
Teacher Registration Fees.

Freedom of Information Act 1991—Fees and Charges.
Public Corporations Act 1993—Formation of STA
Subsidiary—Austrics.

Remuneration Tribunal—Reports relating to Determination Nos 2, 3 and 4 of 1993.

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

Reports, 1992-93—

Department of Correctional Services.
 South Australian Meat Corporation.
 Mines and Energy South Australia.
 Mining and Quarrying Occupational Health and Safety Committee.
 National Crime Authority.
 Occupational Health and Safety Commission.
 Soil Conservation Council.
 Veterinary Surgeons Board.
 WorkCover Corporation.

Rules of Court—
 District Court—District Court Act 1994—
 Adoption of Supreme Court Rules.
 Various—Mental Health Act.
 Environment, Resources and Development Court—
 Environment, Resources and Development Court Act 1993—General.
 Supreme Court—Supreme Court Act 1935—
 Admission of Practitioners.
 Foreign Judicial Process.
 Taxation of Costs.
 Youth Court—Youth Court Act 1993—
 General.

Regulations under the following Acts—
 Branding of Pigs Act 1964—Fees and Charges.
 Construction Industry Long Service Leave Act 1987—
 Abolition of Compulsory Retirement.
 Country Fires Act 1989—Abolition of Compulsory Retirement.
 Crown Proceedings Act 1992—Officers Protection from Prosecution.
 Deer Keepers Act 1987—Triennial Registration Fee.
 Dried Fruits Act 1993—Registration—
 Producers/Packers.
 Fisheries Act 1982—SAFIC—Prescribed Body.
 Industrial Relations Act 1972—
 Non-Legal Registered Agents.
 Registered Agents.
 Workers Rehabilitation and Compensation Act 1986—
 Non-Bank Financial Institutions.
 Young Offenders Act 1993—Training Centre Review Board Practice and Procedure.

Summary Offences Act 1953—
 Dangerous Area Declarations, 20.4.93—19.7.93,
 20.7.93—30.9.93.
 Road Block Establishment Authorisations—20.4.93—
 19.7.93, 20.7.93—30.9.93.

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—
 Regulations under the following Act—
 Liquor Licensing Act 1985—Dry Areas—
 Adelaide/Victor Harbor/Renmark.
 Port Elliott, Goolwa and Normanville.

By the Minister for Transport (Hon. Diana Laidlaw)—
 Reports, 1992-93—
 Enfield General Cemetery Trust.
 Environmental Protection Council.
 Department for Family and Community Services.
 Murray-Darling Basin Commission.
 Planning Appeal Tribunal.
 National Road Trauma Advisory Council—Report, 1992.

Regulations under the following Acts—
 Building Act 1971—Transitional Provisions Class 1a and 10a Buildings.
 Clean Air Act 1984—
 City of Adelaide—Backyard Burning.
 Fee Exemption—Methyl Chloroform.
 Development Act 1993—Variations.
 Harbors Act 1936—Dragon Boat Festival.
 Local Government Act 1934—Freedom of Information—Fees and Charges.
 Motor Vehicles Act 1959—Demerit Points Scheme.
 Physiotherapists Act 1991—Registration and Practice.
 Road Traffic Act 1961—
 Breath Analysis—Voluntary Blood Tests.
 Television Receivers.
 The Code—Traffic Control Devices.
 Tobacco Products Control Act 1986—Sale of Tobacco Penalties.

Planning Act 1982—Crown Development Reports—
 Three minor Public Service depots at Darlington;
 Erection of single unit transportable classroom—
 Aldgate Primary School.

Corporation By-laws—
 Adelaide—
 No. 12—Public Restaurants and Fish Shops.

Noarlunga—
 No. 18—STED Schemes.

District Council By-laws—

Barossa—
 No. 1—Permits, Penalties and Fees.
 No. 2—Street Hawkers and Traders.
 No. 3—Bees.
 No. 4—Animals and Birds.
 No. 5—Garbage Removal.
 No. 6—Dogs.
 No. 7—Repeal of By-laws.

Kapunda—
 No. 1—Permits, Penalties and Fees.
 No. 2—Street Hawkers and Traders.
 No. 3—Bees.
 No. 4—Animals and Birds.
 No. 5—Garbage Removal.
 No. 6—Dogs.
 No. 7—Repeal of By-laws.

Mount Remarkable—

No. 4—Camping.

Port Elliott and Goolwa—
 No. 1—Permits and Penalties.
 No. 2—Taxis.
 No. 3—Caravans and Camping.
 No. 4—Traffic.
 No. 19—Moveable Signs.

Stirling—
 No. 42—Moveable Signs

By the Minister for the Arts—(Hon. Diana Laidlaw)
 Reports, 1992-93—
 Carrick Hill Trust.
 South Australian Country Arts Trust.

STATE BANK

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement on the subject of the task force to coordinate prosecutions arising from the State Bank Royal Commission.

Leave granted.

The Hon. K.T. GRIFFIN: Members will be aware that on 31 January 1994 I publicly released a report of the task force which was established by the previous Government to coordinate prosecutions arising from the State Bank Royal Commission. The Task Force on Criminal Prosecutions was established by the former Attorney-General (Hon. C.J. Sumner MLC) on 22 July 1993 and was chaired by K.L. Kelly, Chief Executive Officer, Attorney-General's Department. The other members of the task force were:

- Mr John Wolters, Regional Commissioner for South Australia of the Australian Securities Commission;
- Mr Barry Jennings QC, Crown Counsel;
- Ms Ann Vanstone, Associate Director of Public Prosecutions (South Australia);
- Ms Patricia Kelly, a senior prosecutor with the Director of Public Prosecutions; and
- Detective Chief Inspector Eaton of the Fraud Task Force of the South Australian Police.

The coordinating task force was set up prior to the publication of the final royal commission report by the Royal Commissioner, Mr John Mansfield QC, which was finally published on 6 September 1993. The task force was assigned the following tasks: to consider all reports from the royal commission and the Auditor-General; to establish procedures

in anticipation of the final report by the Royal Commissioner; to coordinate and allocate the recommendations within that report for investigation or prosecution; to address questions of jurisdictional responsibility for investigation of prosecutions; to address questions of access by the Australian Securities Commission and the Director of Public Prosecutions to materials, documents and evidence held by the royal commission and the Auditor-General; to liaise with the Royal Commissioner about the effective allocation of references for prosecution.

The report of the task force covered recommendations made by John Mansfield QC that investigations for possible criminal prosecutions be referred both to the Australian Securities Commission and to the State Director of Public Prosecutions.

The task force completed its report and furnished it to me on 19 January 1994. It is appropriate that I now seek leave to table that report.

Leave granted.

The Hon. K.T. GRIFFIN: I will deal briefly with the conclusions of the task force. The Director of Public Prosecutions (Mr Paul Rofe QC), through the task force, issued the following statement for public release:

I have considered the two matters referred to me for further investigation by Commissioner Mansfield QC in the final report of the Royal Commission into the State Bank of South Australia. Both matters related to possible breaches of section 11 of the State Bank Act by Mr T.M. Clark.

Such breaches of the State Bank Act are designated summary offences, proceedings for which must be instituted on complaint within six months from the time when the matter of the complaint arose (section 52 of the Summary Procedure Act).

