LEGISLATIVE COUNCIL

Tuesday 19 April 1994

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

ASSENT TO BILLS

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

Criminal Law Consolidation (Stalking) Amendment,

Local Government (Miscellaneous Provisions) Amendment,

Pay-roll Tax (Miscellaneous) Amendment.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answer to the following question, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* No.22

RESIDENTIAL DEVELOPMENT

22. **The Hon. BARBARA WIESE:**

1. What incentives does the Government propose to encourage central business district and inner suburban residential development?

2. When will these incentives be provided and what is their estimated cost for each of the next four financial years?

3. Why was the previous incentive scheme providing up to $3 000 rebate per home scrapped?

The Hon. DIANA LAIDLAW:

1. No financial incentives are proposed, but the Government will ensure that the City of Adelaide Plan and inner suburban plans continue to encourage inner city development. Active encouragement will be provided by facilitating residential development in proposals such as the East End Market.

2. These proposals have no cost.

3. Suggested response provided by Treasury Department:

One of the main reasons the present Government was elected was because people believed that the economy would be more likely to prosper under our policies than under those of the Opposition. At the same time we undertook to reduce debt so we do not have much room to move in the area of tax concessions and must choose our measures carefully.

The previous Government estimated that the cost of the residential rebate scheme would be $20 million over two years. In our view it needed to be considered in conjunction with other measures which would benefit a larger cross-section of the population and have a more direct and certain impact. It was our judgment that we could get better value for $20 million of tax concessions in other ways. These measures are outlined in the brochure issued in January 1994 titled 'Let's get South Australia really working' and include the WorkCover Levy Subsidy Scheme, the Export Employment Scheme, as well as three separate Pay-roll Tax Rebate Schemes.

PAPERS TABLED

The following papers were laid on the table:

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

Electricity Trust of South Australia—Superannuation Scheme Actuarial Valuation of Trust Liabilities as at 30 June 1993.

Senior Secondary Assessment Board of South Australia—Report, 1993.

Regulation under the following Act—Superannuation Act 1988—Commutation of Pension.

MOTOROLA

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to make a ministerial statement on the subject of Motorola.

Leave granted.

The Hon. R.I. LUCAS: The Premier in another place is today making a ministerial statement on the subject of the Motorola investment. I believe the issue is significant enough to have the statement made in this Chamber as well.

Since its election, the Government has been aggressively pursuing an economic strategy to attract business back into South Australia. Today the Government is pleased to announce the first decision by a major overseas corporation to set up business in South Australia under the new Liberal Government. South Australia has been chosen by one of the largest communication companies in the world—Motorola of USA—as the site for a major software technology centre.

This was confirmed by Motorola executives in Canberra today as they met with Federal Industry Minister, Senator Peter Cook, to sign a Commonwealth Government partnership (PFD) agreement. Motorola's commitment under the overall PFD agreement will involve investment, technology transfer, research and development and exports from Australia of over $200 million by the year 2000.

The single most significant element of this undertaking is the creation of a world-class software development centre to be known as the Motorola Australia Software Centre. The business for this centre will be generated from Motorola operating businesses worldwide. The new Motorola Australia Software Centre will be at Technology Park, 12 kilometres north of Adelaide—a project that the Premier initiated when the Liberal Party was last in Government.

The centre will employ up to 400 highly skilled research and development engineers by the year 2000. Operations will commence in June this year. The project should contribute more than $60 million directly and indirectly to gross State product over a five-year period and will have spin-off benefits to transport, services, construction, communication and manufacturing in South Australia.

The Economic Development Authority, through the Minister for Industry, Manufacturing, Small Business and Regional Development, has been negotiating this relationship with Motorola against strong competition from other States. Motorola had been considering various sites within Australia. However, no real consideration had been given to South Australia until the recent election.

In the end, South Australia snatched this deal from Western Australia and New South Wales, despite concerted efforts by both States as recently as last weekend.

Motorola is one of the world's leading suppliers of wireless communications, semi-conductors and advanced electronic systems and services. Major equipment businesses include cellular telephones, two-way radios, paging and data communications, personal communications, automotive, defence and space electronics and computers.

Motorola has stated that the key factors which led to the decision to locate in Australia were Australia's close proximity to regional growth markets, supportive Government policy and the availability and cost competitiveness of skilled personnel.

In turn, what attracted Motorola to South Australia was the commitment of the new Liberal Government to economic

development and establishing high technology industry—

Members interjecting:

The Hon. R.I. LUCAS: Well, it is very disappointing that members opposite take such a negative approach to what is a very significant development for the people of South Australia. Motorola was attracted by the professional approach and supportive role of the Minister and the Economic Development Authority; the quality of life in Adelaide to attract the employment of graduates and other professionals; the lower cost of living; the support of universities in this venture with the opportunities to form closer links; and the Technology Park site, including links to the signal processing research institute and proximity to other computer companies.

A site has already been chosen by Motorola at Technology Park for the new centre, and work will commence shortly on a new purpose-built 4 000 square metre building.

Motorola was a winner of the first USA national quality award in recognition of its superior company-wide management of quality. It has sales, service and manufacturing facilities throughout the world, conducts business on six continents and employs about 120 000 people. Its net sales in 1993 were $24 billion.

This investment by Motorola is a most significant recognition of this State's credibility as a base for a knowledge-intensive industry. It represents a great boost to our efforts to build internationally competitive industries for the future of South Australia, and I and all members of the Government, and I am sure all members in this Chamber, commend the Minister and his officers for the success that their hard work has brought our State.

CREDIT RATING

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made in another place today by the Treasurer on the subject of South Australia's credit rating.

Leave granted.

GAMING MACHINES

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

Leave granted.

WORKING WOMEN'S CENTRE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about Government support for women's services.

Leave granted.

The Hon. CAROLYN PICKLES: On Friday, I attended the opening of the new premises of the Working Women's Centre. It was a wonderful opening, and a number of members were present, including the Hon. Barbara Wiese, the Hon. Dr Pfitzner, the Hon. Anne Levy, the Hon. Mario Feleppa and the Hon. Sandra Kanck. Unfortunately, the Minister for the Status of Women was unable to attend. I would like to place on the record that this was yet another Labor Government initiative set up largely under the responsibility of the Hon. Anne Levy in the previous Administration.

