LEGISLATIVE COUNCIL

Thursday 24 March 1994

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

MENTAL HEALTH

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to lay on the table a ministerial statement on the subject of mental health given by the Minister for Health in another place.

Leave granted.

QUESTION TIME

JOBLING, Mr DAVID

The Hon. C.J. SUMNER: I seek leave to make an explanation before asking the Attorney-General a question about the Jobling case.

Leave granted.

The Hon. C.J. SUMNER: I understand that the case involving Mr Jobling's claim of discrimination against the Education Department and its former CEO, Dr Eric Willmot, has been settled out of court. Considerable public moneys have been expended in pursuing this matter. Mr Jobling was successful in his claim before the Equal Opportunities Tribunal and received a substantial award of damages. Dr Willmot contested this claim in the strongest possible terms. The Education Department appealed to the Supreme Court and the matter was fully heard and judgment reserved by Justice Prior. Today I understand the matter was settled out of court.

It is of major concern that this settlement is secret. When in Opposition the Attorney-General and the Liberal Party made much of open government. Now they are agreeing to conceal important information from the public, even though thousands of dollars of taxpayers' money have been spent on this matter. We do not know what damages the Education Department has agreed to pay.

Irrespective of the merits of the matter this is clearly unacceptable. The public is entitled to know the terms of this settlement. This is particularly so given that Justice Prior said in court this morning that he was going to order a retrial of the matter before the Equal Opportunities Tribunal. My questions to the Attorney-General are:

1. Can the Attorney-General confirm that Justice Prior said that he had intended to order a retrial of this matter?

2. If so, why did the Government agree to settle this case? 3. Will the terms of the settlement be made public and, if not, why not?

The Hon. K.T. GRIFFIN: I had a very short briefing on this issue which did come up in court, remembering that as Attorney-General and to whom the Crown Solicitor is responsible, it is the client, the Education Department, which gives the instructions to the Crown Solicitor. I am not aware of what instructions were given regarding the confidential nature of the settlement, but as I understand it this morning, after the judge had over recent weeks encouraged the parties to settle the matter, when the parties indicated they had settled the matter Justice Prior took what I would regard as the unusual step of saying that he would have allowed the appeal and then sent the case back to the tribunal for rehearing. There was no indication to either party as to what the judge would have done, as I understand it, during the course of the appeal. It was difficult to determine from what point the judge was coming. Difficulties were presented to counsel for both the appellant and the respondent.

The Hon. C.J. Sumner: That's not the information I received.

The Hon. K.T. GRIFFIN: Obviously, you get different information; yours may be third hand. However, the difficulty is that the judge, having encouraged settlement, and the parties having finally reached settlement, to have the terms recorded—

The Hon. C.J. Sumner: How did he encourage settlement?

The Hon. K.T. GRIFFIN: He encouraged settlement during the course of the public hearing, as I understand it. I was told that a settlement was encouraged. In the context of a lot of cases, judges now encourage settlement or certainly resolution of the issues before them.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: He may have said that today, but in the course of the appeal hearing the judge had not given an indication as to what he was going to do. He indicated that he felt it was in the best interests of everyone that the parties talk about settlement. Judges do that all the time.

The Hon. C.J. Sumner: Secret settlement.

The Hon. K.T. GRIFFIN: We will talk about that in a minute. The courts do that all the time. Frequently, they hear the parties, and during the course of a hearing they will say, 'We think you ought to try to settle this.' If a judge gives an indication that the matter ought to be settled or that the parties at least ought to explore settlement, what are the parties to do? Are they to ignore it or are they genuinely to take the message that is coming from the bench that they ought at least to try to resolve some differences?

As I understand it, that is what happened in this case. Justice Prior noted the terms of the settlement and stated, without elaboration, that they were fair and reasonable. He made the formal orders sought, as follows:

> In consideration of a confidential settlement between the parties in which Jobling had undertaken not to enforce the tribunal's orders that—
> (a) the appeal by Willmot be allowed;
> (b) the Education Department be given leave to withdraw its appeal.

As I understand it, those were the formal orders made. The fact that the judge then took what is really a quite unusual step of saying, 'Well, you have settled; you have followed what I have suggested you do. Now I can tell you that I was going to allow the appeal and send it back to the tribunal for rehearing.'

A number of things flow from that: first, the parties were clearly correct in anticipating the possibility of a rehearing and were wise to settle the matter as they did; secondly, while the tribunal's findings and criticisms have not formally been set aside, it is clear from the judge's remarks that those findings and criticisms were not necessarily supportable; thirdly, criticisms of Dr Willmot must also now be seen in the light of the judge's remarks; and, fourthly, the terms of settlement, while details should remain confidential, were seen by the judge as fair in all the circumstances.

It should be remembered that Mr Jobling might well have won a retrial, although that is pure speculation. Supposing the parties had not taken up the suggestions of the judge to try to

reach some compromise, if he had allowed the appeal—and of course, there was no indication as to what the judge was going to do at that time—to go back for rehearing, that would have meant that Mr Willmot—

The Hon. Anne Levy: Doctor.

The Hon. K.T. GRIFFIN: —Dr Willmot and Mr Jobling would have had to give evidence again. There would have been a total rehearing, cross-examination and a whole range of not only difficulties for the witnesses (and I think from the press reports it was quite obvious that the case did present a lot of difficulties for all the witnesses, particularly the principal witnesses) but again substantial legal costs would have been involved.

The Hon. Anne Levy: His health is better now.

The Hon. K.T. GRIFFIN: Well, I don't know about that; I haven't made any inquiries about that. The Solicitor-General acted for the Government; Ms Cathy Branson Q.C. acted for Mr Jobling. It went over quite a few days; it was about a five-day case. It was quite fair and reasonable that the parties take into consideration what the consequences would have been of a rehearing. From the State's point of view, if it lost the case, of course it would be faced with an award of $60 000, plus costs of the appeal, plus costs of the initial tribunal hearing. So, in legal practice, in the real world, there are always discussions about settlement. When a judge sends a signal, you have to think more seriously about settlement. In respect of the confidential nature of the settlement, I have no information as to why it was confidential.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: It may well have been that Mr Jobling wished to have it kept confidential. From the State's point of view, it makes no difference whether it is confidential or out in the open. All I can do in relation to that is make some inquiries of the Crown Solicitor as to reasons why it was made as a confidential settlement, and I will undertake to bring back a reply.

The Hon. C.J. SUMNER: As a supplementary question, Mr President: did Mr Jobling receive any damages as a result of the settlement and, if so, what was the amount of damages?

The Hon. K.T. GRIFFIN: I understand the nature of the question, and it is part of that matter that I said I would refer to the Crown Solicitor, and I will bring back a response. It is obviously not in the Government's interests to be belted around the ears by the former Attorney-General about keeping something confidential if there is some basis upon which it can be disclosed. But frequently terms of settlement are made in the courts which are kept confidential because one or other of the parties, or sometimes both, wish to have them regarded as confidential. So, there is no skin off—

The Hon. C.J. Sumner: What did you say about that in Opposition when it occurred?

The Hon. K.T. GRIFFIN: Not about court settlements.

Members interjecting:

The Hon. K.T. GRIFFIN: You always fell back on commercial confidentiality in that rather bland and all-embracing statement about things we were trying to ascertain regarding the operation of the State Bank, the Timber Corporation, and so on. The question the Attorney-General has raised is one on which I will seek some advice from the Crown Solicitor, and I will undertake to bring back a reply.

EDUCATION WORKS

The Hon. C.J. SUMNER: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about education capital works.

Leave granted.

The Hon. C.J. SUMNER: Prior to the last election, the Liberal education policy contained a guarantee from Mr Brown, and I quote:

> The 1993-94 budget would not be cut.

This obviously included a commitment to maintain the Labor Government's education budget on capital works. In this respect, there is an allocation in 1993-94 of $1.85 million for the Elizabeth West Primary School for redevelopment of the school to address issues such as student and staff safety, security, access to the site, backlog maintenance, traffic management, students with special needs and functionality of existing buildings, with a completion date, according to the budget papers, of September 1994.

The Paralowie Primary School project to re-establish the R5 component of the existing R12 school from wooden transportable buildings into solid accommodation of $1.3 million was due to be commenced in December 1993 and completed in September 1994. Despite budget approval for both these projects, work has not started on either of them, which means that the completion dates are unlikely to be met. The capital works budget also included the allocation for the Munno Para Primary School core replacement, due to be commenced in September 1993, with a completion due in March 1994, of $1.184 million. This is to provide permanent accommodation for administration, library resource centre and specialist spaces in this financial year. I believe that Cabinet approval for this project was imminent just prior to the last election but to date it has not commenced.

Also in the capital works program was an allocation of $400 000 for the refurbishment of the Elizabeth High School. Although some work has been commenced, the work for which this money was allocated has not been commenced. All these matters are in the capital works budget for this financial year, a budget which Mr Brown said would not be cut and, although in the budget papers for this financial year, none of the work to which I have referred, I believe, has commenced. My questions to the Minister are:

1. Can the Minister guarantee that the above capital works approved as part of the 1993-94 budget will proceed?

2. Why have delays occurred in commencing these projects?

3. Why have the construction works not commenced despite having been approved as part of the 1993-94 budget?

The Hon. R.I. LUCAS: There has been no cut in the 1993-94 capital works budget as approved prior to the election. So that is the simple answer to the first and I think the third question. The existing budget of approximately $80 million, which was approved as part of the budget process prior to the State election, has not been cut and will continue.

The answer to the question in relation to delays is that the previous Minister of Education in the previous Labor Government had not undertaken the necessary planning work to ensure that the programs and the projects could be gotten off the ground and completed within the time frame that had been set. We are endeavouring to catch up on the lax work that had been undertaken by the previous Labor Government, and the Minister in particular, to try to ensure that the budget

that was provided in 1993-94 will be able to be expended on the particular programs that the shadow Minister has outlined.

The Hon. C.J. Sumner: Will they all go ahead?

The Hon. R.I. LUCAS: I will seek a report from the department in relation to the specific programs and component parts.

The Hon. C.J. Sumner: Will they go ahead?

The PRESIDENT: Order! Give the Minister a chance to answer the question.

The Hon. R.I. LUCAS: I will seek a report.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: There has been no instruction from me to change the 1993-94 budget; there has been no instruction from me to change the priorities in relation to the planning, other than to get on with the task in relation to the capital works program. I will seek a report in relation to the particular capital works programs that the shadow Minister has raised, one of which I think refers to $400 000 in relation to one particular school—I think it was the last one the honourable member referred to—and bring back a report as soon as I can.

AUDIT COMMISSION

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

Leave granted.

The Hon. CAROLYN PICKLES: Mr President, shortly after the last election the Brown Government announced that an Audit Commission would be established. I understand that one of the matters being examined by the Audit Commission is education spending. I further understand that a special group and/or consultancy has been established to deal with education. My questions to the Minister are:

1. Can he confirm that the Audit Commission is looking at education expenditure?

2. Has a special consultancy and/or committee been established to look at the education budget; if so, who has that consultancy, or who are the members of the special committee looking at education spending as part of the Audit Commission exercise?

The Hon. R.I. LUCAS: Yes, it was announced publicly that education would be one of the areas that would be looked at by the Audit Commission. It includes all Government spending, but education and a number of other areas obviously were to be part of the Audit Commission work. As I said, that is no secret; it was announced publicly. The press and electronic media reported that at the time. There has also been public confirmation that a number of consultancies were appointed to assist the Audit Commission and the firm of Ernst and Young was appointed to look at the education budget area.

FAIRWAY SCHEME

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Fairway scheme.

Leave granted.

The Hon. T.G. ROBERTS: To promote social justice and equal opportunity in the education system and in the community generally, the former Labor Government established what is referred to as the Fairway scheme to assist children from disadvantaged schools and backgrounds to obtain tertiary education and opportunities. The scheme has been subject to some criticism from members opposite and, in particular, Mr Brindal in another place. The scheme was set up by the Labor Government to equalise opportunities for people from disadvantaged backgrounds, to avail themselves of education in order to open up opportunities to get into the workplace. More and more, education is becoming the key to the presentation of individuals within the system to enable them to establish themselves at an early age to go through life. Mr Brindal in another place described the scheme as:

> Tertiary institutions—a wonderfully new experiment in social engineering.