The events giving rise to the references occurred in 1987 and 1988. Because of the six month limitation, proceedings cannot now be instituted. I have no doubt that I would have instituted proceedings had the matters been brought to my attention within the time period. On the material presented to me there is no evidence to suggest offences against the criminal law of South Australia by any person.

I advise Parliament that I have accepted the advice of the Director of Public Prosecutions that there is no prospect or possibility of prosecutions under State law arising from the recommendations of the State Bank Royal Commission Final Report.

As I made clear at the time of the public release of the task force report, although the proposal to extend, by legislative means, the time limit on legal proceedings had superficial attraction, such a course could not be taken without compromising fundamental principles of justice.

As to the matters referred to the Australian Securities Commission, honourable members may be aware that on 13 January 1994 Mr John Wolters, Regional Commissioner for South Australia of the Australian Securities Commission and a member of the task force, issued the following statement to the task force for public release:

The Australian Securities Commission has now completed its consideration of the matters identified by Mr Mansfield QC which it undertook to examine involving the possible breaches of the Corporations Law, the Companies (SA) Code and the Securities Industry (SA) Code by officers of Beneficial Finance Corporation Limited and associated companies.

After a thorough review of all the matters the Australian Securities Commission has concluded that none of them warrant further investigation by the Commission.

In assessing the individual matters the Commission took into consideration both the age and seriousness of the possible breaches, the quality of any available evidence, the additional investigative effort that would be required in each matter before any charges could be identified and recommended as well as the likelihood of success in any resulting prosecution.

Reluctant as it is to accept that no criminal prosecutions at all are to ensue as a result of the State Bank debacle, the Government accepts the advice of the Australian Securities Commission as the responsible Federal regulator and law enforcement authority.

The Hon. C.J. Sumner has raised issues about extensions of time by the Commonwealth Attorney-General, but his statements are misinformed and misguided. Following those statements being made—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Following those statements being made, the Regional Commissioner of the Australian Securities Commission wrote to the Editor of the *Advertiser* setting the record straight. Although the *Advertiser* carried a report of Mr Wolters' concerns in a prominent position (page 1 of the *Advertiser*, 4 February 1994), the letter itself was not published. I have Mr Wolters' permission to quote the contents of his letter, and, for the information of honourable members, I now read in full that letter which is dated 3 February 1994. It is to the Editor and it states:

Dear Sir/Madam

I am very concerned by comments attributed to the former Attorney-General, Chris Sumner, regarding the Australian Securities Commission's treatment of matters relating to Beneficial Finance Corporation, referred to it for further investigation by State Bank Royal Commissioner, John Mansfield (*Advertiser* 3.2.94)

In July last year, Mr Sumner invited the ASC to be part of a State task force whose purpose it was to further investigate matters arising from the State Bank Royal Commission. The ASC's brief in the task force was to restrict itself to those matters in Mr Mansfield's final report that related to possible breaches of the Corporations Law and its predecessor Codes by officers of Beneficial Finance Corporation Limited and associated companies.

From 1991, the ASC had repeatedly expressed interest in Beneficial Finance matters but was told that no references of any uncovered breaches could be made to it until after a final report was submitted by the Auditor-General. It became clear from what was learned of the State inquiries that there were likely to be no findings of fraud or dishonesty by any officer of Beneficial Finance.

When the ASC was given material gathered in the State inquiry relating to matters finally referred to it, it turned out that the recommendations for further investigation by the ASC were made on the basis of scant evidence. In most cases of possible breaches—

The Hon. C.J. Sumner: You are having a go at the Royal Commissioner now, are you?

The Hon. K.T. GRIFFIN: He indicates that it was made on the basis of scant evidence. The letter continues:

In most cases of possible breaches very little material had been uncovered, and the investigative process had hardly begun.

Mr Mansfield referred six matters for further investigation by the ASC. In fact, we also looked at a further five. None of the 11 matters appeared to involve any serious breaches of the Law or Codes. Some were as much as three years over the five year statutory limit for bringing Code prosecutions and involved, at the most, a fine of \$150.

Given that all individuals involved, if found guilty, would be likely to be first offenders; that there appeared to be no evidence of fraud or deception; that there was disclosure to the boards involved; and that a proper investigation had for all practical purposes not yet commenced, the ASC and the other task force members concluded it would be inappropriate to pursue these matters. This especially so where commercial incompetence, rather than dishonesty, appeared to be the true cause of the disaster. In this respect it seems a far better use of public resources to pursue those responsible for the losses in the civil courts.

To answer Mr Sumner's concerns: Yes, the ASC did consult with the Commonwealth DPP for advice on the appropriateness of charges in certain matters; and no, the ASC did not apply to the Commonwealth Attorney-General for extensions of time in which to lay charges. Such extensions could not be sought where no prosecution briefs have been prepared. This reason was explained to Mr Sumner when he was still in office and was outlined in the published report of the task force.

I understand that the former Attorney-General received briefings from the Australian Securities Commission and was kept informed generally of the work of the task force.

On the information provided to me the Australian Securities Commission has fully and fairly discharged the function assigned to it and provided cooperation in all respects to the task force. The questions of extension of time have never arisen in practical terms: the Australian Securities Commission has concluded that the question of further investigation is simply not warranted and the threshold issue of criminal prosecution was never reached.

It is clearly unfortunate that the devastating events of the State Bank collapse, the responsibility for which was sheeted home so clearly to the previous Government by the Royal Commission, should not, in the end, have given rise to criminal prosecutions.

Community outrage at the performance of those who caused the bank collapse, and at the former Government, whose neglect and irresponsibility contributed so substantially to the disaster, will now need to be met through the possibility of civil claims against the auditors and other bank directors or officers.

I will, at the appropriate time, inform Parliament, necessarily in general terms only, in respect of any civil proceedings to be taken by the State.

Finally, as was made clear by the task force, if at any time there is further evidence of criminal activity unearthed, this Government will ensure that it is promptly investigated and that, if required, criminal proceedings will be undertaken.

The Hon. C.J. SUMNER (Leader of the Opposition): Mr President, I should like to begin by congratulating the Liberal Party on its winning the last election. I congratulate the new members of Parliament and, in particular, those members who have been appointed to ministerial and other office.

QUESTION TIME

PARLIAMENTARY SECRETARY

The Hon. C.J. SUMNER: I seek leave to make an explanation before directing a question to the Parliamentary Secretary for Multicultural and Ethnic Affairs, the Hon. Mr Stefani.

Leave granted.

The Hon. C.J. SUMNER: Following the election of the present Premier, Dean Brown, to the leadership of the Liberal Party in 1992, the Hon. Julian Stefani threatened to quit the Liberal Party. This was stated in the *Advertiser* of 28 May 1992, when the honourable member revealed that he was the member threatening to quit the Liberal Party to stand as an Independent. The article states that he said he was:

... no longer prepared to put up with the 'treachery, betrayal and double deals' in the Party involving selection of candidates, leadership and the make-up of the shadow Cabinet. Ending the mystery yesterday, Mr Stefani, 52, who entered Parliament in 1988, said: 'It is me and I am still considering my future.' ... 'My sails are set on that course.' [he said.]. ... 'The reality is there are people who are able to make decisions that as an individual I am entitled to make. I owe no debts to the Liberal Party.'