The Working Women's Centre is a very successful and resource efficient women's service. It supplies information and advocacy for women in all areas relating to working conditions, wages, health and safety, equal opportunity and sexual harassment, among others. The centre answers over 6 500 inquiries from women each year, many of whom are from a non-English speaking background; in fact 1 500 inquiries in 1992-93 were from women with a non-English speaking background. An extended advocacy service is also provided for approximately 300 women each year. Nearly half of these cases involve unfair dismissals and a further 16 per cent are related to equal opportunity, especially sexual harassment in the workplace.

More than 50 per cent of the clients of the Working Women's Centre are referred by Government agencies, including the Industrial Commission, the Department for Industrial Affairs, the Legal Services Commission and others. These agencies clearly believe that the centre is a highly valuable resource for women who encounter difficulties in the workplace. During the election campaign, the Minister made a number of statements supporting the retention of women's services. The Working Women's Centre is, clearly, a service that is highly valued by many thousands of women as well as many professionals in the industrial relations and legal fields. My question to the Minister is: will the Government continue to support and fund the Working Women's Centre in its current form?

The Hon. DIANA LAIDLAW: As the honourable member was present at the opening of the new Working Women's Centre last week, she would be aware that, at that time, the Minister for Industrial Affairs indicated that the Government had agreed to continue baseline funding for the centre in 1994-95 and that there would be ongoing negotiations regarding the services that it will continue to deliver. The honourable member may also be aware that there have been discussions between officers of the Office for the Status of Women and the management committee of the Working Women's Centre. Advice that I received on 11 April from the Director of the Working Women's Centre indicates that the management committee and the staff of the Working Women's Centre have agreed to accept the proposals in relation to funding and services. She goes on to say:

> The centre welcomes the initiative taken by the Government to clarify its position on the Working Women's Centre funding and its future services. This proposal is seen as an opportunity to enhance the centre's position to continue providing essential support services to women of South Australia.

FERRIES

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about Road Transport Agency ferries.

Leave granted.

The Hon. BARBARA WIESE: The Road Transport Agency currently operates 16 ferries at various locations along the River Murray. I believe that at any one time there are likely to be 13 in operation with two at the Morgan dockyard for repairs, refit or refurbishment and one spare in case of major breakdown. This integrated system works well and provides an essential service for the community that is much valued. In view of this, with great concern and apprehension people have approached me in the belief that the Government is considering privatising these ferries. Their major concern, of course, is that a private sector run service

may include a toll. My questions to the Minister are: Is it true that the Government is considering privatising the River Murray ferries or tendering for their operation; if so, will a toll be a part of the arrangement, as is proposed for the Hindmarsh Island bridge; and when does the Minister expect to make a final decision regarding this matter?

The Hon. DIANA LAIDLAW: I was interested to see the Minister's support for ferry operations in this State, considering the saga of the Hindmarsh Island bridge and the fact that it was her Government that would see the loss of that ferry service. It was her Government, with the former Minister of Transport, that looked at getting rid of the three ferry services in the Riverland. Because of protests by the local people and members of Parliament of the day, former Minister Blevins had to back down on that, and those three services continue to this day and will continue in the future. The only one proviso would be the finalisation of negotiations with the Federal Government for the building of a bridge at Berri. The Liberal Government sees these ferries as an essential service to the local communities but also, in many instances, for tourism purposes.

I am aware that the former Government, in its negotiations with local government under the State/local government reform package, was proposing that local government should take over the operations of all these ferries because they were seen as a continuation of local roads and, because local government was responsible for local roads, the former Government wanted local government to take them over. In every instance, local government refused to be party to that. What we are looking at now is not privatisation in terms of the sale of these ferries or closing them down but the option of tendering them out, as we are considering tendering out a number of functions undertaken currently by the Road Transport Agency so that taxpayers in general can see that they get value for money and that the maximum dollar allocated to the Road Transport Agency is actually spent on the service delivery.

That contracting out policy is not new or radical in terms of road transport: the Federal Government has been insisting upon it through legislation for some years. We are simply following the Federal Labor Government's policy in terms of application of funds for roads so that we get the maximum value from road funds to roads and in this case efficiency in ferries. No decision has been made in that regard. It is one matter that has been looked at as a host of contracting out matters. If these were to be contracted out, no toll would be applied.

HONOURS

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

1. Has the Government or any of its Ministers given consideration to whether imperial honours should be reintroduced in South Australia?

2. If so, what decisions, if any, have been taken by the Government on this matter?

The Hon. R.I. LUCAS: Sir Christopher Sumner, perhaps.

The Hon. C.J. Sumner: Not yet!

The Hon. R.I. LUCAS: Not yet. You're not declaring an interest? Not to my knowledge has there been any discussion about the reintroduction of imperial honours. As the question of the Leader has been framed to any Minister, I will leave—

The Hon. C.J. Sumner: Has the Government considered the matter?

The Hon. R.I. LUCAS: Not to my knowledge, no. As the question has been framed to any Minister, I will need to consult my ministerial colleagues and obviously with Cabinet and bring back a reply.

WOMEN, HEALTH

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about the priorities on health funding to women living in rural areas.

Leave granted.

The Hon. SANDRA KANCK: I was disturbed to learn earlier this week that rural women in Queensland suffering from breast cancer have not been undergoing radiation therapy for the disease but have been opting for the more draconian cure of mastectomy. The reasons for their choice have been put down to the higher cost to rural families for the woman to undergo radiation therapy compared to a mastectomy. Those who saw ABC TV news on Sunday night will have heard that only 10 minutes per day is required for radiation therapy but that such therapy extends over six weeks. To date radiation units have been located only in capital city centres, because the outer regions do not have the populations to support such a service.