He also said that he had never a met a disadvantaged school. I know those comments do not reflect the views of the majority of members opposite, but I am sure that we are all interested in hearing what the Minister's view is. My question is: does the Government support the continuation of the Fairway scheme and, if not, what changes are proposed to it?

The Hon. R.I. LUCAS: I hate to disabuse the honourable member in relation to his questions, but I have to on this occasion. The simple fact is that the Labor Government did not establish the Fairway scheme. It was established by the University of Adelaide as a completely independent and autonomous institution in South Australia. Its establishment was a decision taken by the University of Adelaide. It is one over which the former Labor Government had no control and neither does the current Liberal Government have any control. It is a decision for them and them alone and it is something that I cannot influence.

The Hon. C.J. SUMNER: As a supplementary question, does the Minister for Education support the Fairway scheme, which was started through the University of Adelaide under the previous Labor Administration? The question simply is: does he support the scheme?

The Hon. R.I. LUCAS: I have no responsibility for the scheme, but I would have to say that I have some concerns about aspects of it. However, in making that comment I am in no way saying that I oppose it or I support it. There are some concerns about aspects of it. The University of Adelaide acknowledged that last year when it received a torrent of criticism about the operations of the scheme and it made some changes. I understand, again whilst I have no responsibilities for it, that some within the University of Adelaide still have some problems with the operation of the scheme and may well review it again. However, that is a decision for the University of Adelaide, not a decision for me, irrespective of what my thoughts might happen to be on the scheme.

PUBLIC SECTOR STRESS CLAIMS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General representing the Minister for Industrial Affairs a question about stress claims within the public sector.

Leave granted.

The Hon. M.J. ELLIOTT: In an article in this morning's *Advertiser* the cost of stress claims in the Public Service was put at $15.8 million for 1992-93. The Government is reportedly using this figure as an excuse to limit the number of stress claims that would be applicable in its changes to our present WorkCover system. This unreasonable stance will only exacerbate the problem and cost millions more in hidden costs within the public sector. The Education Department,

which allegedly recorded the highest rate of claims, at $8.4 million, is a classic example of the role that mismanagement plays in stress.

The results of a public sector survey of school health and safety representatives within the Education Department, which has been leaked to me, reveals many factors that are causing stress in our education system. The factors that were identified include:

- managers are not trained in how to manage people effectively;
- policies and procedures that are constantly changing;
- a requirement to implement policies and procedures which are developed by head office without consultation and which bear no relation to classroom realities;
- increasing class sizes;
- no support staff in dealing with violent pupils;
- run-down equipment and buildings to which teachers and other staff must adapt;
- the 10-year tenure policy, which creates insecurity and dissatisfaction;
- a reduction in support staff while class sizes increase;
- teachers and pupils subjected to knife attacks;
- many staff members are on term by term contracts, which leads to further insecurity;
- all time that is not spent in front of the class is taken up with administrative and supervisory duties, in other words, there is no time out during the school day;
- unrealistic expectations by parents, with no departmental support;
- exposure to communicable diseases; and
- extra-curricular activities.

Those factors are all listed on an internal survey of the occupational health and safety representatives in schools. These workers are crying out for help. The Government's response is to close its eyes to the real problem for the sake of finances. These stresses are not new but are increasing as our system decays. I have been told that similar situations exist in other parts of the public sector such as prisons, the Police Force and with other front line workers such as Family and Community Service workers.

It is an open secret that the WorkCover Board has been appalled by the performance of a number of Government departments, and if they were private companies they would not have been granted exempt status because of their appalling record. If we are to combat the problem we must deal with these factors and not just callously close our eyes in the manner of our present Government. My questions to the Minister are:

1. What priority will the Government give to combating stress in the workplace, particularly in Government departments, if stress is to be cut out of the WorkCover system?

2. Will the Government confirm that if the Education Department were a private company it would not have been granted exempt status under WorkCover?

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

SPEED CAMERAS

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Minister for Transport a question about fixed speed cameras at South Australian traffic light controlled road junctions.

Leave granted.

The Hon. T. CROTHERS: Recent reports emanating from the Minister concerning fare dodgers in our public transport system and the efforts that she and her department are making in order to try to cope with the matter intrigued me. In particular, I was interested in the statement of how many tourists were caught up in this matter, apparently through a lack of knowledge of the working of our system here. If this is so, and I have no reason to disbelieve the Minister in this matter, it must act detrimentally to our State's ability to attract some of those tourists back within our borders. In light of the foregoing, I would ask the following question:

1. Has the Minister given any thought to the positioning of road signs in appropriate locations warning visitors to our State of the operation of speed cameras of the nature I described in my opening statement? I might add that I do not exclude the Adelaide Airport from my references to appropriate locations.

2. Will the Minister act in conjunction with the Minister for Tourism in another place—although I understand the Attorney-General represents him here—in respect of considering the formulation of a tourist leaflet that will set out the laws of this State that are likely to be unknown to visitors to this State, in such a way that they will not be disheartened by visiting here because they have been caught up in something in respect of which they had no foregoing knowledge?

The Hon. DIANA LAIDLAW: I appreciate the honourable member's interest—and possibly new found interest—in tourism from a road perspective, although I appreciate he has been in the hospitality trade for many years. I had not recognised his strong interest from a road perspective. I commend him for that and look forward to working with him in this new manner.

In terms of roadsides and speed locations, I recall that this matter was debated at some length when the speed camera legislation was introduced to this place by the former Government. At that time it was considered that there should not be specific signs at or near the site of a speed camera, although many argued—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: No, because there would be less revenue for the Government, and that is the real reason why such signs were not provided. There have certainly been arguments that such signs in an area adjacent to speed cameras would be important because these cameras are meant to be there not solely for revenue raising purposes but also for reducing the incidence of speeding and alerting motorists to their road responsibilities and the road laws generally.

I have discussed this matter with the Minister for Emergency Services, and those discussions are ongoing. I know that in New South Wales such signs are placed at the location of the speed camera. In South Australia warning signs are provided at the location of red light cameras at traffic lights, and I have seen in more recent times on the Main North Road coming into the city huge signs indicating that speed cameras operate in South Australia, but it is a general warning to tourists and others about the operation of speed cameras in our State.

The Hon. Anne Levy: And random breath tests.

The Hon. DIANA LAIDLAW: Yes. there is forewarning of the operation of random breath tests as well. I will certainly speak with the Minister for Tourism in relation to a tourist leaflet. I want to advocate to tourists the positive

aspects about this State. If their tourism experience is going to be enhanced by learning about some of our road laws, and so on, I will certainly be prepared to consider supporting such an initiative.

The Hon. T. CROTHERS: I have a supplementary question. Does the Minister consider that we would present ourselves in the most positive way if we were honest in respect of divulging to tourists certain aspects of the laws of this State? In other words, is our honesty in divulging that a positive aspect of ensuring that tourists might want to revisit South Australia?

The Hon. DIANA LAIDLAW: I would advocate honesty at all times, whether it be in relation to tourists visiting this State or in relation to behaviour to the general population. If it is deemed that there would be value in such a leaflet for tourists to the State, I would certainly support such an initiative. In the area of tourism, however, a whole host of initiatives must be taken to enhance the experiences of tourists, and they may be deemed by the Minister for Tourism to be a priority at this stage.

PUBLIC SECTOR STRESS CLAIMS

The PRESIDENT: I remind the Hon. Michael Elliott that in his last question he was bordering on what is really not allowed in Standing Orders, that is, introducing a question that is on the Notice Paper of the other House. His question was all right except for the last part of it. I remind all members that they really cannot introduce matters that are on the Notice Paper in the other House.

The Hon. C.J. SUMNER: Mr President, is that clear? I think that needs to be quite clear. I do not have the Standing Orders in front of me, but my understanding is that you cannot anticipate; but it only applies to the Council.

The PRESIDENT: That is correct.

PORT LINCOLN PRISON

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Correctional Services, a question about the possible closure of Port Lincoln prison.

Leave granted.

The Hon. SANDRA KANCK: I was recently informed about a tribal Aborigine who was tried and convicted of an offence at Ceduna and who was then sent to serve his sentence at Cadell, miles away from his family and tribe. Recommendation No. 168 of the Royal Commission Report into Aboriginal Deaths in Custody says:

> That corrective services affect the placement and transfer of Aboriginal prisoners according to the principle that, where possible, an Aboriginal prisoner should be placed in an institution as close as possible to the place of residence of his or her family.

The Minister has put the Port Lincoln community on notice by saying that they have to justify the existence of the Port Lincoln prison, which has an inmate population of up to 40 per cent Aboriginal prisoners. My questions are:

1. What efforts are being made by the Government to ensure that recommendation number 168 of the Royal Commission into Aboriginal Deaths in Custody is complied with?

2. Does the Minister agree that the continued operation of the Port Lincoln prison is an essential aspect of compliance with the deaths in custody recommendations given that the Port Lincoln prison is the closest to the Aboriginal communities of the Far West of the State?

3. If the Minister plans to satisfy Aboriginal deaths in custody recommendation No. 168 by transporting prisoners' families to the place of detention for visits, has the Minister directed his department to factor in this increase in costs to its report on options for prison closures? If not, why not?

The Hon. K.T. GRIFFIN: I will refer that question to the Minister for Correctional Services and bring back a reply.

FREMONT HIGH SCHOOL

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about Fremont school.

Leave granted.

The Hon. ANNE LEVY: The previous Labor Government commissioned the Joel report which made many recommendations relating to the delivery of education services in the Elizabeth area. The key recommendation was:

> Junior and secondary curriculum and methodology be developed and changed so that they are different, separate from each other and designed to specifically meet the needs of young adolescents and young adults.

The report made a number of other specific recommendations in relation to the Elizabeth area of which I would like to remind the Minister. It recommended that Smithfield Plains High School should become a years 8-10 junior secondary campus; that Fremont High School should also become a years 8-10 junior secondary campus; that following Fremont's relocation the special interest music focus should encompass both Fremont junior campus and Elizabeth senior campus; that the Elizabeth City High School should become a years 11-12 senior secondary campus and should establish close links with the Elizabeth West adult campus and the Elizabeth college of TAFE; that Craigmore High School should become a years 8-12 campus with separate years 8-10 and 11-12 sub-schools; and that Kaurna Plains School should continue as an R-12 school, but have very close links to the Fremont 8-10 campus and the Elizabeth City 11-12 campus.

We have been approached recently by people who are associated with Fremont High School who have stated that they have very grave concerns about the future of this school. I ask the Minister:

1. Has the Government made any decisions in relation to this cluster of recommendations from the Joel report and, if so, what decisions have been made?

2. Will the Minister give a guarantee that Fremont High School will not be closed?

3. If it is not to be closed, can the Minister advise what are the future plans for Fremont so that the fears being expressed by those associated with it can be laid to rest?

The Hon. R.I. LUCAS: I think the honourable member has slightly misunderstood the lobby she has received. The argument from those supporting the Joel committee recommendations is not that the Fremont High School not be closed, because that was the recommendation in the Joel committee report and the decision that the previous Labor Minister of Education had taken.

The Hon. C.J. Sumner: That it not be closed?

The Hon. R.I. LUCAS: No. With due respect, the honourable member has misunderstood the lobby. The lobby at the moment is that the closure of the Fremont High School—

The Hon. Carolyn Pickles: How do you know what our lobby is?

The Hon. R.I. LUCAS: It is the same lobby as the one I received last week. That is no criticism of those people; they are genuinely interested in what is occurring in relation to the Joel committee report. Therefore, I do not make any criticism of that. Joel's recommendation was that Fremont High School be closed—I must admit that at the time this confused me—and that a new Fremont school, a years eight to 10 campus, be collocated on the Elizabeth High School senior secondary campus.

I asked what appeared tome to be logical questions, such as why you would collocate two schools on the one campus and call one Fremont and one the Elizabeth Secondary College, and a variety of similar questions.

I received a lobby last week, I presume from the same people, who have the interests of their area at heart. I have asked for an urgent report from the department. I have certainly given no instruction at all to change the ongoing planning of the department in relation to its capital works program, as I indicated to the shadow Minister earlier this afternoon. If there was a budget item in 1993-94 for the relocation of Fremont to that campus, as I have said I have issued no instruction at all to change that recommendation.