It now appears that the honourable member has been appointed Parliamentary Secretary for Multicultural and Ethnic Affairs, and my questions to the honourable member are:

1. When was the honourable member appointed Parliamentary Secretary for Multicultural and Ethnic Affairs?
2. Who made the appointment?
3. Will the honourable member table the instrument of appointment?
4. Did the honourable member threaten to carry out his intention to leave the Liberal Party unless this appointment was given to him?

The Hon. J.F. STEFANI: In answer to the question asked by the Leader of the Opposition, the appointment was made on the basis that the Premier approached me and asked me whether I was prepared to serve in that position. I indicated to the Premier that I was quite willing to do that, and he then announced the appointment in the joint Party room. That occurred shortly after the election results were announced and the Liberal Party became the Government. What were the other points?

The Hon. C.J. Sumner: Who made the appointment?

The Hon. J.F. STEFANI: The Premier himself.

The Hon. C.J. Sumner: Did he table the instrument of appointment?

The Hon. J.F. STEFANI: There were no instruments of appointment as such; he indicated that, and the indications on the basis of that arrangement were accepted.

An honourable member: Is it a paid position?

The Hon. J.F. STEFANI: There are no paid positions. I receive no extra money for carrying out the duties that I have accepted. What was the other point?

The Hon. C.J. Sumner: Did the honourable member threaten to carry out his intention to leave the Liberal Party unless he was appointed?

The Hon. J.F. STEFANI: No, that was not the case. I do not operate on blackmail.

The Hon. C.J. SUMNER: My second question is directed to the Leader of the Government. Given that section 68 of the Constitution Act requires that the appointment to all public offices under the Government of the State, whether such offices be salaried or not, shall be vested in the Governor, does the Leader consider that the Hon. Mr Stefani's appointment or claim to be a Parliamentary Secretary when he has no such appointment from Her Excellency the Governor to be a valid assumption of that office?

The Hon. R.I. LUCAS: I will take that question on notice, refer it to the Premier and bring back a reply.

MINISTERIAL ACCOMMODATION

The Hon. BARBARA WIESE: My questions are directed to the Minister for Transport.

1. Is it true that the Minister refused to take up the recently fitted out office accommodation previously occupied by me in the SGIC building, despite the fact that it was collocated with key transport policy and planning officers?
2. Did she instead direct senior officers of STA to vacate the executive suite in STA House so that she could move in there?
3. Was this so that she would have access to a balcony to indulge her smoking habit?
4. Is it true that the relocation costs for those displaced offices was at least \$250 000?
5. If so, will this mean a reduction in resources available to the STA for public transport services?
6. How does the Minister justify to taxpayers her \$250 000 drug problem?

The Hon. DIANA LAIDLAW: The answer to the first question is 'Yes'; to the second, 'Yes'; to the third, 'No'; to the fourth, 'No'; and the fact that I have located myself in STA House has been warmly welcomed by officers within the STA. There was so much scuttlebutt, rumour and the like by members opposite and by the unions that the STA would be raped and slashed and burned with the Liberal Government and with me as Minister (that was always false, and the members and unionists who peddled that knew that to be so) that I decided that as an act of faith and to reinforce the goodwill within the Liberal Party passenger transport strategy I would locate myself in the STA building, and meet members of the STA on a daily basis, as I do in the lift and other areas. There have been some relocation costs, but the figures that have been provided or made up by the shadow Minister are fanciful, and I will bring back an outline of the full details.

I should indicate that I now have responsibility for the transport and arts portfolios. There were two ministerial officers in the past for those positions, and two lots of staff to support two Ministers. I have fewer staff today than the former Minister for Transport had when she had just that one portfolio and I have three. There have been savings from the decisions that I have made; otherwise I would not have undertaken such a move.

I also indicate as Minister for the Arts that the arts have warmly welcomed the fact that my office is located on North Terrace, which is seen as a sign of commitment to the arts. As I indicated, it has been welcomed; it is convenient for people in the arts to work closely with me in that regard.

In terms of the Status of Women portfolio, there are major changes, as members opposite would know, within the State Administration building. We are currently negotiating the location for what is known as the Office of Women's Policy and Information Planning. I would be keen in time to have them relocated to the building in which I am working rather than be located a distance away.

So, there were a number of reasons why I made the decision to move. Negotiations are taking place. The office space that the former Minister of Transport Development occupied has now been occupied by the Minister for Emergency Services, so there is no outlay or waste in that regard.

In terms of the Office of Transport Policy and Planning, a number of officers certainly have been moved from that area and are now sited on the twelfth floor of the STA building. A very good arrangement has been made in relation to the rental and outfitting costs, and I will bring back those figures, as I indicated. Officers of the OTPP are aware that they will be relocated shortly, I hope, to the road transport agency at Walkerville, and other agencies more closely associated with the Minister for Emergency Services are looking at the rental of that space. So, it will be an advantage all round, for the smooth working of Government and for taxpayers.

The Hon. BARBARA WIESE: As a supplementary question, does the Minister deny that a major factor for the location of her office was, as has been reported to me by a number of individuals, the desire to have a balcony in order to indulge her smoking habit?

The Hon. DIANA LAIDLAW: No. I absolutely refute that statement.

The PRESIDENT: The Hon. Mr Elliott.

The Hon. Diana Laidlaw: And someone is pretty desperate—

The PRESIDENT: Order! The Minister has had her opportunity to answer the question. The Hon. Mr Elliott.

CLASS SIZES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about class sizes.

Leave granted.

The Hon. M.J. ELLIOTT: To quote the Hon. Mr Lucas, many people have rung my office expressing concern—

The Hon. R.I. Lucas: How many?

The Hon. M.J. ELLIOTT: Probably a damn sight more than rang you when you used that phrase! There is concern about burgeoning class sizes. I might note that my children are in classes of 30 and 31, so I could express concern about those.

The Hon. R.I. Lucas: Are they receiving a good education?

The Hon. M.J. ELLIOTT: They are receiving as good an education as they could hope to receive from the excellent teachers they have. The concern is about class sizes within our State school system, which have been put down to the department's staffing formula. In one case that has been brought to my attention, at one Adelaide Hills public primary school a grade 4 student was placed in a composite grade 4/5 class of 35 students. This led to the student's parents moving the child to a different school five kilometres farther from home, where the new class has only 29 students, to ensure a greater opportunity for quality education.

I understand that the school was forced to endure such large class sizes because it was just below the staffing quota for an extra teacher. Might I note that now, happily, this class is down to 33, because another child has been withdrawn from the class and taken to another school. I have also received reports from several northern suburban high schools, including one designated disadvantaged school, which have been told two weeks into the new school year that they are losing teachers because of the staffing criteria. My office has been told that the schools are now in a position where they must cut classes, cut subjects, or increase class sizes to more than 30 students, in some cases. I believe that the Minister should be true to his pre-election promise that class sizes would be frozen for the next three years. My questions to the Minister are:

1. Will he take action to ensure that class sizes are frozen as per the Government's pledge?

2. Will the Minister investigate changes to the staffing formula to ensure that class sizes do not blow out and that classes are not jeopardised?

3. How can the Minister justify a class of 35 students, which has occurred in at least one school?

The Hon. R.I. LUCAS: It was interesting that the Hon. Mr Elliott did not respond to my interjection about whether or not his children were receiving a good education in class sizes of 30 to 31. The honourable member has been on record on a number of occasions, both in this Chamber and publicly, indicating that his children attended public schools and received a very good education. I presume, therefore, that the Hon. Mr Elliott is indicating that his children are still receiving a good education at that Government school they attend at the moment. If he is not, I welcome his putting that statement on the record.