Hence, if rural women opt for radiation therapy, they either must commute daily to the capital city over a six week period or have a lengthy stay in town whilst undergoing the treatment. Therefore, radiation treatment is both more costly and time consuming for the rural household and often means the lack of a much valued work resource. My questions to the Minister are:

1. Given that Government funding for cancer related illnesses has been reduced in general, despite the fact that the incidence of all cancers has increased by 27% over the past five years, what is the Government doing to ensure that rural women in South Australia are getting the best treatment possible?

2. Given that the radiation therapy units are very expensive, preventing such units being based outside Adelaide, what alternative services are being offered to South Australian women in relation to breast cancer?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply. In the meantime, I indicate that health generally is one of four basic priorities for this Government in terms of service delivery, and both our health policy and our women's policy focus on the health needs of women in general and in country areas in particular. The mobile mammography units are a very important part of preventive health measures all over the State. I have seen them operating in quite a number of country centres, and it is our wish not only that the current services continue to operate but that there be more mammography services and other preventive health services for women in country areas.

PRIMARY INDUSTRIES RESEARCH FACILITIES

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Primary Industries a question about primary industries research stations.

Leave granted.

The Hon. R.R. ROBERTS: Last year under the previous Government (and the then Minister, Hon. Terry Groom) there

was a rationalisation of primary industries research facilities throughout South Australia. This followed a tortuous round of consultation and discussion, and we all remember the long drawn-out discussion about relocating some of the primary industries at Roseworthy. As a result of all those discussions, one of the agreements made by the Hon. Terry Groom was that a grains research centre would be established at Clare. Constituents in the Mid North have raised with me that there is a strong rumour going around that it is the intention of the Minister to review that situation, and it has been suggested to me that it may not go ahead. My questions to the Minister are:

1. Will the Minister confirm or deny that he will not honour the commitment made by the Hon. Terry Groom to the establishment of a grains research facility at Clare?

2. Is it true that the establishment of the research facility at Clare is under review?

3. Are any other primary industries research facilities in South Australia under review?

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

WOMEN, JUSTICE

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Attorney-General a question about the Law Reform Commission Report on equality before the law.

Leave granted.

The Hon. ANNE LEVY: I presume the Attorney is aware of the interim report put out by the Australian Law Reform Commission entitled 'Equality before the law:women's access to the legal system', which became publicly available in the month of March. The commissioners stress that it is an interim report only and that a final report is to be expected later in the year. Although this is an interim report, it contains quite a number of recommendations particularly in relation to women's access to the legal system and protection against violence. I asked a question on 16 February about South Australia making a submission to the commission but to which I still have no response. Still, one can live in hope.

The Hon. L.H. Davis interjecting:

The Hon. ANNE LEVY: Not from me you didn't.

The Hon. C.J. Sumner: Nor me.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: This report makes a large number of important—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Levy has the call; if other members want to have a chat, go outside.

The Hon. ANNE LEVY: One of the very important recommendations made is that there should be a national women's justice program similar to the national program on violence against women, which would involve cooperation between the Commonwealth Government and all the State and Territory Governments, as has applied in the violence program. The commissioners feel that this is a matter of urgency and something which should be attended to by all the Governments in Australia. The report also makes many comments about women's access to the law and, in particular, about child care and court facilities. On the fifth obstacle relating to women's access, paragraph 2.19 states:

> . . . many women find courts physically inaccessible or unsuitable. Most have no child care facilities and waiting areas are limited and inappropriate.

In chapter 4, relating to court processes and facilities, paragraph 4.40 states:

> Where possible existing court facilities should be adapted to accommodate women's needs, for example, by having rooms allocated for child care or for the separate accommodation of survivors and defendants, or by the court arranging for the use of a local child care centre when required. Funds should be provided for capital works to address existing deficiencies on the basis of need. Women's needs should be taken into account in planning new court and tribunal premises and in refurbishing existing ones.

There are many other quotations to which I could refer, but I think those give an indication of the seriousness with which all six Australian Law Reform commissioners regard the provision of child care in court facilities, particularly magistrates courts, which are those most often attended by women, in the capacity as defendant, witness or supporter.

I ask, in the light of this report, whether the South Australian Government will be cooperating in establishing a national women's justice program as recommended by the report, and whether the Attorney will undertake further discussions with the people who are planning the renovations to the Magistrates Court so that rooms will be set aside for child-care facilities—I am not talking about workers in them, but proper rooms for child-care facilities which can have proper equipment—and also undertake discussion with the courts administration regarding implementation of all the recommendations in the report regarding women's access to court facilities, in particular, the child-care facilities which are suggested, or the use of nearby child-care centres being organised by the courts and not left to the individual women to try to struggle with themselves?

The Hon. K.T. GRIFFIN: I do not think it is only women who have difficulty in gaining access to the courts. There is a wide range of people in the community who do have unfortunate experiences with the courts and find them intimidating. Certainly, one of the goals which I have set—and which the Government has set—is to try to ensure that the whole environment of the courts is much less intimidating than it is perceived to be by a number of people who are required to attend at those courts.

In relation to the proposition for a national women's justice program, there certainly has been no approach from the Federal Attorney-General or any other Federal Minister that I am aware of in relation to the establishment of such a program. This is, of course, a report to the Federal Government, and I expect that the Federal Attorney-General would undertake a coordinating responsibility in respect of that recommendation.

As the honourable member has said, the report was released only in March, and one would not expect an immediate response to the recommendations at the Federal level. I am having the recommendations examined from a State perspective, with some specific attention being given to responses from the various agencies under my authority in respect of the recommendations that affect them.

I certainly have no difficulty with referring to the Courts Administration Authority for consideration the recommendations in the report, particularly in relation to new court buildings. At the moment there are no new court buildings in the course of construction. The previous Government took the Magistrates Court building off the program, but undoubtedly it has to come back on to the program at some time in the future.

The Hon. Anne Levy: Planning is occurring for it.

The Hon. K.T. GRIFFIN: That is all right—but undoubtedly there will have to be some new courts in that area of the city, as well as in suburban and country areas, and certainly these are matters which the planners will take into consideration. Quite obviously, there is a funding issue in respect of child-care facilities. There is a question of coordinating the availability of child-care facilities outside the court, depending on how many women are defendants, or plaintiffs or witnesses for that matter, on a particular day, and who of them have children and at what age are those children.