As I have said, as a result of the meeting that I had last week or the week before—I am not sure of the exact date—I have asked for an urgent report from the department in relation to planning in that area. I have also requested that I visit the area as soon as I can to look at the site in order to try to understand better the argument for having Fremont moved from its existing site to the Elizabeth High School site, while still being called the Fremont School years 8 to 10, together with the Elizabeth Secondary College years 11 and 12. It should not be long before I receive my report, and I will be happy to share it with the honourable member and, I presume, with the joint lobby that we have both received.

TAXIS

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister for Transport a question about deregulation of the taxi industry.

Leave granted.

The Hon. M.S. FELEPPA: While my question is directed to the Minister for Transport, I also wish to draw it to the attention of the Attorney-General. We have had some signals from the Council of Australian Governments, which met in Hobart some time ago, that the taxi industry is under threat of deregulation. On 25 February this year, the *Advertiser* carried a heading 'Open slather fear for taxi industry'. The Director of the South Australian Taxi Association is reported as saying that deregulation would be disastrous and that the industry would become absolutely uncontrollable.

The Parliament must know that deregulation would require that the State Metropolitan Taxi-Cab Act 1956 would have to be negated. Alternatively, if the Passenger Transport Act 1994 were to come into operation, that would have to be overridden in part. None of the 39 paragraphs of section 51 of the Commonwealth Constitution gives the Commonwealth the power to make laws for our taxi industry, as that is clearly the prerogative of the State. However, an incoming taxi from another State would have to comply with our State laws.

Now that the Mutual Recognition (South Australia) Act 1993 is in operation, details would have to be operative for the mutual recognition of interstate taxis operating in South Australia. This threat is a great concern and is unsettling for the taxicab industry, and it should be addressed to allay the fears that have arisen. My questions are:

1. Under which Commonwealth power can the Federal Government pass laws affecting State laws for a State regulated taxi industry, which is clearly the prerogative of the State, and enforce its will under section 109 of the Commonwealth Constitution?

2. With the Mutual Recognition (South Australia) Act 1993 in place and operating in conjunction with other States and the Commonwealth, would that Act head off the power of the Commonwealth to override State laws?

3. Could the Acts or Bills concerning the taxi industry be reinforced by our legislation to prevent Commonwealth powers overriding our State Acts?

The Hon. DIANA LAIDLAW: I agree with the honourable member in terms of his introductory remarks: some of these matters may well be addressed to the Attorney-General because of their legal nature. My understanding is that the Himmler report on national competition policy, which was discussed in general terms at the COAG meeting in Hobart by the Prime Minister and the Premier some weeks ago, could not be enforced by legislation but that the Prime Minister and the Federal Government would seek to do so through the Trades Practices Act and the financial clout of the Federal Government.

The honourable member may recall that his Government and the then Liberal Opposition complained when the Federal Government, with its financial clout, sought to introduce the 10 point black spot road program and forced on this State the .05 reading and a whole range of other measures.

It is my understanding that that would be one of the principal ways in which the Federal Government would seek to make us bow to its pressure and agenda in this matter. However, a lot of discussion must take place on the Himmler report. I understand it is to be debated—

The Hon. K.T. Griffin: The Hilmer report.

The Hon. DIANA LAIDLAW: The Hilmer report. I have the German Gestapo. I think I am a bit mixed up with Bolkus.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes. Perhaps there is not much difference in terms of the impact. It may be a Freudian slip on my part, because the impact of the Hilmer report recommendations could easily be related to some of the acts of a former German Government.

There is concern about the Hilmer report and what its impact will be on this State. Certainly, the taxi industry has been very excited about its impact. The Hilmer report will be debated again when the Premiers meet with the Prime Minister in June or July of this year. In the meantime, the State Government is undertaking an audit of the ramifications of the Hilmer report on all State regulations from ETSA to the taxi industry to country bus licensing. The Hilmer report would have a widespread impact across the board in terms of services provided by the State and contracts that we have entered into.

In terms of the taxi industry and the State Government's own response, the honourable member would be aware that the Passenger Transport Bill that has been introduced in this place states quite specifically that there will not be deregulation of the taxi industry.

The Bill works hard to overcome many of the current agonies faced by members of the industry because of the former Government's refusal to distinguish the requirements

imposed on the taxicab industry against those applying in the hire car and hire vehicle industry. The lines have become blurred because of the former Government's partial deregulation of the hire car industry, and it has been commonly stated from time to time that there is war between the two. Certainly, it is distracting the taxi industry from efficiently and effectively performing its tourism and service function in this State. But the Passenger Transport Bill tries, with considerable force, to ensure that the taxi industry alone can ply for work from a street, can stand at a taxi stand and can have a meter. Therefore, rather than deregulating in terms of Hilmer, the Government could be accused of re-regulating in this area.

ADELAIDE FESTIVAL

In reply to **Hon. L.H. DAVIS** (23 February).

The Hon. DIANA LAIDLAW:

1. I am advised that the Executive Officer of the South Australian Taxi Association (SATA) rang Festival organisers four weeks before the start of the Festival seeking 900 copies of the forthcoming program. At that stage the organisers were only able to provide the association with 50 copies. These were subsequently distributed by the association to the radio networks so that at least radio operators would be able to provide information to any taxi operators wanting information about the Festival or Fringe.

Following your question, and at my request, Festival organisers provided SATA with about 900 additional copies of the Festival program.

2. QANTAS, as a major sponsor of both the Adelaide Festival and Fringe Festival, advise they were involved with worldwide brochure and poster distribution regarding the Adelaide Festival and Fringe Festival and in striking a special fare to encourage people to travel to Adelaide for the festivals. QANTAS also erected a large display (about 8 feet by 2 feet in size) promoting the festivals against the western wall at the back of the baggage conveyor belt. The display had been in place for about four weeks (as at 24 February).

QANTAS also made available to the Festival and Fringe a mobile information reception booth which was appropriately decorated. At the same time the Federal Airports Corporation erected about 40 banners (1.5 metres by 1 metre in size) down the access drive to the terminal buildings. There is no question that everybody arriving at Adelaide would notice this signage. There were two Adelaide Festival flags flying at the international terminal plus dozens of promotional posters and mobiles hung throughout the international terminal.

Ansett advised that while they were not one of the official sponsors of the Festival they would provide promotional material at the airport. Thus, following discussions with Festival organisers, a 'welcome' sign was erected in the Ansett terminal for visitors to the Adelaide Festival.

MINING REPORT

In reply to the **Hon. M.J. ELLIOTT** (15 February).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

1. There is simply no 'cover-up', as suggested. The report and associated critiques have been made public as agreed by the Committee on 4 February. Since then the report and associated attached critiques have been accessed by contacting the Presiding Officer or Executive Officer at WorkCover, as well as distributed to industry sites which participated and the author of the report.
2. The documentation for the project, namely the report and associated critiques, was first available for my review on 15 February 1994.

WOMEN, VIOLENCE

In reply to **Hon. ANNE LEVY** (17 February).

The Hon. DIANA LAIDLAW: The editor of the National Clearinghouse on Violence Against Women newsletter, Ingrid Wilson, was unable to obtain any information from the previous Government on what was happening in South Australia concerning domestic violence when she was compiling this edition of the newsletter. It appears that future editions are in doubt, as indeed is the whole NCVAW, as the Federal Government is threatening to discontinue funding.

HINDMARSH ISLAND DEVELOPMENT

In reply to **Hon. M.J. ELLIOTT** (24 February).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information:

The three applications to which the honourable member referred in his question on Hindmarsh Island are in fact submissions to the District Council of Port Elliot and Goolwa and not development applications. The current zoning of the land is not compatible with the proposals and it will be necessary for a plan amendment to be undertaken by the council before a decision could be made by either the council or Development Assessment Commission once applications are lodged.

The area concerned is subject to the RAMSAR treaties mentioned in your question and assessment of the impact of these applications on any native vegetation would be addressed through application to the Native Vegetation Management Branch for clearance. If the sites involved are already cleared the applications will be assessed on their merits and this will include environmental issues.

RECYCLING

In reply to **Hon. M.J. ELLIOTT** (17 February).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information:

1. The State Government is providing assistance to local government through funding of the Local Government Recycling and Waste Management Board. A major role of the board will be to develop and negotiate markets with industry and councils. It will provide the opportunity for local government to develop a more cohesive approach to marketing in terms of reliability of supply, product quality and the establishment of a single focus for contractual negotiations.
2. The board has been formed to provide for the establishment of a kerbside collection service for recyclable material to ensure a more convenient and effective method for people recycling their household waste.
3. The State Government recognises the importance of developing markets for recyclable material and advice is being taken from many sources about the best way of ensuring suitable markets are developed.

ORPHANAGE RECORDS

In reply to **Hon. SANDRA KANCK** (15 February).

The Hon. DIANA LAIDLAW: The Minister for Family and Community Services has provided the following information:

1. The Minister is unaware of any refusal by the Department of Family and Community Services to provide access to records. The Department of Family and Community Services conducts requests for personal information under the principles and guidelines of the Freedom of Information Act 1991.
   - Personal information is provided with exemptions under the Act, such as information contained in personal files relating to another party.
   - Denial or inability to meet a request for access to personal records may occur if the FOI exemptions apply or the search for a record indicates the department hold no such records.
   - A request for personal information can be sought by written request to the department.
2. The Libraries Board in 1973 approved in consultation with the department, the destruction of administrative and client records. Approval for this destruction and sampling process was under Part 3 of the Libraries Act. Destruction was approved subject to the preservation samples (5 per cent) for historical and research purposes.
   - The department did retain 'a card indexing record' which contains a summary of relevant information of all 'clients' for the period early 1900s until 1986-87.
   - This practice of destruction and sampling continued to be departmental practice until 1982; thereafter personal files have been retained permanently.
3. File destruction was conducted under Part 3 of the Libraries Act; the 5 per cent sample retained by the department was for research and historical purposes as agreed to in consultation with the Libraries Board. The selection of the 5 per cent sample was conducted by

random with no evidence of this practice occurring for any purpose or reason.

- The department at the time of destruction of files did retain the index cards for the periods early 1900s until 1986-87 on individual clients. These cards contain a summary of personal information which can be accessed by legitimate request.

4. The department has a specific administrative section which deals with requests for personal information and respond within the bounds of the FOI Act. In addition to this already existing service the department has taken the initiative to appoint a project officer for a specified time period to assist former residents of State institutions during the 1930s-1970s to gain streamlined access to personal records.

- This initiative entails a broader aim to involve interested parties in planning and implementing other specific projects such as reunions, counselling and support services.

5. The steps to seeking compensation in any grievance situation remain within the bounds of the law.

- The court system deems compensation payable only at the point that negligence is proven; e.g., one party can prove another party was negligent.
- In this State an individual seeking compensation should be referred to the legal system to make application for compensation.

LIBERAL PARTY POLICY

In reply to **Hon. CAROLYN PICKLES** (24 February).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information:

The matter is currently being considered by Cabinet. Details will be released once that process has been concluded.

CRAIGBURN FARM

In reply to **Hon. M. ELLIOTT** (23 February).

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information:

1. Any estimate of the cost of acquiring that part of Craigburn Farm which is still owned by Minda Incorporated must at this time be highly speculative. The acquisition cost would be determined to take account of the following components:

a. The amount to be paid to Minda Incorporated to cover the purchase of the 80 hectares of land which comprises the Stage 1 site.

This includes 69 hectares of land zoned residential and an 11 hectare parcel zoned open space. The land is the subject of an application for division into residential allotments and public reserves which is currently before the Environment, Resources and Development Court.

Statements were made by Minda Inc. in May 1993 that the expected return from development of this part of the Craigburn land varied depending on their level of involvement. Direct involvement was anticipated to yield an income stream of approximately $20 million (net present value). Sale of the land to a developer was expected to realise a return for Minda Inc. of $15 million (net present value).

Any negotiations with Minda Inc. on compensation for purchase of the Stage 1 site could be expected to result in a figure of $15 to $20 million.

It should be noted that Minda Inc. has incurred additional development and legal costs in relation to the Stage 1 land since its advice of May 1993.

b. The acquisition amount would also need to include any amount to be paid to the developer, Craigburn Properties Pty Ltd, to compensate for the company's interest in the Stage 1 land and work undertaken to date.

Craigburn Properties Pty Ltd hold an option over the Stage 1 land.

If the Stage 1 land was purchased this company would be legally entitled to claim compensation for any loss suffered by reason of the acquisition of the land. This would not include compensation for loss of actual profit, but could include compensation for loss of the opportunity to make a profit.