The staffing formula that exists in schools at the moment is the staffing formula that existed under the previous Labor Government.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Hold on. The honourable member is asking what is occurring in schools at the moment. What is occurring in schools at the moment is as a result of the staffing formulas of the previous Labor Government. The staffing formulas have not been changed by this Government at all. Any of the problems the honourable member is highlighting at the moment, if they are problems, are problems of the staffing formula that existed under the Labor Government since 1991 when the Labor Government broke its promise in relation to the curriculum guarantee, cut 800 teachers from our schools and increased average class sizes by two throughout South Australia.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott is asking questions about potential problems that exist in schools at the moment, the inference being that in some way the new Government and the new Minister had made changes to the staffing formula of schools; that in some way the new Government and the new Minister had cut back on teacher numbers in schools in some way. That is not true. There have been no changes at all in relation to the staffing formula in schools. The Hon. Mr Elliott, as a former teacher who says that he has been following the education debate for some time, well knows that all our schools are staffed under a common staffing policy that gives all schools one teacher for 25 students in junior primary years and one teacher for 29 students in all other years, with the exception of years 11 and 12.

So, the common staffing formula allocates to all schools one teacher per 29 students. If a school—and the honourable member has indicated a school—puts 35 students in a composite class of years 4 and 5, there must be a compensating smaller class, perhaps of fewer than 25 students, in some other part of the school, because schools are staffed on a formula of one teacher for 29 students. If the Hon. Mr Elliott would like to give me the detail of any of the cases, the names of the schools and the particular problems, I will take up the issue with the department and pursue the matter for him. But he ought to know that the staffing formula that existed under the previous Government still exists. There have been no cutbacks in teacher numbers and staffing formula allocations by the new Government.

SELLICKS HILL CAVE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about the Sellicks Hill cave.

Leave granted.

The Hon. CAROLYN PICKLES: On 10 December 1993 Southern Quarries Pty Limited blasted away at what might have been one of South Australia's most valuable environmental resources, namely a cave beneath the surface of its quarry. That act of environmental vandalism is at present being investigated by the Department of Environment, and I await the outcome of that investigation with some interest. In September 1991 the Cave Exploration Group of South Australia was approached by a consultant mining specialist acting on behalf of Southern Quarries Pty Limited to explore

and report back on a small cavern that was broken into as a new deep bench was being cut at the Sellicks Hill quarry.

From this initial discovery it was found that this cavern was only the start of a series of chambers, each one containing fine specimens of geological limestone formation. Over one kilometre of passages was subsequently surveyed and photographed. I have viewed a video and seen photographs of these caves and consider that they might have been, prior to the blasting, of major environmental importance.

The cavers have provided a copy of the map and have made a report of their exploration to the company and spent some time talking with the company's consulting geologist. During 1993 no further access was granted to the cavers. As I have mentioned previously, the big room that was beneath the ground was blasted by an implosion on 10 December. My questions to the Minister are:

1. Is the Minister going to allow this company to get away with a deliberate act of vandalism without any form of penalty at all?

2. Why was the department responsible for South Australia's heritage not called in by the Department of Mines and Energy to assess the heritage and potential tourist value of the cave?

3. What was the role of the Department of Mines and Energy leading up to the blasting of the cave and what has been its role in events since then?

4. Evidence presented at the review into the facts showed considerable inconsistencies in the material presented by the Department of Mines and Energy. What, if any, environmental impact assessment did DME undertake and can documentary evidence of any environmental impact assessment be provided?

5. What was the role of the company in the process; why did it go through the process of entering into a secrecy agreement with the Cave Exploration Group of South Australia and then send a copy of that contract to DME?

6. Why has a stop order not been placed under the Heritage Act to ensure that no further mining or blasting takes place in the immediate vicinity of the remains of the cave?

7. If the Minister decided to review the facts in order to make a decision on the future of the cave, why did he not, as part of this review, hold a public investigation into the events leading up to the blasting of this cave which would have allowed for public submissions and scientific evidence to be placed before it?

8. Will the Minister consider special legislation to be enacted to allow for public involvement in decisions about the protection of such sites before any precipitous action is taken on any other occasion?

9. How is the Government going to ensure that such an event will not occur again?

The Hon. DIANA LAIDLAW: I will seek a report on all those matters from the Minister and bring back a reply. I indicate that I have asked the Minister for views on this matter because of concern that has been expressed to me by various constituents. I am aware that, in addition to the Department of the Environment report to which the honourable member refers, there has in fact been an independent report ordered as a joint exercise by both Ministers in this matter. The Government anticipates that that report will be received in the very near future.

CASEMIX

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before addressing a question to the Minister of Transport, representing the Minister of Health, regarding the implications to the South Australian health system of the introduction of casemix funding.

Leave granted.

The Hon. SANDRA KANCK: Under the Commonwealth-State Medicare agreement the States inevitably have to move to a system of casemix funding. I am informed that, whilst such a system has the advantages of ensuring hospital accountability, equitable distribution of funds and efficiency, there are a number of drawbacks that are recognised worldwide. These are, first, the incentive to discharge patients too early with possible consequent health risk, particularly if they are faced with care or responsibility at home as often happens with women; secondly, the potential of the real cost being borne by women (and homemakers) in terms of time and energy as carers of the discharged patients; thirdly, encouragement of hospitals to specialise in particular profitable areas which are at the expense of the community; and, finally, the potential of nursing cutback and the consequent pressure placed upon them. My questions to the Minister are:

1. Whilst the greater throughput of patients has obvious benefits for the unacceptably large hospital waiting lists, what plans does the Government have to fund the increased need for home support for patients who are discharged early under the casemix funding scheme?

2. Given that some of the long length hospital stays are older people waiting for appropriate nursing home care, how much money will the Government be setting aside for increased home nursing services? What system will be in place to ensure that those nursing homes have an acceptable standard of care?

3. What plans are going to be put in place with respect to hospitals providing care for those patients with unpredictable illnesses which would mean longer and more costly stays in hospital?

The Hon. DIANA LAIDLAW: I will seek a reply to all those questions from the honourable member. I do congratulate her on her maiden question in this place and for her interest in this matter. She will, of course, be aware that there has been strong endorsement for this casemix proposal since it was announced by the Minister for Health a couple of days ago.

DIAMONDS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking a question of the Attorney-General, representing the Minister for Primary Industries and Mining and Energy, on the subject of diamonds.

Leave granted.

The Hon. R.R. ROBERTS: During the course of the last Labor Government geological surveys of the north of our State were undertaken. I understand those geological surveys have indicated that there are mineral deposits. One of the things that has occurred from those preliminary explorations is the recognition that there are known kyanite bodies being found in Spencer Gulf. In an article in the *Port Pirie Recorder* on 25 January 1994 there was a report that a Western Australian company plans to explore potential diamond mining in Spencer Gulf. This follows encouraging positive signs that were discovered of samples taken, and the

company may take samples by using divers or a pump system to study the potential of this mine in Spencer Gulf. What is being proposed to survey is an area that covers the entire 15 000 square kilometres pegged in the Gulf and 6 500 square kilometres around Kangaroo Island. It stretches from Port Augusta in the north to Port Lincoln and Kangaroo Island in the south.