So, there is a significant planning and coordination issue involved in such a proposition. However, I certainly agree that it is an issue that has to be addressed, and I will not guarantee to have an answer back by the end of this session, but I will let the honourable member have a response in due course.

In relation to her question of 16 February, I will undertake to have the answer to that pursued. I must confess that I am not aware of where that might be in the system, but it is my view that we ought, as quickly as possible, to respond to questions. There are from time to time questions which do get bogged down for one reason or another—

The Hon. C.J. Sumner: Oh!

The Hon. K.T. GRIFFIN: The Leader of the Opposition would recognise that in relation to a number of Ministers. I will certainly examine that particular question and find out why there has not been a response and endeavour to expedite the answer to that question.

There is one other aspect which the honourable member raised, and that is the separation of witnesses from defendants—

The Hon. Anne Levy: Survivors and defendants. This is in the domestic violence area.

The Hon. K.T. GRIFFIN: Yes. The previous Government, in its victims program, enunciated the principle which we supported: that there should be facilities for complainants separate from defendants, and that is a desirable goal to which certainly I subscribe and, whether they are men or women who are witnesses, that is a most desirable course that has to be pursued. Certainly, I do not resile from the need to address that issue in Government. If there are other aspects of the question that I have inadvertently overlooked, I will make sure that the answer is supplemented in due course.

RACING CODES

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a ministerial statement given in the other place by the Minister for Housing, Urban Development and Local Government Relations and Minister for Recreation, Sport and Racing on the subject of boards of racing codes.

Leave granted.

ADELAIDE AIRPORT

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a personal explanation relating to the Adelaide Airport.

Leave granted.

The Hon. DIANA LAIDLAW: I wish to clarify some figures I gave in this place on 14 April in answer to a question from the Hon. Ms Pickles about the Adelaide Airport. In 1992-93, capital expenditure by the Federal Airports Corporation amounted to $6.322 million, representing 2.7 per cent of the Federal Airport Corporation's total capital budget. Of this sum, only $1.3 million was spent on international terminal infrastructure. I had inadvertently indicated that that sum was spent on domestic terminal infrastructure. Most of the rest was spent on domestic infrastructure that the FAC was required to supply to support Ansett and QANTAS's domestic terminal works.

AIRPORTS

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

Leave granted.

The Hon. T.G. ROBERTS: In response to a question asked by the Hon. Carolyn Pickles last week in relation to a forum being set up to investigate the arrangements and approaches to Adelaide Airport, a response was given by the Minister indicating that a forum had been set up and a number of aspects were being investigated by that forum.

It is quite clear that one of the aspects that needs to be investigated is the cross-subsidisation of any privatisation plan that may occur, given that Adelaide Airport revenues do subsidise country airports. I know it is a question that is lingering in the President's mind in relation to the costs of landing fees that may be associated with increases if privatisation of the Adelaide Airport does go ahead, as was indicated by the Minister as one of those issues that was being investigated.

The question that is being asked in Ceduna, Whyalla, Port Augusta, Mount Gambier and other country airports is what will happen to their airports if the privatisation program of the Adelaide Airport does go ahead. What is the Government's position on overcoming funding problems associated with cross-subsidisation of country airports from revenues raised from Adelaide Airport?

The Hon. DIANA LAIDLAW: I am aware of the concerns expressed by representatives of some country councils that currently own their airports. In terms of the forum to which the honourable member referred, I chair a Cabinet subcommittee on that issue. There is also a group of officers that reports to the subcommittee, and this matter is to be raised at the subcommittee's meeting on Thursday morning because of the concerns of some councils that have been highlighted to me. I do not have answers at this stage but, as I indicated, the Government is exploring this issue in terms of the privatisation of the airport.

There is another related issue of cross-subsidisation of functions at each airport and whether commercial facilities can be offset against other flights, landing charges and a whole range of things. These matters were raised by the Prices Surveillance Authority (PSA) last year. If the PSA does not allow Adelaide Airport to cross-subsidise between its various functions, we would be almost out of business, anyway, because the landing charges would be so enormous that no plane could afford to land or passengers certainly would not pay to come to Adelaide.

So, there are a number of issues in terms of cross-subsidisation that we have to explore. The first issue that we have to try to kill off—so that we have an airport in the future and reason for people to come to Adelaide—is the PSA recommendations. However, I do not discount the concern that has been expressed by some country councils.

MEDIA REPORTS

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Leader of the Government in the Council a question about the recent Elizabeth by-election.

Leave granted.

The Hon. T. CROTHERS: On the Friday prior to the by-election for the State seat of Elizabeth I was, as it happens, viewing and listening to the 5 p.m. newscast on Channel 10. The program was, of course, zeroing in very strongly on the Elizabeth by-election to be held the next day. One of the points made by the journalist who was handling this news segment was that the people of Elizabeth were fed up with facing four elections in the space of 12 months or so. As a consequence—

An honourable member interjecting:

The Hon. T. CROTHERS: Well, I hope you agree with me in a moment. As a consequence, the electorate would need to punish the Labor Party by refusing to go to polling booth in droves, thus not exercising their right to vote, and that this factor would be so advantageous to the Liberal Party candidate that it would give that Party its best chance ever of winning the State seat.

Mr President, I know that this might surprise you, but the newscaster indicated that his source for that assertion was the Liberal Party. If my memory serves me correctly, there was even an indication that this was also the view of the Premier. Being a fairly curious person by nature, I then turned to the 6 p.m. newscast on Channel 7, and to my complete and utter innocent amazement I found that it was running an almost identical story. I must confess that I did not see all of the Channel 7 report, but I saw and heard enough of it to make it appear that both channels—that is, Channel 10 and Channel 7—were working on some report that had its origins from the very same source. They say that it was the Liberal Party.

The Leader may suggest to this Council that the fact that the people of Elizabeth had to go to the polls four times in 12 months or so was all the fault of the Labor Party. Of course, what has to be said about that is that, of the four elections, two—that is, one State and one Federal election—were normal electoral events and would have been run in any case. In relation to the other two by-elections, they could have been run on the same day if the Speaker in another place had issued the writ to run the State by-election on the same day as the Federal by-election.