The amount of compensation payable to the company may be influenced by proposals for the future use and/or development of the land and any rights the developer may have in relation to such development.

c. Thirdly, the cost would also include the amount to be paid to Minda Inc. to compensate for the purchase of a further 69 hectares of land which comprises the Stage 2 site. This includes 55 hectares of land which comprises the stage 2 site. This includes 55 hectares of land zoned residential but excluded from development until June, 1999, and three separate parcels of land totalling 14 hectares in area zoned open space.

d. Fourthly, there would also be an amount to be paid to Minda Inc. to compensate for the purchase of two additional parcels of land totalling about 10 hectares in area and excluded from the Stage 1 and Stage 2 development sites.

This land is zoned residential but excluded from development until June 1999. It contains substantial improvements.

As the Minister has indicated the total amount payable is highly speculative. What he has tried to demonstrate is that the $15 million estimate quoted by other sources is only one component of the overall figure.

2. The Government has made no commitments.

3. The proposal for division of Stage 1 is currently before the Environment, Resources and Development Court. The Government has no grounds for intervening in the matter.

4. Prior to the elections in December the then Opposition publicly acknowledged its concerns at the contractual obligations it would inherit should there be a change of Government on 11 December 1993.

TOURISM, REGIONAL

In reply to **Hon. R.R. ROBERTS** (24 February).

The Hon. R.I. LUCAS: The following response has been prepared by my colleague the Minister for Industry, Manufacturing Small Business and Regional Development. Regional Development remains a high priority for the State Government. However it must be tackled in a strategic, cohesive and integrated way with all three levels of government at all times working in the same direction.

The State Government has formalised regional development as a major policy area embracing industrial development, value added commodity production, tourism and community services.

The Government will fast track regional tourism development where there has been due planning and where the development has been tackled in a strategic, cohesive and integrated way within the region.

CODE OF CONDUCT

In reply to **Hon. R.R. ROBERTS** (22 February).

The Hon. R.I. LUCAS: The Liberal Government's approach to Parliamentary Questions is detailed in a Code of Conduct released publicly before the election.

That Code is being adhered to, including the allocation of a minimum of 10 questions each sitting day to Opposition members in the House of Assembly.

LIBERAL PARTY IMAGE

In reply to **Hon. SANDRA KANCK** (24 February).

The Hon. R.I. LUCAS: The Premier has provided the following response. The material made available from the 'Liberal Party' booth in the Flinders University orientation week was prepared by the students themselves.

The words referred to by the Hon Sandra Kanck should be seen in the context of how students communicate their thoughts in the university environment.

The pamphlets, badges and slogans were prepared independently of the Liberal Party. Permission was not sought by the students, nor was there any necessity to do so.

LEGAL RIGHTS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, both in her own right and also representing the Ministers for Urban

Development and Environment and Natural Resources, a question about legal rights.

Leave granted.

The Hon. M.J. ELLIOTT: There was a rally on the steps of Parliament House today in relation to three major issues, those being the Hindmarsh Island bridge, Craigburn Farm and Burnside open space. The presentations put on those three issues had a common thread running through them, the first being that the previous Government, in the opinion of I think all the speakers, had established legal rights for development which people felt were inappropriate. The other common thread is that, while the Government on each of these issues has said publicly it was sympathetic, it has also said that, because of those established legal rights, it was not prepared to intervene.

One other common theme is that proposals have been put forward to all three of those which could solve the problems and at no expense to those people who hold the legal rights, one of which I raised in an earlier question on Tuesday. Mr President, when you compare that with the Government's proposals under State Bank legislation, where it will retrospectively remove the superannuation rights of a large number of State Government employees, I ask the Minister—

Members interjecting:

The Hon. M.J. ELLIOTT: It is most certainly retrospectively removing it. How can the Minister justify standing up, absolutely and inflexibly, for the legal rights of companies and then not standing up for the legal rights of workers in the State Bank and other State instrumentalities?

The Hon. DIANA LAIDLAW: It has been a confusing assortment of questions.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. Sumner: You're the only one that's confused.

The Hon. DIANA LAIDLAW: No, I'm certainly not. In fact, I first thought it was the league of rights I was being asked about; legal rights, I understand, is the question.

Members interjecting:

The Hon. DIANA LAIDLAW: Himmler, and the league of rights; I know. It is not in my character or my league at all. The honourable member has confused the issue, and I hope that he learns a little bit more about the State Bank and the superannuation Bill before he has to debate this matter in this place, and certainly before he makes a final judgment. It is clear that rights will be maintained in terms of superannuation. We are simply clarifying a situation with respect to double dipping, a matter which the former Government and the former Treasurer were keen to clarify, and I suspect that he will continue to pursue that same line in this matter for the sake of consistency.

In terms of legal rights, the Government has indicated its sympathy. I can speak only in relation to the Hindmarsh Island bridge; I have not been involved in the other issues to which the honourable member referred. However, the honourable member knows well that the Hindmarsh Island bridge is not the Government's preferred option but that we have explored, to almost exhaustion on my part, every other avenue that I can possibly explore to get out of this mess that we have inherited from the former Government. It is a mess of its making, it is a mess that we have inherited, and it is a situation—

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: Yes, I said you'd get it by the end of the week, and you will.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It is a mess of their making, that we have inherited and one that we do not want. But it is one that neither the Government nor I can get out of because we are required to build a bridge.

HINDMARSH ISLAND ROADS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about Hindmarsh Island.

Leave granted.

The Hon. T.G. ROBERTS: The Government has already made a commitment to the building of the Hindmarsh Island bridge. Can the Minister say whether the Government has any intention of building further service roads on Hindmarsh Island and an extension of the service roads in a highway form to the Murray mouth?

The Hon. DIANA LAIDLAW: They are local roads and therefore local government responsibility.

JURIES (JURORS IN REMOTE AREAS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Juries Act 1927. Read a first time.

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

That this Bill be now read a second time.

The 1991 electoral redistribution has resulted in significant changes to those liable to jury duty and has the potential to cause hardship to persons living in remote areas as well as causing administrative difficulties in compiling jury lists.

To overcome these problems, while retaining the democratic right and duty to serve as a juror for people living in major population areas, it is proposed that the Juries Act 1927 be amended to provide that the Sheriff be authorised to exclude persons from being summoned to serve as jurors if the Sheriff determines that such persons reside outside a radius of 150 kilometres from a circuit court in the northern and south-eastern jury districts.

Section 8 of the Juries Act 1927 provides for jury districts to be constituted by the subdivisions of the House of Assembly electoral districts set out in the second schedule of the Act. Section 8(5) provides that the Governor may, by proclamation, vary the area of any jury district, provided that the area of the district as varied, consists of one or more complete subdivisions.

The second schedule, and the amendments made to it after electoral redistributions, have always provided for jury districts to be constituted of complete electoral subdivisions within a reasonable distance of circuit courts. The 1991 electoral redistribution has created some new subdivisions which are geographically very large. For example, the subdivision of Eyre-Grey in the northern jury district extends to the State's borders with New South Wales, Queensland, the Northern Territory and Western Australia.

Prior to the 1991 electoral redistribution, the northern jury district consisted of the subdivisions of Custance North,

Stuart and Whyalla in the House of Assembly districts of Custance, Stuart and Whyalla respectively. Neither remote centres of population such as Ceduna, Coober Pedy and Roxby Downs, nor the closer population centres on the eastern side of the Flinders Ranges, such as, for example, Hawker, Peterborough, Jamestown, Melrose and Laura were included in the district.

The electoral redistribution has resulted in a greater number of persons now liable to jury service but greatly extends the distance some persons may be required to travel to serve as a juror. It is necessary for a balance to be achieved between the right to serve as a juror and undue hardship experienced by persons having to travel great distances to serve as a juror. Jury service may involve four or more weeks service and the distances involved may not permit daily travel between the court and a person's residence. To expect people to be absent from their homes during their service may be considered unreasonable. The Sheriff's experience is that jurors generally have little difficulty in travelling up to 150 kilometres to attend for jury service (300 kilometres a day return). Distances in excess of this often require jurors to be accommodated within the circuit town during a trial. If only those people residing within a radius of 150 kilometres of a circuit court are required to serve as jurors, the population areas liable to jury service would be more equitably distributed when compared with the boundaries prior to the 1991 redistribution.

The 1993 jury lists were compiled using the 1991 redistribution boundaries. The Sheriff invited prospective jurors to apply to be excused from jury service on the ground of hardship where, in the opinion of the Sheriff, they resided more than 150 kilometres from the circuit court. Some applications to be excused were made in a timely manner and persons were excused prior to attending court. There were, however, two groups of people who caused significant problems in providing juries for circuit courts. For some 22 per cent of summonses issued to remote areas there was neither a claim to be excused from jury service nor an attendance to serve as a juror.

In the northern jury district a statistical analysis of jurors summoned from remote areas from January to September 1993 shows that 149 persons were summoned from remote areas. Of these, 107 applied to be excused prior to attending for service, seven attended and were excused and 33 did not respond in any way. Only two persons have actually served from 'remote' areas for the duration of a circuit and both travelled slightly in excess of 150 kilometres to do so.

The number of jurors attending for jury service is critical for the conduct of criminal trials and the effective operation of circuit courts. The final number of jurors depends on many factors and is not known until the first day of the circuit. This is being exacerbated by the response of persons summoned from remote areas. Applications to be excused from jury service are being made too late to issue a replacement summons or no applications are being made.

The Juries Act 1927 has not been amended since the District Court Act 1991 was enacted, replacing the Local and District Criminal Courts Act 1926. The opportunity has been taken to remove obsolete references to the Local and District Criminal Courts Act 1926, to the Senior Judge of that court who is now the Chief Judge of the District Court and to court districts under that Act. The District Court Act 1991 does not make any provision for court districts—the court sits where directed by the Chief Judge. The places the court is directed to sit correspond to the circuit districts established under the Supreme Court Act so there will be no practical effect in removing the references to District Court districts.

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

Leave granted.

Clause 1: Short title
Clause 1 is formal.

Clause 2: Amendment of s. 3—Interpretation
Clause 2 amends section 3 of the principal Act by striking out obsolete definitions.

Clause 3: Amendment of s. 6—Criminal Inquests to be tried by jury
As a result of the *District Court Act 1991* the District Criminal Court has become the District Court. The amendment to section 6 inserts the correct name.

Clause 4: Amendment of s.7—Trial without a jury
Clause 4 inserts the correct name of the District Court—see clause 3.

Clause 5: Amendment of s. 8—Jury districts
Clause 5 amends section 8 to remove references to the District Criminal Courts and the *Local and District Criminal Courts Act 1926*.

Clause 6: Amendment of s. 14—Residence qualification
Clause 6 is a consequential amendment as a result of the amendment to section 8.

Clause 7: Amendment of s. 23—Selection of names to be included in annual jury list
Subsection (3) of section 23 of the principal Act provides that where a name has been selected for inclusion in an annual jury list, and it appears that person is ineligible for jury service, that name must be rejected. The amendment provides that the name must also be rejected where the person resides in a jury district (other than the Adelaide Jury District) at a place that is, in the opinion of the sheriff, outside a radius of 150 kilometres from the premises in which the court sits.

Clause 8: Amendment of s. 61—Challenge
Clause 8 is a consequential amendment.

Clause 9: Amendment of s. 78—Offence by jurors
Clause 9 inserts the correct name of the District Court—see clause 3.

Clause 10: Amendment of s. 89—Power to make rules
Clause 10 inserts the correct name of the District Court—see clause 3.

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

LIMITATION OF ACTIONS (RECOVERY OF TAXES AND SUBSTANTIVE LAW) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Limitation of Actions Act 1936. Read a first time.

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

That this Bill be now read a second time.

This Bill amends the Limitation of Actions Act 1936 in two ways. First, it amends section 38 of the Limitation of Actions Act. In 1993 the Limitations of Actions Act was amended so as to introduce a limitation period applicable to actions for recovery of money paid by way of invalid tax to a period of 12 months. Since that amendment, other jurisdictions have introduced a shorter time period. As the repayment of invalid taxes often involves windfall gains to some individuals, and the necessity to impose even higher taxes on others so as to recoup the amounts repaid, it is desirable that this State also reduce the period.

The amendments to section 38 provide that the limitation period applicable to actions for recovery of money paid by way of invalid tax is reduced to six months. Further, a limitation is imposed on the right of recovery to cases where

the tax has not 'flowed on' or been 'passed on' to the consumer.