The contribution in the *Port Pirie Recorder* talks about the similarities between this and an operation that has taken place in South Africa. I am led to understand that following a successful survey one of the methods of mining would be sea dredging. We are talking about a very sensitive area, especially in Spencer Gulf, which is not an enclosed fishery but certainly has a fair degree of containment within those waters. You yourself, Mr President, as a resident of the West Coast, would have endured concerns from fishermen and particularly prawn fishermen living in those gulfs. Obviously with a dredging operation of this kind there would seem, on the surface, to be the possibility for extensive damage to the environment. My questions to the Minister are:

1. Can the Minister assure this Council that exploratory techniques to be employed in the exploration of this particular mine will not cause damage to the gulf environments in the State's fisheries?

2. Will the Minister undertake a proper environmental impact study before allowing mining, and particularly dredge mining in Spencer Gulf and around Kangaroo island, to ensure that little or no damage is done to our fisheries and our gulf ecology?

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

SOUTH-EAST WETLANDS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation prior to directing a question to the Minister for Transport, representing the Minister for the Environment and Natural Resources, on the question of wetlands in the South-East.

Leave granted.

The Hon. G. WEATHERILL: Mr. President, anybody that has been to the South-East and seen the wetlands would have to be exceptionally impressed with these wetlands. It has been brought to my attention by the trust that oversees these wetlands that a lot of this land is donated by farmers in the area. What has been happening in the past is that the farmers donate this land and also have to pay a stamp duty and transfer fee whilst donating wet land for the good of all South Australians. For their generosity we penalise them. Will the Minister look at doing away with stamp duties and the transfer fees? Would he also look at making it retrospective to these generous people who have already donated this land?

The Hon. DIANA LAIDLAW: I will refer the question to the Minister for the Environment and Natural Resources. I suspect it should also be referred to the Treasurer because of the stamp duty implications and I also will be happy to do that.

SALO

The Hon. ANNE LEVY: I seek leave to make an explanation before directing a question to the Minister for the Arts about advisory committees.

Leave granted.

The Hon. ANNE LEVY: The Hon. Mr Griffin has already begun the process of returning South Australia to the 1950s and 1960s by his banning of the film *Salò*. This is despite the recommendation from the Commonwealth Film and Literature Board of Review that the previous ban be lifted and the film receive an R classification so that it could be viewed by adults if they chose to see it. I would like to remind members that this film can now be viewed by adults in 16 different countries, including Britain, France and the United States of America. It certainly makes us look ridiculous that our new Government is adopting a 'big daddy' approach and limiting our access to a serious if revolting film, so separating us from the rest of Western culture by puritanical and bigoted censorship.

Members interjecting:

The Hon. ANNE LEVY: Just as our Festival of Arts is to begin, where we hope to impress other nations as to the depth and value of our cultural pursuits.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: As to arrests on footpaths, I apologised publicly for that, I remind the Minister. I do not want to see the film *Salò*; I have not seen it and, when it is finally released in Adelaide, as I am sure it will be, I do not intend to pay good money to go and see it. But I express my strongest indignation that the Hon. Trevor Griffin is sitting in judgment about what I and other adult South Australians can view. I do not want him as my moral guardian and I do not want him making aesthetic judgments for me. I would maintain that he is not qualified for either role.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: Mr President, I would like to quote—

The Hon. Diana Laidlaw: I'm not sure what this has to do with advisory committees.

The Hon. ANNE LEVY: If you listen to my explanation, you will find out. I should like to quote from an article written by the Chair of the Commonwealth Film and Literature Review Board as to why the 17-year-old ban on *Salò* has been lifted for the rest of Australia. Evan Williams states:

Salò contains scenes of concentrated foulness such as few of us might have imagined, and I doubt if anything would persuade us to watch it again. Yet we reached our decision with surprising ease and a reassuring unanimity.

He further states:

I believe, as I am sure do my colleagues on the board, that the paramount function of censorship is to protect innocent and impressionable young minds from corrupting influence, and that artistic freedom is only one element—though probably the most important—amongst those we are asked to weigh.

I believe there are many films that would be better not made and many more that would be better not seen. I deplore Hollywood's obsession with violence and depravity, which seems to be getting worse, and was amongst the first to advocate the newly adopted MA (Mature Adult) film classification. . .

But I can see no valid reason for preventing adults from seeing *Salò*.

Further in his article he states:

The Times critic in 1977 called it a 'forbidding desperate work of art', whose chief purpose was to produce a powerful cathartic shock, in which the sexuality, the scatology and the horror were in no respect titillating in the manner of pornography, but deliberately painful.

He further states:

Perhaps our strongest reason for lifting the ban was the conviction that adults, after 17 years, should be allowed to judge the film for themselves.

He says:

Most of us could recall films with scenes of comparable violence and horror. . . (for example) Greenaway's *The Cook, The Thief, His Wife and Her Lover*—

This film was shown for many weeks in Adelaide. Evan Williams then says:

We had another reason for allowing *Salò*. Quite simply we thought it a good film.

Elsewhere he said:

Yes, I think adults should be allowed to see it. It was for just such films that the R certificate was introduced more than 20 years ago. . . No-one is likely to be inflamed or titillated by it. Audiences are more likely to be numbed or saddened. Or as Pasolini might have hoped, steeled with disgust and indignation against the horrors of the world.

That is the considered and careful view of those who are charged with considering censorship in this country and who know something about the matter. We all know that this is not the first time that the Hon. Trevor Griffin has dutifully sat through a film and, because he did not like it, has made sure that no-one else could make their own choices as to whether they would see it.

Perhaps it is salutary to remind South Australians that 10 years after the Hon. Trevor Griffin banned *Sweet Sweetback Baadaassss Song* as likely to deprave and corrupt the populace of South Australia, that same film was shown on television nationally, and I have certainly not noticed any discernible madness or depravity amongst those who chose to view it on national television. I have no doubt whatsoever that we will be able to see *Salò* at some time. We will catch up with the rest of the world eventually, after a few years of being a laughing stock and being quite unable to be considered seriously in cultural matters. I only hope the reputation of our Festival of Arts does not suffer in the meantime. As the Hon. Trevor Griffin is obviously taking his role as moral guardian and aesthetic critic to such ludicrous lengths, I ask the Minister for the Arts the following questions:

1. Will the Minister appoint the Hon. Trevor Griffin as a member of all advisory committees in the arts, particularly film, so that his approval and judgment can be obtained in all cultural development matters? This would at least ensure that his veto would be established before time, effort and resources are expended in developing artistic product which he might otherwise ban at a later stage?

2. Does the Minister still hold with the peer group assessment principle for artistic matters, despite its obvious rejection by her colleague the Hon. Trevor Griffin in his personal overriding of the judgment of the Commonwealth Film and Literature Review Board? Can the Minister reassure the arts community that peer group assessment will continue in this State? Will she attempt to convince her colleagues that the Hon. Trevor Griffin is not anyone's artistic peer?

The PRESIDENT: Before the Minister replies to the question, can I point out that there was an awful lot of opinion in that question. It is not necessary; Standing Orders do not require it. I ask that the Hon. Anne Levy note that in regard to her future questions.

The Hon. DIANA LAIDLAW: The answer to the first question is, 'No'. The Hon. Trevor Griffin is fortunately too busy and has a very—

The Hon. Anne Levy: Unfortunately he is too busy?