History records that the Speaker in another place did not chose to do so. It has been said to me by many of the electors in the area that this was indeed regrettable as it would have meant that they would have had to go to the polls only one extra time, as indeed they will unfortunately have to do due to the regrettable, untimely death of the Liberal member for the State seat of Torrens. My questions to the Leader are as follows:

1. Will the Leader check the transcript tapes of the two newscasts to which I referred so as to ascertain that my statements are correct?

2. If my statements are correct—that the story emanated from the Liberal Party and/or the Premier—will the Leader endeavour to take some form of action to restore the integrity of the Liberal Party?

3. Does the Leader of the Government in this Council agree with what has been attributed to the news reporters from both stations, that is, that low voter turn-out will always favour Liberal Party candidates in parliamentary elections, as was suggested would be the case in the Elizabeth by-election?

The Hon. R.I. LUCAS: I have to say to the honourable member that my office is not in the business of keeping the transcripts of all Channels 7, 10, 9 and 2 reports going back over the months of the Government.

Members interjecting:

The Hon. R.I. LUCAS: If members opposite would like to make a contribution towards paying Warburton Media Monitoring for those two particular transcripts or if the honourable member, in particular, is prepared to provide me with copies of those transcripts, I would be delighted to read them and to share with him my personal perceptions of those comments. I would have to say that the media interpretations 24 hours prior to, and those following, the Elizabeth by-election really are not the number one priority on my desk at the moment.

However, as I said, the offer is there for the honourable member: if he is prepared to invest his hard earned dollars in the transcripts from Channel 7, 9 or 10 (whatever it is), I would be delighted to sit down over a cup of coffee and share our interpretations of the perceptions of the reporters.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: He wants a free cup of coffee. If there was any suggestion in those media reports that the Premier was indicating, either publicly or privately, that the Liberal Party was going to win the Elizabeth by-election, that certainly would not be a statement of fact. Whilst we are always hopeful whenever there is any electoral contest, the prospects of the good people of Elizabeth being represented by a Liberal member are probably somewhat similar to the prospects of the good people of Bragg being represented by a member of the Socialist Left, at least in the—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: There are some good members of the Socialist Left living in the electorate of Bragg, as the Hon. Ms Pickles—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am not saying that there are not good candidates for both the Labor Party in Bragg and the Liberal Party in Elizabeth. What I am saying is that the electoral prospects of both the Labor Party in Bragg and the Liberal Party in Elizabeth are very slim indeed.

When one looks at the last State election one sees that the uniform State-wide vote for the Liberal Party in South Australia was the highest ever on record, at some 61 per cent of the vote. The swing to the Government was 11 per cent or 12 per cent across the State, and even in that electoral climate the Government was unable pick up seats such as Elizabeth. Thus, in the normal expectation of a by-election, when there are swings against the Government of the day, again, the prospects of picking up a seat such as Elizabeth were likely to be very slim indeed. If the import of the honourable member's question relates to the Premier's statements, both privately and publicly, prior to the election, I can put him out of his misery and perhaps save him the cost of obtaining the Warburton transcripts by indicating that the Premier was not talking up the prospects of victory in Elizabeth, although of course the Government is always hopeful in any electoral contest.

In relation to the third question regarding low voter turnout, this matter has been discussed in connection with the Electoral (Abolition of Compulsory Voting) Amendment Bill. Neither I nor any member of the Government agree with the

notion put forward by the honourable member that a low voter turnout would favour the Liberal Party in any way. We do not support that suggestion in any way at all.

HINDMARSH ISLAND BRIDGE

The Hon. M.J. ELLIOTT: Has the Minister for Transport approached the Minister for Aboriginal Affairs or made any formal or informal requests of him or his department in relation to overriding any Aboriginal heritage orders regarding the site of the proposed Hindmarsh Island Bridge?

The Hon. DIANA LAIDLAW: I have forwarded to the Minister for Aboriginal Affairs requests from the contractors that Built Environs forwarded to me through Connell Wagner, the managing contractor or supervisor, that they require section 24 of the Aboriginal Heritage Act to be invoked to enable them to proceed with work on site. It was reported in the newspaper on Friday or Saturday that the Minister would be spending or had spent at least two hours with the Aboriginal Legal Rights Movement and Aboriginal groups from the Lower Murray and Coorong regions. These matters of Aboriginal heritage, Aboriginal sites and concerns from Aboriginal groups about the construction of the bridge were canvassed extensively at that meeting. So, in answer to the honourable member's question, I have forwarded to the Minister correspondence that I have received regarding this matter.

The Hon. M.J. ELLIOTT: I ask a supplementary question: has the Minister, in forwarding those requests or at any other time, expressed a personal view or made a request of the Minister for Aboriginal Affairs regarding this matter?

The Hon. DIANA LAIDLAW: I wrote to the Minister indicating that if the bridge were to be built—and that is the Government's intention—it appears, at this stage, that we will have to invoke section 23 of the Act not section 24, which Built Environs and others sought to be invoked.

LAND DONATIONS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about land donations.

Leave granted.

The Hon. G. WEATHERILL: The Attorney-General will probably recognise this question, but the reply I received was not very satisfactory. For some time, farmers have been donating land to the Wetlands of South East Trust and conservation groups. Farmers who donate land receive a tax deduction from the Federal Taxation Office, but the State charges stamp duties, transfer fees and other Government charges. As this land is of benefit to South Australia and its future and surplus to the requirements of farmers at present and as they see the importance of transferring this land for environmental purposes, my question to the Minister is—and I hope he understands it this time—will the Minister waive all stamp duties and transfer fees and any other Government charges for farmers who donate land to these groups?

The Hon. K.T. GRIFFIN: I will refer that question to the appropriate Ministers, one of whom I think will be the Treasurer, and the other may be the Minister for the Environment and Natural Resources who has the responsibility for the Land Titles Office, and such other Ministers, as required, and bring back a reply.