The Northern Territory, Australian Capital Territory and Tasmania amended their Limitation of Actions legislation during 1993 to reduce their limitation periods for the recovery of invalid taxes to six months. Victoria, New South Wales, Queensland and Western Australia currently have a limitation period of 12 months. A six month limitation period will result in a substantial saving of State revenue required to be repaid if any of our major taxes are held to be invalid.

The inclusion of a passing on defence within this State's Limitation of Actions Act will reduce the prospect of windfall gains by those that ultimately have not borne the burden of the tax. It may also lead to a substantial saving of revenue to be repaid, in the event of constitutional invalidity of a tax levied by the State.

Provision is made for a transition period, giving those persons who were prior to this amendment entitled to claim recovery of an invalid tax, but who are by virtue of this amendment out of time, a two month transition period from the date this amendment comes into operation in which to institute proceedings to recover invalid tax payments. The second amendment supplements the amendment to section 38A which was enacted last year. The 1993 amendment provided that a limitation law of the State is a substantive law of the State. This provision directs courts in other jurisdictions as to how South Australian limitation periods are to be treated but does not deal with how courts in South Australia are to treat limitation periods of other jurisdictions.

The Standing Committee of Attorneys-General in June 1993 endorsed a model Bill which provided that, if the substantive law of another place is to govern the proceedings, the limitation law of that other place is to be regulated as part of the substantive law of that other place, and is to be applied accordingly in proceedings before the courts of the enacting jurisdiction. If all jurisdictions enact the model provisions the problem of forum shopping for favourable limitation periods will be resolved.

The model Bill endorsed by the Standing Committee of Attorneys-General has now been enacted in several jurisdictions. New South Wales has included a provision similar to the 1993 South Australian amendment but Victoria has not. Because of the Victorian provisions (and possibly some other jurisdictions), Victorian limitation periods will continue to be treated as procedural in actions in South Australian courts unless the model provisions are enacted in South Australia.

The new provision also provides, as does the model Bill, that the amendments apply to causes of action that arose before the commencement of the amendment but not to proceedings instituted before the commencement and that, if a court is exercising a discretion under a limitation law of another jurisdiction, it is to exercise that discretion in a manner comparable to the way in which the courts of that jurisdiction would exercise the discretion. The provisions of the Bill apply to New Zealand.

The 1993 amendment and the model provisions are complementary. The 1993 amendment is necessary to ensure that South Australian limitation periods are given effect to by courts in other jurisdictions where the model provisions have not been enacted and the model provisions are necessary to ensure that the model provisions are effective in those jurisdictions where they have been enacted. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

The amendments to section 38 are to come into operation on assent. The other amendments are to come into operation on a day to be proclaimed.

Clause 3: Amendment of s. 3—Interpretation

A definition of 'limitation law' is inserted for the purposes of the new section 38A inserted by clause 5.

Clause 4: Amendment of s. 38—Limitation on actions for recovery of money

The amendment to section 38 alters the limitation period for an action for recovery of an amount paid by way of invalid tax from 12 months to six months. For those who paid an invalid tax more than four months before the commencement of the amendments, actions for recovery of the amount must have been started within two months after that commencement.

New subsections (3a) and (3b) prohibit recovery of an amount paid by way of an invalid tax to the extent that the amount has been passed on to others and has not been, and will not be, paid back.

Clause 5: Substitution of s. 38A—Limitation laws are substantive laws

Section 38A currently provides in effect that a limitation law of this State is a substantive law of this State. The new section additionally provides that a limitation law of another State or a Territory of the Commonwealth or of New Zealand is a substantive law of that place.

Clause 6: Application of substituted s. 38A

This clause provides that the substituted section 38A applies to a cause of action that arose before its commencement unless proceedings based on that cause had already been started.

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

MOTOR VEHICLE INSPECTION

Adjourned debate on motion of Hon. Diana Laidlaw:

That the Environment, Resources and Development Committee be required to investigate and report on the issue of compulsory inspection of all motor vehicles at change of ownership.

(Continued from 23 March. Page 277.)

The Hon. T.G. ROBERTS: I rise to oppose the motion, on a basis similar to that referred to by the Hon. Mr Elliott yesterday. The Minister has already referred the motion to the Environment, Resources and Development Committee. The administrative constitution of the committee does not require both referrals: it can be referred either way. We have the referral before us, and in fact we discussed elements of it at our last meeting on Wednesday. So, I oppose the motion on the ground that it is administrative overkill. The other ground on which I oppose it is that it does not have a lot to do with the operations and procedures of the Environment, Resources and Development Committee.

The points the Hon. Mr Elliott raised about linking the inability of the Minister to satisfy all demands by all lobbies in relation to this issue appear to be correct, that the Minister is unable to make a decision on her own through the Government to satisfy all those parties involved and that the brief is now before the Environment, Resources and Development Committee. From what I can find out, although we have transport as a part of our brief, the referral does not involve a broad issue of transportation; it is basically the narrow issue of personal transportation. Although you could technically say it is a part of our brief, it is not a general part of the committee's brief on transport issues generally.

The problem associated with emissions from older vehicles could be broadly linked to a referral back to the committee, but I suspect that the issue of emissions and control of vehicles in this State could have been addressed by the Government's releasing a discussion paper through the

communities and organisations that have an interest in examining those issues. The Government could have had the courage of its own convictions in drawing up recommendations to be introduced in legislation in both Houses and have them debated throughout the community. As I have said, the brief is already with us and it seems an unnecessary overkill to have a motion before this Council at this time when the brief is already sitting on the Environment, Resources and Development Committee's table.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 March. Page 289.)

The Hon. A.J. REDFORD: I support the second reading of this Bill and the democratic principles that it seeks to introduce. To my mind, this amendment to our Electoral Act has been discussed on many previous occasions and much has been said on many previous occasions. I do not propose to canvass many of the issues that have been canvassed previously. However, it is my view that compulsion in whatever form is the antithesis of free choice, and that is what our democratic process is all about. It has been said on many occasions that the concept of voluntary voting is underpinned for three main reasons. First, there is the philosophical reason and I have already referred to the concept of free choice. The second relates to a more practical concept, that is, the issue of safe seats.

In a compulsory voting system we have the scenario of almost 30 to 40 per cent of seats available for the electorate to choose being safe. I believe that political Parties, whether they be Labor, Liberal or Democrat, have often put people in those seats and the end effect of the compulsory voting system is that those people have been allowed to remain in those seats irrespective of their ability. After all, if one is seeking to market soap powder then it is much easier if one knows that the customers have to buy that soap powder.

The only decision that really needs to be made and the only marketing effort that needs to be exerted is as to what brand, and not as to whether or not you need the soap powder in the first place. The other important issue is that of involvement in the political process at Party level. Australia has one of the worst records in terms of Party membership and Party involvement by large numbers of people, and it is my view that a significant contributor to that malaise is the compulsory voting system. One has only to look at the extraordinarily high numbers of people (in comparative terms) who are members of political Parties in the United Kingdom, in the United States and, closer to home, in New Zealand to see that.

The Hon. Carolyn Pickles: How many *per capita*? What per cent? It is quite small, actually.

The Hon. A.J. REDFORD: I don't have that figure, but they were very much higher on a *per capita* basis. You only have to look at New Zealand. The honourable member makes much of the fact of the 1922 Federal election turnout being a very low percentage.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: I was not born then either, but your colleagues go back to 1922 incessantly in their support and justification for this system of compulsory voting. If you really want to do a fair comparison, just go across the Tasman and look at New Zealand. In their recent non-compulsory elections, it was 89 per cent.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: Under their system, in the recent election they had an 89 per cent turnout, and their political membership on a *per capita* basis for each of the political Parties is about double. So, you have a much more vibrant democratic system in New Zealand, where ordinary people are involved in the political process and, at the end of the day, New Zealand is not different.

The Hon. Carolyn Pickles: They've got nothing else to do!

The Hon. A.J. REDFORD: I would not accept that. But as to some of the fears that people have and in relation to the suggestion that the Hitlers and the Mussolinis of this world were elected under a non-compulsory system, there are as many great political leaders who have been elected under a non-compulsory system. One has only to look at Abraham Lincoln or John F. Kennedy, the champion of the small 'l' liberal Democrats in the United States, or at President Roosevelt, who brought in the New Deal. Each of those was elected under a non-compulsory voting system and one really cannot say—

The Hon. Carolyn Pickles: What percentage of the population actually voted?

The Hon. A.J. REDFORD: Very low percentages in those, but that is the United States, and I will come to the United States in a minute. You then look at one closer to home, and that is local government elections. You do not see people marching down the street saying that local governments are undemocratic because they have non-compulsory voting. You do not see this huge, great groundswell of opinion from the ordinary South Australian saying that local government is failing, it is not working because it has non-compulsory voting. In fact, it is a very vibrant area in our democratic process.

If I can refer to my personal experience, nothing annoys me more than when you are standing at a polling booth handing out how to vote cards and at about 5.50 a carload of people turns up. You show them where the polling booth is and they decide who they are going to vote for by the colour of your cloth or who has the best looking face. They have no idea what issue they are voting on, no idea what people they are voting for, and members opposite have the gall to say that that is a more democratic system!

In answer to some of the comments that the Leader of the Opposition in this place made yesterday, he continuously refused to deal with the extraordinary position in which people in Elizabeth have been placed. Not more than 12 months ago they went to the people to elect a representative. In December last year they went to the people and elected a representative. In March this year they went to the people to elect a representative, and within a fortnight they will need to go back again to elect a representative. It is my view that that is an intolerable demand upon people in a democratic system: that they are expected—

The Hon. M.S. Feleppa: That has nothing to do with compulsory voting. Nothing to do with it. It is irrelevant.

The Hon. A.J. REDFORD: They are compulsorily required to turn up on those occasions and, if they do not, they suffer a fine. It is all very well to say that there are rights and with those rights go duties, but really all we are talking about here is the duty to register. If people do not register, they do not have to vote, and if this great devaluation of our

democratic principle will apply, why is it that previous Labor Governments have not sought to change the Electoral Act to make it compulsory for people to register for voting? If it is so important, why has that not happened?

It is really quite facile to say that the current Attorney-General will defend the right not to vote in one case and protect our rights by banning a film like *Salo* in the other case. If one can draw that very tenuous connection, there is still a freedom in this country and in this State to see that film. All the Attorney did and all he had the power to do was to ban the public display of that movie. If that movie were available by video from Canberra you could mail order it, and there has never been any infringement of that right. I just cannot see how the two issues are really connected. If the Labor Party were really serious about this issue, it would introduce a private member's Bill and quadruple the fines that are imposed by failing to vote, then we could have a revenue neutral compulsory voting system, if it is so important.

After all, the citizens would see that it is their duty, and to pay four times the current fine level would not impinge upon that duty. It would also, in my view, bring the debate into some proper perspective. You hardly see us being overwhelmed with demands on the part of former Labor Governments and demands on the part of the Australian Democrats to make compulsory voting apply in relation to union elections or elections within political Parties. We have not yet seen any call for that and, at the same time, have not yet heard from members opposite any claim that the unions are undemocratic.

I will turn briefly to deal with some of the comments that the Democrats made yesterday, although I see that neither of the two is here. It is important to go on record and make a few comments about their approach in this matter. They were recently asked a question in this place as to their conduct during the last election campaign. They were asked principally four questions. The first was whether or not they made themselves familiar with our policies announced prior to the election. The Hon. Mr Elliott criticises us for not going into much detail about this issue of non-compulsory voting.

I can hardly see how we could have been more clear and more precise about what we wanted to do on this issue. He was then asked on which policies the Democrats announced their disapproval prior to the last election. Having been given that opportunity he did not answer the question, and one can only assume that he did not announce publicly the policies that he opposed. That is typical of the Democrat approach: that is, government by feel, government by inspiration (if one can call it that), and government by instinct. Whatever the Democrats think from moment to moment they will adopt.

We only have to cast our mind back to earlier this year to see the absolutely farcical approach of the Democrats to this issue. First, we had Mr Elliott during the course of the election campaign, when he was on his ill-fated sojourn to get into the other place, saying that it would be good if the Democrats had a place in the Lower House because they were not pinned down to any particular issue. However, in November 1988 he said that no way in the wide world would he support this issue of non-compulsory voting. He would have thought that we had all forgotten about that statement, because earlier this year he informed us that he was going to conduct a poll of Democrat members on this particular issue. I do not know how many members the Democrats have but the poll was conducted—it was not a compulsory poll but a voluntary one—and he came up with his point of view on this matter.