The Hon. DIANA LAIDLAW: Is fortunately very busy and he also has faith in the people that I would appoint to the peer advisory group in respect of the arts. Traditionally the arts have had an arm's length principle involved in determining grants. It was a system that was established by the Hon. Murray Hill when I was working with him many years ago.

That system is less credible in some respects in recent years, but it will be a system that will continue with integrity in the future.

CAR INDUSTRY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Industry, Manufacturing, Small Business and Regional Development a question about the car industry and industry development.

Leave granted.

The Hon. T.G. ROBERTS: One of the key support bases for South Australia's manufacturing industry is the car industry. Recent statements have been reported in the press and many commentators have made statements about the industry statement being made by Mitsubishi and to some extent by General Motors-Holden's on their car industry plan program. In the *Advertiser* of Saturday 5 February, Ian Porter said:

Mitsubishi's decision to spend \$500 million on the next generation Magna plus a production line to make the whole of the V6 motor is the strongest vote of confidence yet in the Government's car industry plan. But it does show that the car industry still has a capacity to generate 'blue sky' optimism in volumes unmatched in any other activity with the exception of mineral exploration. Mitsubishi, Toyota and, to a lesser extent, General-Motors have now announced capital investments which will take years to recoup. This spending indicates they intend to use Australia as a manufacturing base despite its small home market.

But, despite all the investment, all four manufacturers are simultaneously worried and hopeful. They are worried about the aggressive reductions in tariffs—on 1 January the tariff fell another 2.5 per cent to 30 per cent—programmed for the rest of the decade. The article continues:

On the other side of the equation, the spending plans of Toyota and Mitsubishi show that the car makers have come a long way in terms of cleaning up their own acts, raising productivity, quality and general competitiveness. These improvements demonstrate the positive results that cooperative, long-term industry-Government plans can achieve. The improvements made over the past 10 years have been astounding and can be directly traced to the Button Car plans of the 1980s. By reducing tariffs while at the same time rewarding export performance, the Government prompted the international majors to reconsider the role of their Australian off-shoots.

The article further states:

The Button plans have put tremendous pressure on the parent companies to integrate their Australian operations into their world supply networks.

The article continues:

The local operations had to force their way into well-established networks by convincing their parent companies they could offer parts competitive in quality and price. This was assisted by the export facilitation scheme, which rewarded the exports and made their net price cheaper for the international buyer.

Members on both sides of the House would welcome the announcement by Mitsubishi and Mr Greigg on the 7.30 *Report* of General Motors-Holden's confidence in the motor industry and the motor components industry generally. I hope and trust that it is the policy on both sides of the House to support the expansion of the motor and components industries to make that one of the bases for the manufacturing industry in this State.

My question is: what is the State Government's policy on industry support programs as it applies to the car and component industries and is this policy reflected at a Federal level?

The Hon. R.I. LUCAS: I can assure the honourable member, on behalf of the Minister, that the car and automotive industry and component industries will be a key aspect

of the programs for economic revival in South Australia, but I would be pleased to refer the detail of his question to the Minister and bring back a reply.

SALO

The Hon. CAROLINE SCHAEFER: I seek leave to ask the Attorney-General a question about his decision that the film *Salò* not be shown?

Leave granted.

The Hon. CAROLINE SCHAEFER: Further to the question asked by the Hon. Anne Levy, are you in fact as bigoted as she suggests or do you have valid reasons for your decisions?

The Hon. K.T. GRIFFIN: I can assure the Hon. Anne Levy that I certainly do not have the time to be on any of the advisory boards and committees that the Minister for the Arts has responsibility for. But I can say that she acts very responsibly in the interests of the whole community in the appointments she is recommending. I have no hesitation in supporting those appointments and in fact I do support some of the artistic activities that occur under her patronage.

The Hon. Anne Levy has really opened a hornet's nest—or one might even suggest Pandora's Box—about this film *Salò* because it is not as clear cut as she makes it out to be. She was suggesting that it was an issue of whether there should or should not be censorship. That is not the argument. The argument is not about censorship; it is about what ought to be the cut-off point at which the censorship laws—

The Hon. C.J. Sumner: The argument is about who should do it.

The Hon. K.T. GRIFFIN: It is not. The Hon. Anne Levy made the point that she should be able to hear and see what she wishes as an adult.

The Hon. Anne Levy: No, I said do what the Commonwealth—

The Hon. K.T. GRIFFIN: It is not clear-cut at the Commonwealth level either. What happened was that the Film Censorship Board made a decision, by a majority, not to classify it. That was subsequently overturned by the Film and Literature Board of Review. The Film Censorship Board in making its assessment said:

However, the majority of the board was of the opinion that, in combination, the visual and conceptual strength of the depictions of the forcing of sadistic sexual acts upon captive teenagers, [mostly naked] the brutal violence, plus the disturbing acts of depravity, go beyond what is acceptable in terms of current community standards. For the majority, these depictions exceeded any legitimacy as metaphor or allegory that could be claimed on their behalf; the majority deemed these visuals of degeneracy which are presented for their own sake to be indecent.

The Film Censorship Board identifies a whole range of strong depictions, which I suppose one could briefly encapsulate in the following descriptions: explicit rape scenes; branding and burning of breasts and male genitalia; people being forced to eat excreta; scalping; the cutting of a person's tongue; and the gouging of an eyeball.

The Hon. T.G. Roberts: Sounds like a Liberal Party meeting.

The Hon. K.T. GRIFFIN: With respect, I think that is what happened in the Labor Party Legislative Council Party Room recently, because there have been some dramatic changes on that side of the House, so let us not talk about who is doing the gouging and who is cutting the tongues. There was community concern about the film from a wide range of people. Subsequent to the decision I can say that there were members on both sides of the Parliament who

expressed appreciation to me for the decision that was taken. I do not intend to set myself up to view every film and every play, or whatever. This was a film of particular interest and concern to a wide range of people. It was highly controversial. Because the responsibility was given to the Attorney-General in the Act I did not turn my back on it. I decided that if I had the responsibility I should act upon it. I did not relish the sort of criticism that the Peter Goers, the Peter Wards and other people heaped upon me. No-one in politics wants that. But I decided in the circumstances, without of course knowing what was going to happen—but probably would still have done it anyway—that one ought to set the level at a different level from that which the Film and Literature Board of Review set.

Members interjecting:

The Hon. K.T. GRIFFIN: Mr President, it is not a signal that—

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: It is not a signal that at the Fringe, the Festival, or film events I, as Attorney-General, will get heavily involved with the blue pencil.

MULTIFUNCTION POLIS

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Leader of the Government in this Council a series of questions about the Multifunction Polis, which herein after I shall refer to as the MFP.

Leave granted.

The Hon. T. CROTHERS: During the course of the last Parliament the present Government, which was then in Opposition, made many and various statements through different and very often differing spokespersons about the MFP.

Many of those statements had a common and sometimes very destructive content about them. However, what most of them had in common was a negative Cassandra-like mixture. The general view of many people to whom I have spoken was that this sort of attitude led to a slowing down, at the very least, of interest both in Australia and overseas in the forward advancement of the MFP.

Recently, the Federal Minister who mainly deals with the project, himself a South Australian, made a statement on the matter in the Senate that there were cities and regions all over Australia which were virtually queuing up in their efforts to take the project out of South Australia.