SCHOOL COUNCIL MEETINGS

The Hon. C.J. SUMNER: My question is directed to the Minister for Education and Children's Services. Does the Government have a policy about members of Parliament being entitled to attend meetings of school councils in their electorate? If so, how is that policy given effect to, and what action can be taken if a member of Parliament is refused permission to attend one of these meetings?

The Hon. R.I. LUCAS: The policy and practice of the new Government is the same as that of the previous Labor Government. As outlined in, I think, both the regulations and the administrative instructions of the Education Department: House of Assembly members are entitled to attend school council meetings within their electorate. Entitlement is not given to a member to wander around the State and attend school council meetings outside his or her electorate.

The Hon. Anne Levy: What about us?

The Hon. R.I. LUCAS: This is your policy as much as the new Government's. If the Hon. Anne Levy would like to visit all school council meetings throughout South Australia and wishes me to investigate that possibility, she might like to put a question to me formally to which I will respond. The current arrangements sensibly allow a House of Assembly member who represents the area to attend school council meetings. As the Leader of the Opposition would know, some members have many schools in their district, so they can appoint a nominee to represent them on school councils, and that nominee reports—

The Hon. C.J. Sumner: But the local member cannot be refused attendance?

The Hon. R.I. LUCAS: Not to my knowledge. If there is a particular problem, I will take legal advice on the question and come back to the Leader of the Opposition, but the arrangements are the same as previously existed: that is, the local member of Parliament is entitled to attend meetings at the local school within his or her district.

The Hon. C.J. Sumner: But not outside?

The Hon. R.I. LUCAS: Not outside, no. Otherwise, where would one draw the line? We could have 47 members roaming the State attending school council meetings. If the Hon. Anne Levy had her way, we would have 69 rampant members of Parliament looking for school council meetings and dropping in willy nilly. School councils undertake particular tasks and jobs. Clearly, their processes might not be assisted by the prospect of 69 members of Parliament dropping in to assist them in their deliberations. So, the arrangements have been sensible in the past. If the Leader of the Opposition does have a problem or wishes further confirmation in some way of an area, I would be happy to receive that information and seek a formal response for him from the department.

HINDMARSH ISLAND BRIDGE

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Hindmarsh Island bridge.

Leave granted.

The Hon. BARBARA WIESE: I have been advised that today in the Federal Court Mr Justice Heerey upheld injunctions which Binalong Pty Ltd sought against seven parties—although one of the injunctions was not granted, and that was one against the Conservation Council and its two named officers. I understand that that was not granted

because the judge thought there was insufficient evidence at this time. However, in view of the success of the injunctions brought by Binalong against seven of the parties that have been protesting against the Hindmarsh Island bridge, I ask the Minister: when does she intend to direct that work should proceed on construction of the bridge?

The Hon. DIANA LAIDLAW: I have not received or seen the full judgment by Justice Heerey today: I have only some parts of that judgment. I indicate that it is an interim injunction that has been applied and that legal proceedings are continuing. Therefore, we should regard actual comment as *sub judice* at this stage. So, I will not get too excited either way about the judgments or any action. I indicate that the Government has reluctantly agreed that this bridge must proceed. It is not for me to determine when the contractor has organised himself to make progress on this bridge; that is a matter for the contractor. I hope that work will start as soon as possible. Of course, discussions are going on with Aboriginal groups at present.

JAM FACTORY

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

Leave granted.

The Hon. ANNE LEVY: Last year, at the taxpayers' expense, a business plan was being prepared for the Jam Factory by outside consultants. I understand that this report was finished quite some time ago and was presented to the Minister. She has had considerable time to consider it, and I understand that she has accepted the recommendations of the report, though I may be wrong in that. I congratulate the Minister on her appointment of the new Chair of the Jam Factory board. It is an excellent choice, and I understand it has been very well received throughout the arts community.

Now that the Minister has perused and accepted this report and, given that it was publicly paid for by the taxpayer, will the Minister make it available publicly or, alternatively, to the Opposition? If there is commercially confidential material in the plan, such as occurred with the business plan of the Festival Centre Trust, will she see that an edited version is prepared which omits any commercially confidential information so that that can be made public as soon as possible for interested people?

The Hon. DIANA LAIDLAW: I thank the honourable member for her question, and I am pleased that she welcomes the appointment of the new Chair, Ms Furler, to the board of the Jam Factory. I am aware that the appointment has been well received by both my colleagues and the craft community in general. I have high expectations for the Jam Factory in future, particularly in promoting the arts and crafts in this State, interstate and internationally. Ms Furler and her board will be working extremely hard if they are to meet my expectations. However, that has not daunted them yet.

I do not recall that the business plan contains commercially confidential material. If it does not—and I will get that confirmed this afternoon—I will certainly provide a copy to the honourable member tomorrow and make it available to others in the community. Although, it was a report partly commissioned by the Jam Factory board, and I may have to consult with it on this matter. If an edited version is required because it contains commercially confidential material—and I do not recall whether it does—an edited version will be prepared.

The Hon. Anne Levy: And released?

The Hon. DIANA LAIDLAW: And released.

SPEEDING FINES

In reply to **Hon. SANDRA KANCK** (10 March).

The Hon. K.T. GRIFFIN:

1. The system for the payment of on-the-spot fines is as follows. In the first instance, the person has 60 days in which to pay the fine in full to the police. There are no provisions to make part payments on the fine, to take longer than 60 days or to commute the fine to community service. The on-the-spot fine is a non-negotiable offer not to prosecute. If the fine is not fully paid by the due date prosecution proceedings are commenced. Once the matter has been heard by the court, assuming the person has been found guilty, costs are added to the existing or new fine. The costs usually comprise $66 for court costs, $25 criminal injuries compensation levy and $10 prosecution costs. At this point the person may apply to the registrar of the court for time to pay, make part payments or commute the penalty to community service. If the person is in court often the Magistrate will explain the options available. The notice of penalty, which is sent to all offenders, details to the person the options and emphasises the necessity to contact the Registrar if the person is having difficulty paying the penalty.