When we really start to analyse the Democrat position we find that it is this: we have compulsory voting, and when we go back to 1989 they wanted to ban how-to-vote cards, so that when someone who is ill-informed is forced to the polls you do not give him any information on how to vote. This is how the Democrats want to increase their representation in this place: get the ill-informed, get the uninformed, get the uneducated into the polling booths and then tell them nothing. By that means the Democrats believe that they can increase their representation in this place.

The media have not highlighted the leadership squabble that the Democrats recently had. We had both members in this place standing for the leadership of their Party and, in true Australian Democrat style, the members voted on that topic. Again, I point out that that was a non-compulsory vote and, based upon the Democrats' position, it was an undemocratic vote because it was non-compulsory. Mr Elliott was elected as a result of that election. I might suggest to the Hon. Sandra Kanck that, based on that principle of the Democrats, she may have grounds to overturn that election result, perhaps resurrect it and bring in some compulsory voting, and perhaps she may finish up as Leader of the Democrats.

The Hon. Diana Laidlaw interjecting:

The Hon. A.J. REDFORD: Absolutely. Given the position of the Democrats there was an undemocratic vote for Mr Elliott to the position of Leader, and I think that has possibilities. Certainly, if Ms Kanck wants advice on that I can make myself available. Mr Elliott has also said that he was horrified to hear about someone door-knocking at Rose Park. I must say that I am currently living at Rose Park and it certainly was not me to whom he was talking.

Members interjecting:

The Hon. A.J. REDFORD: Yes, I know the Hon. Ms Pickles lives in Rose Park as well, and I am sure that it would not have been she who said that the people out in the northern suburbs are breeding like flies and that they do not want them to vote.

The Hon. Carolyn Pickles: Are you saying it was me?

The Hon. A.J. REDFORD: No, I am sure it was not the honourable member, but someone from Rose Park said that, according to the Hon. Mr Elliott. Then Mr Elliott makes the absolutely outrageous inference that the people who live in those areas need the protection of compulsory voting because they do not have either the wherewithal, the education or the drive to voluntarily turn up at an election booth and cast a vote. I think that is absolutely insulting to the people who live in the northern suburbs and, bearing in mind the Hon. Mr Elliott's educated position, as insulting as the comments from this anonymous Rose Park woman. I assume that anonymous Rose Park woman may have been one of the 7 000 whom Mr Elliott door-knocked at some stage during the recent election campaign.

We go one step further with the Democrats, who cannot help themselves. Every opportunity that arises they bring up the issue of proportional representation. I look forward to the day when we can have a debate in this Chamber contributed to by the Democrats where the words 'proportional representation' are not mentioned. They say they want to make proportional representation relevant. I know this is a little off the topic, but I think it is important that what the Democrats said yesterday be answered. They talk about proportional representation bringing more women into this place.

I can only remind the Australian Democrats—and I hope they take the trouble to read this afterwards—that we have had proportional representation in the Lower House of the

Tasmanian Parliament for many years, and that has not led to any substantial increase in the number of women participating in the political process. If the Democrats think that they can use this issue or that of more women in Parliament to bring in proportional representation through the back door they have another think coming.

The Hon. T.G. Roberts: In a multi-member electorate on a PR basis it is possible to guarantee it.

The Hon. A.J. REDFORD: You can, but it does not bring in more women and it has no relevance to compulsory voting. I am merely pointing out that every time they rise to their feet in this place all they can think of is proportional representation. It is all part of their plan where you do not have how-to-vote cards and you get the ill-informed and the uneducated turning up to the polling booths—

The Hon. Diana Laidlaw: Compulsorily.

The Hon. A.J. REDFORD: Compulsorily, so that through some miracle they might increase their representation in this place. It goes down with the rest of their policies and the rest of their approach to politics, that is, that it is down in the garden with the fairies. It just will not work. I am sure that time will see that the Democrats will be lost in a place in history in terms similar to the recent demise of the Democratic Labor Party. Then perhaps we can get more responsible and more accountable representation in this place where each of us, who are currently in this place, have had the experience of knowing that we actually have to make some hard decisions as well as some easy decisions and not pander to small minority groups and not pretend, as the Democrats do, that they know, having got this huge 7 per cent of the vote—and one might wonder whether, if there was non-compulsory voting, they would have got 1 per cent of the vote—that it gives them some authority to determine what is and what is not a Government's mandate.

The Hon. Mr Elliott has also said—and it is not a bad proposition—that because the United States has a non-compulsory system it is unrepresentative. That just does not follow. It is laughable and, in my view, does not deserve much further comment than that. He was given an opportunity in this place on 22 February to actually say what our mandate was, and all he could say was that our mandate was to kick the Labor Party out. What a constructive suggestion that is! I am sure that the 92 or 93 per cent of South Australians who did not vote for Mr Elliott will be sleeping easy tonight, realising that the Democrats from time to time will determine what mandate a Government has, when it can do something, how it can do something and if it can do something.

I am sure the Hon. Mr Elliott will tell me on the next occasion about the enormous volumes of mail and letters of support and the enormous increase in press coverage that he has had over this rather novel approach of determining a mandate from moment to moment, from time to time and from issue to issue. He then goes on to say, 'We will have a referendum.' He is happy to have a referendum. As if the poor people of Elizabeth have not been dragged out enough. He wants them to be dragged out again for another compulsory referendum to decide whether voting ought to be compulsory. With all due respect, that really is a matter for the pixies.

I turn now to something more constructive. It is my view that if we have a non-compulsory system of voting the people will take it upon themselves to become more aware. Democracy in our institutions should never be taken for granted. Compulsory voting makes people take for granted the obligation to vote, the effect of their vote, the importance of this place, and the effect of the decisions that are made in this place and the other place. People vote because they have to, not because they want to. They vote because they have to, not because they have thought about the issues. They vote because they have to, not because they have made a conscious decision as to who is the best candidate to represent them from their point of view. That is the case whether people are educated, poor, rich or illiterate. That can hardly be said to be a ringing or glowing endorsement of the concept of compulsory voting.

It is my further view that the concept of non-compulsory voting will reduce the amount of scaremongering that has happened in recent election campaigns. The scaremongering that happened in the last two elections was absolutely outrageous. I know during the course—

The Hon. T.G. Roberts: You ought to stop it.

The Hon. A.J. REDFORD: How can you stop scaremongering? You blokes were there doing it. We did not have to scaremonger; you were already there. The ogre was there in their pockets. They could see you, they could feel you, they could touch you. I had to spend four days talking to constituents after a letter went out from your Party to little old ladies and single parents saying, 'If you vote Liberal, we will kick you out.' That is what was done. That is the sort of scaremongering that goes on. It is my view that that sort of scaremongering will not continue if there is a non-compulsory voting system.

The Hon. C.J. Sumner: You're living in a dream world. Have you ever been to the United States?

The Hon. A.J. REDFORD: Of course I have been to the United States.

The Hon. C.J. Sumner: Have you seen the sort of negative campaigning they have there?

The Hon. A.J. REDFORD: That is an entirely different culture and an entirely different country. You do not see that sort of gutter rubbish going on in New Zealand. Things certainly did not reach those sorts of low levels in New Zealand during its recent election campaign.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I will get onto Mabo, which was kept under the carpet until after the Federal campaign. The decision was made eight months before the Federal campaign, and the Prime Minister made no reference whatsoever to it until after the poll. With voluntary voting, if the informed, the literate and the educated are the ones who vote they will not be convinced by scaremongering. You guys might try it for an election or two and lose an election or two, and then you can come back and start debating real issues—matters of principle that affect how people's lives ought to be dealt with—rather than this approach of scaremongering and the personality cult that we have.

The Hon. C.J. Sumner: We are the only ones who do it, is that right?

The Hon. A.J. REDFORD: I have not suggested that you are the only ones who do it. We have a couple of people who live with the fairies who have embarked on the same process, and they are still doing it. I am sure that if the Liberal Party does it you would be capable of pointing that out, and you would certainly be capable of telling people to do it. We have not had the opportunity to scaremonger like you, because you have been in Government. If we stood up in the 1989 State election campaign and said—

The Hon. C.J. Sumner: You didn't do a bad job on me or on Barbara Wiese and a few other people.

The ACTING PRESIDENT (Hon. G. Weatherill): Order!

The Hon. A.J. REDFORD: If we had stood up in the 1989 State election campaign and said that the State Bank was going to lose $4 billion, you would have said that was scaremongering. What you are referring to is not scaremongering: that is something else, and I do not propose to deal with it here.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. C.J. Sumner: That's select scaremongering by this mob over here.

The Hon. A.J. REDFORD: It wasn't scaremongering. You were already there.

Members interjecting:

The ACTING PRESIDENT: Order! There is too much debate across the Chamber. I ask the honourable member please to address the Chair.

The Hon. A.J. REDFORD: I will return to the topic, and I will say that one has only to look across the world to see that many countries have survived the anathema, as the Labor Opposition would have it, of non-compulsory voting. Many great democratic countries—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. A.J. REDFORD:—in this world have survived this anathema of non-compulsory voting. To say that having non-compulsory voting in this State would lead to an undermining of our democratic basis is fallacious, it is wrong and it is certainly not borne out by the facts. I commend the second reading to the Council.

The Hon. CAROLINE SCHAEFER: I wish to support the motion to eliminate compulsory voting, because it is wrong in principle and wrong in practice. We have heard much from the Opposition about the lack of democracy in countries such as the United Kingdom and the United States of America, because Governments in those countries are elected by a voluntary system of voting. Certainly, the turnout in America is not always good, but I put to the Council that this may have more to do with the American system than with voluntary voting. What the Labor Party has consistently failed to say in this place is that we are the only English speaking democracy in the world which retains compulsory voting and that in the overwhelming majority of countries which have voluntary voting voter turnout is approximately 80 per cent.

We have heard dire warnings that Hitler was elected under voluntary voting, but no-one mentions that so were Abraham Lincoln, John F. Kennedy and most of the world's leaders, because most of the world's elections are held under voluntary voting. What we are really talking about are freedoms and real democracy. Voting is not just a right; it is also a responsibility. People in nations less fortunate than ours have fought for many generations for the right to vote, but surely together with the right to participate in anything there is an equal right not to participate. Yet, we treat our citizens with such contempt that we compel them to vote.

What amazes me is the paranoia that has been displayed by the Labor Party regarding this issue and the assumption that it would be disadvantaged by any move to voluntary voting. Personally, I have more respect for the rank and file Labor voters. I have no evidence that they are any less committed than rank and file Liberal voters. Certainly, the one old chap who stands outside, election after election, in my home town handing out how to vote cards each time would be most upset to think that those whom he supports believe he would not be there under a voluntary system.

We heard last night that it would be the poor and underprivileged who would not vote, and the presumption, again, was that the poor and the unprivileged come from safe Labor seats and that they would not vote. Again, I have more respect for the poor and the underprivileged; they have the most to lose, and they would be there in force. It would be the lazy, the apathetic and the ignorant who would choose not to vote, and I believe we all have our share of those people who support us. In fact, in almost every analysis undertaken in both the U.K. and the United States of America since the Second World War for every election there would have been no change in electoral results under compulsory voting.

So, what we are really talking about is a belief system. We either believe that freedom to vote brings with it the freedom not to vote or we do not. We either believe that our voters have come of age and have the right to make the considered decision of, first, whether they will vote, then for whom, or we believe that our voters must be forced to the polls, whether or not they have any interest, to put some sort of a mark, whether informal or not, onto a ballot-paper.

The Hon. T.G. Roberts: That's where choice comes in.

The Hon. CAROLINE SCHAEFER: Fat choice, once you get there, isn't it? We have also heard a great deal about mandates since—

Members interjecting:

The Hon. CAROLINE SCHAEFER: Yes, its a choice once you're there. You can either waste your time or you can put a mark. It is hardly a choice. It is like leading a horse to water.