In the light of the foregoing, I direct the following questions to the Leader of the Government in this place, the Hon. Mr Lucas:

1. Does the Leader believe that negative attitudes as recorded in *Hansard* and expressed by members in this place relative to the MFP would seriously retard the forward growth and perhaps even the future of the project itself?

2. Will the Government adopt as policy support for the retention and development of the MFP in South Australia as opposed to the attitude, again set out in *Hansard*, adopted by many Government members when they were in Opposition?

3. If the Government has no policy as yet on the MFP, how soon will it take to develop one, and does the Hon. Mr Lucas agree that it will be most beneficial to South Australia and all South Australians to proceed as quickly as possible with the MFP in case we should run the risk of losing it altogether?

The Hon. R.I. LUCAS: I will refer the detail of those questions to the Premier for a response, but I will respond

broadly to the questions from the Hon. Mr Crothers. The problems that South Australia endured with the MFP had nothing to do with the attitudes being expressed by the Liberal Opposition but everything to do with the incompetence being exhibited by the previous Government and others in relation to trying to get the MFP project off the ground. As the Hon. Mr Crothers well knows—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: There will be some developments on that today which I suggest the Hon. Mr Roberts should not pursue at this stage as, when he catches up with it, it will overtake him very quickly.

The Hon. Mr Crothers well knows that the MFP legislation passed this Parliament, after long debate, with support from the then Liberal Opposition. All through the election period and the period leading up to the election the then Leader of the Opposition indicated support for a refocussing of the MFP in quite a detailed policy statement and document. Therefore, it is untrue to say that the then Liberal Opposition (now Government) had or has no policy on the MFP. Indeed, the first significant policy announcement made by the then Liberal Opposition during the election campaign was at the Gillman site, indicating the difference between the Labor Government's policy on the MFP and that of the then Liberal Opposition for a refocussing of the MFP away from a concentration on urban development at Gillman to a concentration on centres of excellence being spread throughout other parts of Adelaide and South Australia, but in particular in areas like Technology Park.

A number of those centres of excellence proposals have been further developed by Premier Dean Brown. In particular, there have been announcements in relation to Technology Park and information technology processing, and there have been some announcements in relation to the Asian business centre development together with the Graduate School of Management from the University of Adelaide, as well as a number of other centres of excellence propositions.

The Hon. Mr Crothers has sought information on the Government's policy. I shall be happy to provide him with autographed copies from the Premier, if he likes, on the detailed proposition for the refocussing of the MFP, which was the Liberal Party's policy prior to the election and which is now being implemented in concert with the Commonwealth Government with the recent announcement by Minister Olsen and Minister Schacht in relation to the incorporation of a further urban development package around The Levels and the Technology Park development.

The Hon. T. CROTHERS: As a supplementary question, there is some variance between the contents of my question and the Minister's answer to me in respect of certain matters that I believe are in *Hansard*. Will the Leader of the Government in this place, of his own volition rather than his referring the matter to his Leader in another place, be prepared to collate the material about the MFP contained in *Hansard* so that members in this Chamber can gauge the variance between my question and the answer that has been given and distribute the collated contents of the *Hansard* to the 22 members in this Chamber?

The Hon. R.I. LUCAS: The answer to that is 'No'. I suspect that the Hon. Mr Crothers now has plenty of time as a member of the Opposition to do his own research. If there are comments or statements made in *Hansard*, whether in this Chamber or in another place, he has the capacity and the ability to compile, collate and distribute all those statements. What I will do for the Hon. Mr Crothers, as per his original

question, is provide for him the detail of the Government's MFP policy.

TRANSPORT FARES

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister for Transport a question about concession fares.

Leave granted.

The Hon. M.S. FELEPPA: In the draft of the legislation entitled Passenger Transport Bill 1993, which was mentioned by Her Excellency in her speech today regarding the Government's legislative program for the coming session, dated 14 December 1993 and circulated for information and comment by members and the public, one of the draft aims of the new Transport Adelaide is to provide for privatisation of some of the public transport routes by service contracts, which are provided for in clause 38 of the proposed Bill.

In none of the information that has appeared in the press or in the general outline of the Bill or explanation of the clauses has the matter of concession fares for pensioners or other needy groups been mentioned. The matter of fares will be dealt with by regulation, which may or may not be recommended for disallowance by the Legislative Review Committee. Legislation and the explanation of the clauses would not carry specific information about concession fares, and no provision has been made for a declaration of intention regarding concession fares.

My simple question is: is the Minister in a position to give an undertaking that pensioners and other needy groups in our community will not be penalised by losing their concessions on privatised public transport routes and that concessions will continue to be maintained?

The Hon. DIANA LAIDLAW: I thank the honourable member for his question. He will be well aware that the situation in terms of eligibility for concessions is in a bit of mess in South Australia at present. It has also been an argument that the former Minister explored from time to time because people in the Hills, for instance, who may be unemployed and cannot get to a Social Security office because there is no such office there and have to come to the city, are not entitled to any concessions.

There is a need to review the whole concession policy, and I undertook to implement that immediately when I became Minister, and that would have happened whether or not a Passenger Transport Bill had been released for public comment. I shall be receiving replies to my questions about concessions and the implementation of concession policy in time for debate on the Passenger Transport Bill. That is the deadline that I gave to officers within the department.

I have indicated to them that the current system should continue as it is and that we must ensure that, if there are other operators in terms of an integrated ticketing system which will be required for the new arrangements, they must look at the extension of the concessions to the private operators. As part of the process, if we can free up money through challenging the monopoly that the STA now has, we can help those in the Adelaide Hills and others who are unemployed and do not receive such a concession.

I just cite that one example. However, we cannot help those people at the present time, because we do not have the money to do so, given the way in which the STA and public transport are structured. We need initiatives to free up some money, and competitive tendering is such an initiative.

I take exception to the term 'privatisation' that the honourable member used. Privatisation means the sale of the assets, but I am not selling STA assets; I am simply offering buses for competitive tendering in the first instance, and that will free up the funds for looking at this concession issue and also for a whole range of other initiatives, including more frequent services.

SENTENCING

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about truth in sentencing.

The PRESIDENT: Before the honourable member asks his question, I remind members that this is his first sally forth into this forum.

Leave granted.

The Hon. R.D. LAWSON: A recent article in the *Sunday Mail* published only last Sunday quotes Justice Olsson of our Supreme Court and Vice President of the Australian Institute of Judicial Administration as saying that he feared for the future of the justice system as we know it. He also said that a fundamental reappraisal of both criminal and civil litigation, particularly truth in sentencing, is needed. Has the Attorney-General read the comments of Justice Olsson; does he share the judge's reported concerns; and what measures does he propose to address the concerns?

The Hon. K.T. GRIFFIN: I did see the article reporting Justice Olsson's answers to questions by the reporter from the *Sunday Mail*. I thought it was a remarkably frank question and answer—

The Hon. C.J. Sumner: It was also wrong, which is pretty amazing.

The Hon. K.T. GRIFFIN: It wasn't wrong in relation to sentencing.

The Hon. C.J. Sumner: It was absolutely wrong.

The Hon. K.T. GRIFFIN: The shadow Attorney-General may disagree in relation to that aspect of the parole system, but the Wheatman case was just a feature of one of the problems with it.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: It was; it was a feature of the system which presently operates, so with Wheatman there was just no way by which the Executive arm of Government, either with or without the recommendation of the Parole Board, could extend the period of time that he was in gaol. The non-parole period had expired (and we will deal with that on some other occasion, presumably), and there was nowhere for the present Government to go.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: He was sentenced under the old Act. He was sentenced under the old system which the Liberal Government—

The Hon. C.J. Sumner: You can't use that as an example.