In summary, the person is informed of their obligations by the police infringement notice, generally by the Magistrate in court and comprehensively by the notice of penalty.

Nonetheless, the Government is aware that the TINS system requires reform. A committee consisting of representatives of the Courts Department, the Attorney-General's Department, Police and Correctional Services is examining the system with a view to implementing changes which will:

(1) Eliminate the number of people who have to go to court simply because they cannot apply for relief until there is a court order;
(2) Minimise the number of people who end up in jail for fine defaulting;
(3) Maximise the capacity of the system to deal appropriately with those who can afford to pay the fine but don't do so;
(4) Provide affordable and appropriate options for those who cannot afford to pay the fine.

2. The Minister of Emergency Services has advised that the figure of 40 per cent is incorrect. The number of speeding matters which are referred to the court is less than 10 per cent. For example, in the 1992-93 financial year 207 480 notices were issued for speeding offences and of these, 19 580 notices were forwarded for prosecution.

This second component of the question also concerns the claim of subsidisation of the courts by the persons who pay their fines on time. Any enterprise, whether public or private, which receives payments from debtors gains a financial advantage if the payments are made early or on time. The advantage rests in the enterprise being able to invest the money received and not expend additional sums pursuing outstanding debts. Thus the total cost to South Australian taxpayers would be less if a higher proportion of persons paid their fines on time. This is quite a separate issue to a subsidy which implies one category of person pays a lesser fine at the expense of another who pays a higher fine for the same offence.

Nonetheless, as indicated above, the Government is taking action to address problems associated with the payments of TINS by offenders who are in difficult financial circumstances and to provide options for those people who forget to pay within the time currently allowed, and thus reduce the proportion of speeding fines not paid on time.

MITCHAM RAIL SERVICE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport a question about rail services to the Mitcham hills.

Leave granted.

The Hon. M.J. ELLIOTT: There is a great demand for commuter rail services in the Mitcham hills, and I say so as a regular commuter. However, one difficulty facing prospective commuters is the quantity and security of parking. I know of one woman who has had her car stolen twice from the Blackwood Railway Station. The Coromandel car park is

often full to over flowing. The Bellevue Heights area is poorly serviced by public transport. However, the nearby site of the former Eden Hills dump is an ideal location for a station for Bellevue Heights and neighbouring areas. The site offers ample room to build a large secure car park. It is likely that a recycling operator could also be present at the site and could operate a secure car park as a sideline.

I have raised the proposal of a new station with the State Transport Authority officers in the term of the previous Government. The standardisation of one of the present lines for freight services is imminent. So, if an additional station is ever to be established, it should be allowed for during the current rail changes. Australian National will convert the seaside track of the Belair line to standard gauge for freight by May 1995. Passing loops to allow trains to pass on the commuter line were initially due for completion by November this year to allow commuter services to continue. If the Minister is ever to make allowance for a potential new station there with secure car parking, it is when the passing loops are installed that the appropriate realignments need to be made. My questions to the Minister are:

1. Will the Minister ensure that the alignment for the passing loop, which will be adjacent to the former Eden Hills dump, be such that a railway station could be installed at some future time?

2. Will she investigate the feasibility of building a railway station at that site in both the short term and the long term?

3. What is the current deadline for the completion of passing loops required for the reduction to one commuter line?

The Hon. DIANA LAIDLAW: To be completely honest, which I would wish to be at all times, my interest at the moment with respect to the rail service to the Mitcham hills is not the building of a further station but trying to secure the platforms that are there. The honourable member may not be aware that AN has applied to the Mitcham council to close a number of platforms on this line, with standardisation of the line next year. That is a matter of great concern to me. So at this stage I am simply trying to keep the services, including the infrastructure we have now, open and ongoing before getting involved in any further infrastructure development such as new stations on the line.

The Hon. M.J. Elliott: What is their basis for doing that?

The Hon. DIANA LAIDLAW: I can communicate some of this advice to the honourable member if he wishes me to. There is an application before the Mitcham council which, I believe, may have been considered last night, although I do not have up-to-date advice on that. But the concern is to keep these platforms open on that upward line. I will look at the honourable member's questions in the light of my immediate concerns.

PASSENGER TRANSPORT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 2 passed.

Clause 3—'Objects.'

The Hon. DIANA LAIDLAW: I move:

Page 2, line 5—Leave out 'transport communication networks' and substitute 'centralised booking services within the passenger transport industry'.

This is the first in a series of amendments relating to accreditations under division 3 of part 4 of the Bill. The Bill as introduced refers to the accreditation of radio communication networks. This approach is based on the regulation of radio communication networks in New South Wales. The Government has decided to revise the provisions that relate to this form of accreditation. In particular, the Crown Solicitor has pointed out that the licensing of radio networks is provided by the Radio Communications Act of the Commonwealth. There is an argument that the Commonwealth legislation 'covers the field', with the result that a person may be able to argue that it is unnecessary to hold an accreditation under this Act.

The Crown Solicitor's point has prompted the Government to reassess these provisions in any event, and the conclusion has been reached that it would be preferable to relate this form of accreditation to centralised booking services. This approach has a number of advantages. First, it relates the relevant provisions more directly to the issue that is really at the heart of the matter, that being the status and role of companies that receive bookings and then allocate work. The Government is keen to ensure that such companies are assessed against appropriate criteria, comply with a code of practice and take a degree of responsibility for the services provided through their businesses. Accordingly, it is preferable to relate these provisions to centralised booking services rather than to radio communication networks.

Secondly, it is acknowledged that advances in technology are leading to new forms of communication. These amendments avoid the need to review these provisions as those advances occur. Thirdly, the approach avoids the potential problems with the Commonwealth legislation that have been raised by the Crown Solicitor.

Amendment carried; clause as amended passed.

Clause 4—'Interpretation.'

The Hon. SANDRA KANCK: I move:

Page 2, after line 13—Insert new definition as follows:
'centralised booking service' means a service that is subject to accreditation under division 3 of part 4;

This is consequential on what the Minister moved in clause 3, so that we do have a definition.