Members interjecting:

The Hon. CAROLINE SCHAEFER: And making it drink, yes. We have also heard a great deal about mandates and, since this matter was part of Liberal Party policy in 1989 and was to my knowledge never altered, I would have thought that, with a landslide win such as we had on 11 December, we had a clear mandate to introduce any legislation foreshadowed prior to the election. However, that aside, what I do wonder is how the Democrats (under the circumstances the name is a bit of anachronism, is it not?) who had .96 of a quota in this Council in the last election, just 8 per cent of the vote, think they have a mandate to block. I am used to the Labor Party opposing any principle put forward by the Liberal Party but the Democrats claim to keep us all honest, and I wonder how they can—

The Hon. Anne Levy: They just keep bastards honest.

The ACTING PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: And they think we all are bastards—with just .96 of a quota, with just 8 per cent of the vote, under a proportional system which they so strongly support, and with no members in the Lower House, in good conscience overthrow legislation of this importance. I wonder how their supporters feel about this. They claim to have run a poll, but how large and how wide? One of the changes voluntary voting would introduce is a great need to educate people from school onwards, and it would also stop those in safe seats from ignoring their constituents. The system we have encourages lazy and apathetic politicians and it encourages a system where the focus is always on a handful of swinging seats.

The Hon. Anne Levy: Speak for yourself.

The Hon. CAROLINE SCHAEFER: No, I said that it encourages themselves; I did not say they were all here. It

certainly encourages a system where the focus is always on a handful of swinging seats. Voluntary voting would ensure that members attend to their own seats first. It would give power back to the electors—

Members interjecting:

The Hon. CAROLINE SCHAEFER: Well, they're probably busy—where it should be. Members of safe seats would need to persuade voters to vote. I sincerely believe that voluntary voting would be a more equitable and a more honest system. But most of all I support a basic principle of democracy: the right and the duty to vote carries with it the implication of the right not to vote. I support the motion.

The Hon. M.S. FELEPPA: I will speak against this Bill. Mr Acting President, I am sure you would recall that I have already spoken on this issue during my Address in Reply speech not long ago, and I feel almost compelled on this occasion to speak in this debate in the hope of assisting to have this Bill defeated. The former Leader of the Opposition and now Premier, Mr Brown, in bringing the issue forward during the election campaign last year, commenced the public debate on the issue. When he introduced this Bill into the House of Assembly on Wednesday 23 February this year, Mr Brown claimed to implement non-compulsory voting because he said that he had a mandate for it and to keep an election promise. He also said, in introducing the Bill:

> I think it is very significant that both the Opposition Parties in this State—and one is not much bigger than the other—have not even had the decency to allow the Government's measure to be introduced into the Parliament before announcing their opposition to it.

I would agree with the Premier that this issue is significant, because on this occasion it is shown that we are ahead of the Government in tackling this issue the way that we think proper.

Does the Premier believe that I should not have spoken against non-compulsory voting in my Address in Reply contribution in this place? I would imagine that Her Excellency the Governor certainly would not agree with the Premier's view, given that the issue of non-compulsory voting was foreshadowed in her opening address to the Parliament. Therefore, I believe that I was perfectly in order in speaking in relation to this matter and expressing my opposition to it. Perhaps the Premier expected that we should wait for his approval before we made our opinions known, regardless of the fact that he or some members of his Party, as in this case, made their intention patently clear on this issue during the election campaign. It should further be said that we on this side of the Council will accept no such restriction in making public our views to any of the Government's measures.

Having said that, I briefly wish to speak more directly to the Bill. The Bill contains two operative clauses, but the promulgation of these two lonely clauses as an Act would return us to the old days when so many citizens opted not to vote, and so disfranchised themselves. By going in that direction, I believe there is but a short step to legislative disfranchisement. Is that what the Government has in mind, too? We should struggle with this proposed legislation and make sure that it is defeated with the objective support of the two Democrats, one of whom has already indicated his opposition to this measure.

Mr Acting President, let me draw your attention to what one prominent British Prime Minister said on 20 August 1940. The British Prime Minister, Winston Churchill, delivered a speech in the House of Commons which reached oratorical heights. In his speech Mr Churchill spoke in relation to the debt that many owed to a few, as he paid tribute to the RAF pilots who were fighting in the Battle of Britain, and he said:

> Never in the field of human conflict. . . was so much owed by so many to so few.

In the struggle against the passage of this Bill, the words of Churchill could well be paraphrased as follows:

> Never in the field of political advancement was so much lost to so many by words so few.

It is as simple as that. Indeed, Mr Acting President, if you count the words and the numbers in the operative clauses of this proposed legislation, you will find that there are only 50 words—50 words—that would destroy so much which has been achieved in many years! To pass this Bill would be to inflict a great loss on South Australia's political development, and we would all be the poorer for it. I am extremely concerned about this.

History has shown a long struggle to come to a full and effective voting franchise, and only gradually have the lower classes been able to gain the right to vote. We should all remember this. Many of those who were given the right to vote were compelled to vote under the eyes of their masters, until the secret ballot came into practice.

Women were excluded from voting, but in the end, after a long struggle, they won their day and were reluctantly given the right to vote. Throughout the world more and more classes of people have gained political rights, but each step in political advancement has been met with opposition and hurdles that needed to be overcome. Having, therefore, succeeded so far in the struggle we should never even contemplate the loss of even a jot of the privileges which were gained over a long time. There is a grave loss hidden in the words of the repealing clauses before this legislation.

Here in South Australia the privilege and the right to vote is held by all adults, whether man or woman, and the right extends to voting for both Houses of Parliament, not just one House, as was the case until some years ago, as all members in this House would remember. For a long time not all South Australians could vote for the Legislative Council, for instance, and the change to extend the franchise to all South Australians was very late in coming. The greatest advancement came in 1942 when compulsory voting was introduced in South Australia. It marked the commencement of the time when not only was there a right and a responsibility to vote, but there was legislative compulsion to vote by attending the polls. That was an advancement, in my view.

The *Hansard* of 30 September 1942 recorded the then member for Semaphore as saying:

> If the people claim the rights of democracy and freedom, they should also be ready to accept the responsibility of doing their part towards keeping the free system in operation.

In the same debate, Mr Christian, the member for Eyre and a member of the Liberal Party, said:

> It seems to me that there is a responsibility on every citizen to take part in the Government, and if he does not do it voluntarily pressure should be brought to bear to see that he does. There is not such a great distinction between the law which compels a parent to send a child to school until it is 14, and this law.

Those were the words spoken by the member for Eyre in 1942 during the debate that ushered in compulsory voting. The same arguments, in my view, hold today. It has become a universal principle of political philosophy and it should not be abandoned.

Very interestingly, in the *Advertiser's* editorial of 24 February 1994, the idea of 'freedom' and 'being adult' was developed in a confusing manner. The article was headed 'Treating voters as adults', and stated:

> The Liberal Party, to its credit, is intent on restoring the concept of true freedom of choice to the ballot box. It has introduced a Bill which rests on the principle that voters are adults with a choice.

The *Advertiser* is saying that there is freedom of choice before reaching the ballot box—and this is the point on which the members of the three different Parties cannot agree. What the *Advertiser* is advocating is that we would be acting like adults if not every adult citizen accepted the responsibility to elect their Parliament. That is quite the opposite of the advancement that was won on the day that compulsory voting was first introduced.

Freedom of choice is the freedom to choose between one candidate or another, secretly, at the ballot box. That is my view. Freedom of choice is not a freedom to choose whether or not one will cast a vote: in other words, whether or not one will accept a civic and political responsibility. If a voter is prepared to accept responsibility, the law requiring compulsory voting does not touch or bother the voter. Such voters are responding with an adult attitude.

The law does not trouble those who are not prepared to take up their responsibility to participate in the election of their Parliament. Whether or not there is such a law, such persons are not making an adult response. The law regulating voting to be compulsory does impose a responsibility, as do many other laws, without diminishing any civil rights. In fact, such laws reinforce civil rights. To elect the Parliament is a civil right and a responsibility of every adult citizen responding as an adult.

As the election practice now stands, we have one vote one value. All voters are free to choose at the ballot box who will represent them in the Parliament. It being compulsory to vote means that some thought must be given to the choice being made. Back in 1942, the member for Prospect Mr Whittle, again a member of the Liberal Party said:

> . . . if compulsory voting were introduced at State elections, as provided for in this Bill, the people would gradually develop voting sense. . .

Is it this sense of voting that troubles some members of the Liberal Party who support this Bill? That people have come to be responsible, does that bother some members of the Liberal Party? Of course, informal votes are still cast at elections. This may be accidental or intentional. If it is intentional, there might be a good reason for it, or it might be downright cussedness. However, the person casting a deliberate informal vote has given thought to the matter and decided simply to comply with the law on that particular occasion. It is a positive action for that person and he or she is being truly adult. To ignore one's responsibilities under non-compulsory voting and not bother to vote is a negative approach to what should be a responsible action. It would be the first sign of a decline in democracy which could lead ultimately to the downfall and demise of democracy.

Let me put the issue in a different way. If Government members were allowed a conscience and secret vote I am sure, as I have heard already, that a number of members of the Liberal Party—members of the Government—would want to retain compulsory voting. I could be wrong, but that is what I have heard around the place.

The Hon. L.H. Davis: Where did you hear that?

The Hon. M.S. FELEPPA: I am a bit blind, but I have good ears. Those who would vote in secret in favour of compulsory voting will have to quell and shrivel their conscience if they toe the Party line and vote for the Bill; that is, vote for whatever chance they see in non-compulsory voting even if democracy is weakened by it.

The Hon. L.H. Davis: What happens in Italy?

The Hon. M.S. FELEPPA: Mr Sumner yesterday placed on record what I thought of Italy, where fortunately I grew up. In summing up, I refer to a speech made by the Hon. Mr Mann, member for Perth (Nationalist Party), as reported in the *Commonwealth Hansard* of 24 July 1924, which states:

> If the principles of democracy are to be properly applied, it is evident that some attempt should be made to ensure that those who govern at least represent the majority of the governed.

It is my view that all adults should vote and must vote if a Parliament is to be truly representative. I oppose the Bill.

The Hon. ANNE LEVY: secured the adjournment of the debate.

PARLIAMENTARY COMMITTEES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 272.)

The Hon. K.T. GRIFFIN: I thank members for their contributions on this Bill, which is an important piece of legislation that addresses the need for the expansion of the committee system to provide continuing accountability by Government to the Executive arm of Government. The Hon. Mr Sumner raised a number of matters that will need some response. If I happen to have missed any of them during this reply, we can deal with them during the Committee consideration of the Bill, which I regret to say will not be today because the Hon. Mr Elliott is still to file some amendments that he wishes to move but which I hope we will be able to finish off on Tuesday.

The Hon. Mr Sumner questioned the definition of 'State instrumentalities'. The issue of 'State instrumentality' is important in the scheme of the legislation because it identifies the agencies of the Crown that are to be the subject of scrutiny by the parliamentary committees in accordance with the respective functions of the various committees.

The principal Act currently defines a 'State instrumentality' as follows:

> . . . an agency or instrumentality of the Crown and includes—
> (a) an administrative unit of the Public Service; and
> (b) a statutory authority,
> but it does not include—
> (c) a body wholly comprised of members of Parliament;
> (d) a court or tribunal; or
> (e) a council or other local government body:

For the purposes of that definition in the principal Act, a statutory authority is defined as:

> . . . a body (whether incorporated or not) that is established by or under an Act and—
> (a) is comprised of or includes, or has a governing body comprised of or including, persons or a person appointed by the Governor, a Minister or an agency or instrumentality of the Crown; or
> (b) is subject to control or direction by a Minister.

If one looks at what that includes, one finds that certainly a university is not an administrative unit of the Public Service. The question then arises whether it is a statutory authority. A university is certainly not subject to control or direction by a Minister. That, of course, would be quite contrary to the whole concept of an independent academic institution such

as a university and, of course, would compromise seriously academic freedom. The question then arises whether a university is a body that is established by or under an Act. Each of the three South Australian universities is so established. But then the question is whether it is comprised of or includes or has a governing body comprised of or including persons or a person appointed by the Governor, a Minister, or an agency or instrumentality of the Crown. It is clear that the University of South Australia—the most recently established university—is such a statutory authority because, in fact, all of its council members apart from the *ex officio* members are appointed by the Governor.

Even those two who are representative of the Parliament are actually formally appointed by the Governor, even though also appointed by the Parliament. Flinders University of South Australia is also within that definition, because it has several people who are appointed by the Governor. The University of Adelaide, as far as I recollect, is not such a body because none of its council is appointed by the Governor, a Minister, an agency or an instrumentality of the Crown, so it is truly an independent academic institution. You have under the present Act a distinction between the two, although again it is important to note that, under the functions of the Economic and Finance Committee, the State instrumentality is referred to as the body that might be the subject of scrutiny, or a publicly funded body, and it may be, of course, that the university falls within that category.