The Hon. K.T. GRIFFIN: You can.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: You can use it as an example, because Wheatman was sentenced under the old parole system, where he was given a 12-year non-parole period. That meant that he could not be released before that time. After that period of time had expired, his release was subject to the discretion of the Parole Board and recommendation to the Government of the day.

What the former Labor Government did in 1983 was apply the present system to all those old non-parole periods so that effectively, although Wheatman was intended to be kept for a minimum of 12 years, he got a third off automatically for good behaviour. That meant that he was going to serve only eight years. But for two applications which the Attorney-General took on one occasion, and I think the DPP on the second, to the Supreme Court to extend that non-parole period, he would have been released automatically and the Government of the day, apart from making an application to the court for the court to exercise some discretion, would have had no authority at all if the court had said, 'No, he is to be released'; then the Government of the day would have had no flexibility at all. All the Parole Board could do was set the conditions and recommend that certain of those conditions be designated conditions. As I said, the non-parole period was extended by the Supreme Court on two occasions, and on the second occasion it expired on 8 December.

Under the previous Government, there was a proposal to Cabinet to agree to certain conditions, including designated conditions. It was referred out for the purpose of getting some further advice from the DPP. I got the advice after the election, when the DPP said, 'Well, no, I am not prepared to take the further application to the court.' The matter was then referred to Cabinet, which again referred the matter out, expressing very grave concern about Wheatman's release. Again, it was taken to the DPP and to the Chairman of the Parole Board.

The curious thing was that the Parole Board and its advisers did not know that the Chairman had a power to apply to the court for an extension of the non-parole period. It did not have an up-to-date copy of the Act of Parliament. There was a constant daily debate between my office and that office as to what the law really was. That was the rather disturbing aspect.

In any event, the time within which the application for extension of parole should have been made was 8 December, as it turned out. As Justice Nyland said when the Chairman of the Parole Board did make an application to extend, 'It should have been made before the expiration of that non-parole period.'

The shadow Attorney-General has said, 'Look, that is not an example that one should use in relation to the problems of the current parole system,' but I disagree with that, because the present parole system applied, and there was nowhere to go.

The Hon. C.J. Sumner: It's a dishonest argument.

The Hon. K.T. GRIFFIN: It is not a dishonest argument. The fact is: whether it is in relation to Wheatman or anybody else, the Parole Board has no discretion, and it is the court which makes the decision about an extension. For anyone who is sentenced under the old system or even under the new system, there is no discretion in the Parole Board, except in relation to the fixing of conditions. What must happen is that an application for an extension goes to the court.

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: The policy of the Liberal Government, which we announced well before the election, is that there ought to be a minimum and there ought to be a maximum, and the Parole Board ought to have discretion. I indicate that some developmental work is being done on that policy at present and, as members would have heard from the Governor's speech, some changes are proposed in the current session.

So far as Justice Olsson is concerned, he makes the very points that I have made about the way the system operates, and I can assure the Chamber that there will be legislation, from the Minister for Correctional Services in another place, I think, addressing this issue.

CABINET HANDBOOK

The Hon. C.J. SUMNER: My questions are directed to the Leader of the Government, as follows.

1. Is the Cabinet operating under the procedures established in the Cabinet handbook prepared in May 1993 by the previous Government?

2. If not, what changes have been made to those procedures?

3. Will the Leader table the details of the changes in this Chamber at the earliest opportunity?

The Hon. R.I. LUCAS: There have been changes in relation to the code of conduct, which have been publicly announced, and I can provide details of those. I do not have them with me, but I will undertake to get them for you and table them. In relation to the Cabinet handbook, that is being reviewed. Decisions have not been finalised in relation to that. If and when those decisions are finalised—

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: Yes. In relation to the second part of the honourable member's question about the other provisions of the handbook, they are being reviewed. When the Government takes decisions in relation to those, we will announce those decisions.

PARLIAMENTARY SECRETARY

The Hon. C.J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the Parliamentary Secretary's position.

Leave granted.

The Hon. C.J. SUMNER: Earlier I asked questions of the Hon. Mr Stefani, who has the title of Parliamentary Secretary but who apparently has no official appointment, no instrument of appointment, but who has received that title by some procedure that I am still a little unsure about. Regrettably, the Leader of the Government was not able to provide an answer to my simple question in relation to this matter, so I would like to direct it to the Attorney-General who, obviously, has more knowledge of these matters than has the Leader of the Government. If he is in trouble, obviously, he can consult the large number of lawyers now in the Chamber to ascertain the correct position. Section 68 of the Constitution Act provides:

The appointment to all public offices under the Government of the State, whether such offices are salaried or not, shall be vested in the Governor.

My questions are: does the Attorney-General agree that the appointment of a Parliamentary Secretary is an appointment to public office under the Government and, if so, that such an appointment has to be made by the Governor-in-Council and that, if that appointment is not made by the Governor-in-Council, the appointment of the Hon. Mr Stefani as Parliamentary Secretary is an invalid appointment?

The Hon. K.T. GRIFFIN: I do not believe that it is an invalid appointment. I think there is some question as to whether it is a public office under the Constitution Act requiring that appointment, but I will undertake to obtain the

appropriate advice and bring back a reply.

SESSIONAL COMMITTEES

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

That for this session a Library Committee not be appointed.

Sessional committees were appointed as follows:

Standing Orders: The President and the Hons K.T. Griffin, R.I. Lucas, C.J. Sumner and G. Weatherill.

Printing: The Hons M.S. Feleppa, J.C. Irwin, B.S.L. Pfitzner, A.J. Redford and T.G. Roberts.

JOINT PARLIAMENTARY SERVICE COMMITTEE

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

That pursuant to section 5 of the Parliament (Joint Services) Act 1985 the Hon. J.C. Irwin and the Hon. T. Crothers be appointed to act with the Hon. President as members of the Joint Parliamentary Service Committee and that the Hon. B.S.L. Pfitzner be appointed the alternate member of the committee to the Hon. The President; the Hon. A.J. Redford the alternate member to the Hon. J.C. Irwin; and the Hon. Anne Levy the alternate member to the Hon. T. Crothers.

Motion carried.

STANDING COMMITTEES

Standing committees were appointed as follows:

Environment, Resources and Development: The Hons M.J. Elliott, T.G. Roberts and C.D. Schaefer.

Social Development: The Hons S.M. Kanck, B.S.L. Pfitzner and C.A. Pickles.

Legislative Review: The Hons M.S. Feleppa, R.D. Lawson and R.R. Roberts.

ADDRESS IN REPLY

The PRESIDENT having laid on the table a copy of the Governor's Opening Speech, the Hon. R.I. Lucas (Minister for Education and Children's Services) moved:

That a committee consisting of the Hons M.S. Feleppa, R.D. Lawson, R.I. Lucas, A.J. Redford and C.J. Sumner be appointed to prepare a draft Address in Reply to the speech delivered this day by Her Excellency the Governor and to report on the next day of sitting.

Motion carried.

ADJOURNMENT

At 5.48 p.m. the Council adjourned until Tuesday 15 February at 2.15 p.m.