The University of Adelaide is partially publicly funded but also funded by public gifts, bequests and student contributions. So, there is a question about whether the University of Adelaide is caught. Under the present Act the Technical and Further Education institutions are caught. It was certainly not the intention of the Government to exclude those TAFE institutions from the scrutiny of the Public Accounts or other committees of the Parliament, and it may be that there should be a further amendment that addresses that issue.

There have been some discussions about the status of universities. They are not caught by the Freedom of Information Act under the definition of an agency, because they are excluded as exempt agencies. My recollection is that they are covered by the South Australian Financing Authority Act for some purposes of funding but not all. They are not funded at all by the State. They are certainly funded in part by the Commonwealth Government, but I wonder why the State Parliament needs to be involved with the scrutiny of those tertiary institutions when no State funding is involved and, although in some instances their statutes are laid before Parliament and can be the subject of disallowance, one must question the propriety of a House of State Parliament or a committee having authority over those universities; so, there is a question mark about them. The Government intended not to include them within the ambit of the parliamentary committees scrutiny, and I hope the Hon. Mr Sumner might be persuaded by that to leave the exclusion in the Bill.

His next question relates to the power to exclude any other body by regulation from the definition of 'State instrumentality and statutory authority'. It is correct that, under the present definition of 'State instrumentality' and of 'statutory authority', there is no power to exclude, but in some respects the proposed definition of 'statutory authority' is quite a bit wider, although in other respects constrained. What we are including in the definition of 'statutory authority' is a body corporate that is financed wholly or partly out of State funds, and it includes a company or other body corporate that is a subsidiary of or controlled by such a body corporate, provisions that are not in the current legislation, but certain bodies are excluded, including a body wholly comprised of members of Parliament, a council or other local government body, a body whose principle function is the provision of tertiary education, and any other body excluded by regulation from the ambit of the definition.

I appreciate the significance of the statements made by the Hon. Leader of the Opposition about exclusion by regulation, and certainly I have been one of those in the Parliament who has been the most critical of excluding bodies by regulation, but I have always been confronted by the previous Attorney-General's response, 'Well, in any event, they are subject to disallowance by the Assembly.'

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: It was not intended in any sinister context.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: The only problem was that, if you broaden it to companies or other bodies corporate that are subsidiaries of or controlled by a body corporate, it seemed to us that it may inadvertently catch a number of bodies corporate that should not properly be the subject of parliamentary scrutiny.

The Hon. C.J. Sumner: Then you don't refer things to them.

The Hon. K.T. GRIFFIN: But in any event, if you look at the functions under the principal Act, it seems to me that most probably, anyway, if there were specific bodies corporate that should be the subject of scrutiny even though not within the ambit of the definition, they could still be caught, because if one looks at section 6 paragraph (b), the functions of the Economic and Finance Committee are 'certain specific functions' and then:

> To perform such other functions as are imposed on the committee under this or any other Act or by resolution of both Houses.

The same sort of proposition applies in relation to the other committees of the Parliament in the principal Act. I appreciate the strength of the argument that the Hon. Mr Sumner has been making, and it may well be that that is the position we finally adopt. But it is an issue on which I will have some further consultation with a view to determining whether there should be some modification to the definition that addresses at least the inadvertent extension of the scope to bodies that should not properly be the subject of scrutiny.

The Hon. C.J. Sumner: Like what?

The Hon. K.T. GRIFFIN: I am not sure. I will come back during the Committee stage on that issue.

The Hon. C.J. Sumner: It could be dealt with by not referring to them, though.

The Hon. K.T. GRIFFIN: It may be possible to do it that way, but I indicate that I have an open mind about that.

The Hon. C.J. Sumner: Very reasonable.

The Hon. K.T. GRIFFIN: I'm always reasonable: you know that. The next issue to which the Hon. Mr Sumner referred was whether the definition of 'statutory authority' could cover a voluntary organisation that receives public funds.

The Hon. C.J. Sumner: An incorporated voluntary association.

The Hon. K.T. GRIFFIN: Yes, incorporated voluntary association that receives public funds. I suggest that most probably that was caught anyway under the present Act, because under the Economic and Finance Committee functions it included 'any matter concerned with the functions

or operations of a particular public officer, State instrumentality or publicly funded body, or whether a particular public office' etc. So, already it did seem to cover that. There is a question about whether, even under our provisions, it would be included, but it seemed appropriate in the circumstances that it be included, because it is presently in the part of the principal Act that relates to the Economic and Finance Committee.

The Hon. C.J. Sumner: Can we make it clear that we are not restricting the scope?

The Hon. K.T. GRIFFIN: I think it is clear enough as it is. If you want to raise that issue in Committee, fine, we will debate it then. But it seems clear: it is a body corporate financed wholly or partly out of public funds, and that broadens the scope for the purposes of the Economic and Finance Committee, the Statutory Authorities Review Committee and, if necessary, the other committees.

So, I do not think there is any difficulty with it, but if the Leader of the Opposition wishes to pursue it we can do that in Committee. As I said earlier the new definition includes subsidiaries of a body corporate, and that is an important extension. As to the question of whether a council or other local government authority should be excluded from the definition of 'statutory authority'—

The Hon. C.J. Sumner: That was in the previous one—in the current Act.

The Hon. K.T. GRIFFIN: Yes, it is in the principal Act as an exclusion, and the Government does not believe that it is appropriate to change that position, although one recognises that there is special legislation that relates to freedom of information relating to local councils.

As to the question whether the definition of 'statutory authority' includes a Minister who is constituted as a body corporate, my advice is that it does not.

The Hon. C.J. Sumner: That's not what it says.

The Hon. K.T. GRIFFIN: In the majority of cases a Minister is constituted as a body corporate by proclamation under what up to now has been the Acts Administration Act and now the Administrative Arrangements Act 1994. A small number of cases may occur where a Minister is incorporated as a body corporate under an Act, but again that is something that needs to be addressed because the affairs of a Minister who is incorporated as a corporation sole are already the subject of scrutiny through the Estimates Committees and through parliamentary questions to the Minister. It may be appropriate, but I do not think one can justify it, in the context of all the other areas of possible scrutiny of a Minister, that we open up the bodies corporate to the detailed parliamentary scrutiny. However, again, that is an issue that we can explore in the Committee stages of the consideration of this Bill.

I think I have addressed the major issues of concern about the Bill raised by the Leader of the Opposition. I have a number of amendments on file and we can deal with those in Committee.

The Hon. Mr Elliott did raise some questions. He said he was going to amend the functions of the Statutory Authorities Review Committee and made the observation that it read like a razor-gang's terms of reference. Maybe that is not a bad thing—perhaps the Statutory Authorities Review Committee ought to be feared by statutory authorities, although one would expect that it will, whilst being quite firm, nevertheless give a balanced reflection of the evidence and conclusions which it has reached. The Hon. Mr Elliott wants to set up the committee in a so-called non-political way, and I need to see the amendments before I can make any observation on that.

The Hon. Mr Elliott also says that he will oppose clause 5 of the Bill, which seeks to amend section 9 of the principal Act to ensure that the Standing Committee on Environment, Resources and Development cannot inquire into the construction of public works. He makes the point that the Democrats believe that in certain circumstances there would be environmental consequences of a construction project and that they ought to be the subject of scrutiny.

I should have thought that that was not prevented, but certainly it was the intention of the Government that the Public Works Committee have a specific focus on all aspects of a proposed construction project or even a repair of a significant nature, and I should have thought that that would necessarily take into consideration the potential environmental consequences. One has to be careful about overlap: that it does not become a battle between committees as to the work that they should undertake, and I would have thought that, in terms of construction, it ought to be left to the one committee.

Again, when I see the Hon. Mr Elliott's amendments I will then be able to give a more considered response to the issues which he raises. I again thank honourable members for their contribution on the Bill.

Bill read a second time.

PAY-ROLL TAX (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 220).

The Hon. T.G. ROBERTS: The Opposition supports this Bill, which is more an administrative one: it does not debate the issues of the merits or demerits of payroll tax. People have their views and opinions on whether payroll tax is an incentive or disincentive to employment. The Bill merely seeks to revise various aspects of the principal Act which have become outdated, which are uncertain in application or which require some form of harmonisation with corresponding laws enacted by other jurisdictions that also collect payroll tax.

This Bill streamlines the process of collection and avoids confusion in the changing nature and way in which electronic transfers and other payment methods are made, and it hopes to ensure a new streamlined form of administration and collection. It is a clarifying Bill that the Opposition supports. There is no form of argument or contention of which I have been made aware that would cause me to take any other position but to support the introduction of the Bill.

The Hon. L.H. DAVIS secured the adjournment of the debate.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

Adjourned debate on motion of Hon. Diana Laidlaw:

1. That in the opinion of this Council, a Joint Committee be appointed to inquire into and report upon the following matters—
   (a) the extent of any existing impediments to women standing for Parliament; and
   (b) what measures should be taken to facilitate the entry of women to Parliament.
2. That in the event of the Joint Committee being appointed, the Legislative Council be represented thereon by three members,

of whom two shall form a quorum of council members necessary to be present at all sittings of the Committee.

3. That a message be sent to the House of Assembly transmitting the foregoing Resolution and requesting its concurrence thereto.

to which the Hon. Carolyn Pickles had moved the following amendment—

Paragraph I(a)—After 'the' insert the words 'reason and'.

Paragraph I(b)—Leave out this paragraph and insert new paragraphs as follow:

(b) strategies for increasing both the number of women and the effectiveness of women in the political and electoral process, and

(c) the effect of parliamentary procedures and practice on women's aspiration to and participation in, the South Australian Parliament.

and to which the Hon. S.M. Kanck had moved the following amendment—

Paragraph I(a)—After 'Parliament' insert the words 'including the impact of different electoral systems'.

(Continued from 23 March. Page 279.)

The Hon. DIANA LAIDLAW (Minister for Transport): I thank all members who have contributed to the debate on this motion. As I indicated in moving the motion, the Government considered that it was particularly important in this suffrage year that we address the question of women in Parliament. It was 100 years ago in this place that women in South Australia became the first in the world to gain full democratic rights. One hundred years later some progress has been made, but it is not sufficient. That sentiment was echoed by all who addressed this Bill.

I do not wish to sound patronising, and I would be concerned if my remarks were seen in that light, but I was particularly pleased to note the contributions by the Hon. George Weatherill and the Hon. Michael Elliott. I note, of course, that 100 years ago when this place was full of men only that the men of that day passed that important piece of legislation which we are celebrating 100 years later.

I also acknowledge the contributions by the Hon. Sandra Kanck and the Hon. Carolyn Pickles. I will not support the Hon. Sandra Kanck's amendment. The issue of multi-member electorates, which is the essence of her amendment, was explored at length by the Select Committee on the Constitution (Electoral Redistribution) Amendment Bill which reported on 13 November 1990. I refer members to page 7 of that report. At that time, the select committee deemed that a multi-member electorate system did not have the advantages that were often touted in terms of representation of the electorate and the stability of government.

The Hon. Angus Redford mentioned in his contribution in terms of multi-member electorates and the voluntary system that the Hare-Clark system in Tasmania had not produced advantageous results for women in that State. Certainly, under this State's current system women are doing particularly well compared to women elsewhere in this country. So, the Government and I believe that it would be a distraction from the matters to be considered in this motion if we got into a debate about the whole nature of our electorate and the electoral system.

I am prepared to accept the amendments moved by the Hon. Ms Pickles. There is some confusion in my mind about what is meant in paragraph I(b) by 'political and electoral process', but I appreciate that the numbers are in favour of the passage of that amendment in its current form, so I will not make an issue of that matter at this stage. I thank all members for their support of this motion. I believe that we are doing a service to the Parliament, to women and the community by the passage of this motion and the deliberations of the select committee.

Hon. Carolyn Pickles' amendment to paragraph I(a) carried; Hon. Sandra Kanck's amendment to paragraph I(a) negatived; Hon. Carolyn Pickles' amendment to paragraph I(b) carried; motion as amended carried.

ADJOURNMENT

At 5.3 p.m. the Council adjourned until Tuesday 29 March at 2.15 p.m.