The Hon. BARBARA WIESE: I have the same amendment on file, therefore I will be supporting the amendment that has been moved by the Hon. Ms Kanck. As she points out, this provides an interpretation of a centralised booking service with respect to various references in the legislation.

The Hon. DIANA LAIDLAW: I too support the amendment, but I will be supporting it in the context of the Hon. Ms Wiese's amendment and the grandfathering of the independent taxi operators, which matter we will probably deal with this evening, rather than the context in which the Hon. Ms Kanck is moving the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 2, after line 16—Insert:
'fare-meter' means an instrument or device which—
(a) is fitted to a vehicle, or otherwise used in connection with a vehicle in a manner prescribed by the regulations; and
(b) is capable of—
(i) recording a charge for the hire of the vehicle; and

(ii) displaying that charge in words or figures, or producing a form or statement showing such words or figures.

This is related to other amendments that I have on file concerning the category of metered hire vehicles, although if this amendment is not supported by the Government I will not proceed with those. However, assuming that there is support for the concept of metered hire vehicles, we feel that, from a consumers' point of view, it is necessary to have a fare meter fitted in such vehicles so that the consumer can be quite clear about what the service is that they are getting.

The Hon. DIANA LAIDLAW: I indicate that the Government will not be accepting this amendment, although I respect the fact that the Hon. Ms Kanck has sought to address a problem that is certainly evident in the industry at the present time. But we would argue that the way in which she has sought to do so is complicated and difficult to enforce, and we will not support the amendment.

The Hon. BARBARA WIESE: The Opposition also opposes this amendment and the later amendments that deal with metered hire vehicles. In many respects they would simply reinforce and exacerbate the problems that this Bill has been trying to overcome with respect to the taxi industry and various other licensed operators of vehicles, problems that have emerged during the past couple of years since the introduction of more liberal regulations to enable new players into the business of providing passenger transport services in this sort of category. It seems to me that to introduce the provisions that are being proposed by the Hon. Ms Kanck would certainly not overcome the problems that have been raised by various people and in fact could make them worse. So, we will be opposing those later amendments and therefore there is no need to include a definition of fare meter.

Amendment negatived.

The Hon. BARBARA WIESE: I move:

Page 3, after line 24—Insert:

'relative' in relation to a person, means the spouse, parent or remoter linear ancestor, son, daughter or remoter issue or brother or sister of the person;

'relevant interest' has the same meaning as in the Corporations Law.

These two definitions, as well as the definition of 'spouse', which I will move in a moment, are included in order to provide adequate information to support a later amendment that I will be moving to expand on those provisions in the Bill that relate to a conflict of interest for members of the board. The provisions that I am including are lifted directly from the Public Corporations Act, and it is my intention that the circumstances in which a member of the board can or cannot act or must or must not make a declaration should be rather broader than those which currently exist in the Bill. It is therefore my intention to move an amendment to clause 4, page 4 after line 9. However, initially I move the amendments that would provide the definitions.

The Hon. DIANA LAIDLAW: I indicate that the Government does not support the amendments, not because we do not insist on high standards of accountability but rather because the Passenger Transport Board, being established by this Bill, is not a trading enterprise. It was the trading enterprises for which the former Government, supported by the Liberal Party when in Opposition, established the Public Corporations Act. It was arising from trading enterprises such as the State Bank, ETSA and big organisations such as those, in relation to which the Parliament agreed the Public Corporations Act was critical to oversight their operations. Even under the former Government, agencies such as are proposed for the Passenger Transport Board would not have come within the ambit of the Public Corporations Act.

I acknowledge that this board will be dealing with matters such as tenders but it is not a trading enterprise; it is not out to make a profit; and it would be wrong to confuse the activities of this board with organisations such as the State Bank or ETSA and the like. It is for those reasons, rather than any accusation that would be levelled at us in terms of lack of accountability, that we do not support this amendment. The Government is looking at a set of criteria that is applicable to all boards that are not covered by the Public Corporations Act. The Government believes that amendments are required to the Public Corporations Act but that a set of standards must be applicable to all agencies, including the Passenger Transport Board, but not the criteria as established in the Public Corporations Act.

The Hon. BARBARA WIESE: Before the Hon. Ms Kanck puts her view to the Council, I would like to make some further comments about this, because I simply cannot accept some of the comments made by the Minister about the purpose of these parts of the Public Corporations Act. The first point that I want to take issue with is the comment that she made about the fact that these provisions have not been included in other legislation relating to similar boards. That is hardly surprising when we take into consideration the fact that the public corporations legislation passed the Parliament only last year and there have been very few opportunities to take up the provisions that exist within that Act and apply them in other contexts. Certainly in relation to the legislation that was introduced by the former Government prior to the December election, where opportunities arose to apply the provisions in the Public Corporations Act the former Government took those opportunities.

I note also that the Minister has taken some of the provisions of the Public Corporations Act and applied them where she felt that they were applicable in drafting this legislation. So, there is obviously not a blanket ban on the application of the Public Corporations Act to the operations of the Passenger Transport Board. It is only a selective banning of provisions as far as the Government is concerned.

My view is that it is not sufficient to apply strict criteria only to members of the board. It is quite appropriate, as a matter of proper accountability and practice, where you have a board that is dealing with possibly multi-millions of dollars worth of tenders and contracts with people in the private sector, that the very highest standard should apply, and it should not just be the member of the board personally who is subject to these criteria: it should also involve associates of the member of the board as well as those defined by the Public Corporations Act and it relates to relatives, spouses and those with a relevant interest as defined under the Corporations Law.

I think it is a very appropriate provision to have in this Bill. This organisation is a statutory authority and it is dealing with some very big contracts. It is appropriate that it be here, and I commend the amendments to the Committee.

The Hon. SANDRA KANCK: I will be supporting the Hon. Miss Wiese's amendments. I feel that we must make certain that within this Bill we have accountability, and spelling it out in these terms builds in that accountability. It is only fair that the board should be aware of what does constitute conflict of interest and, by including such definitions, we are on the way to doing that.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 3, after line 27—Insert:

'spouse' includes a putative spouse (whether or not a declaration of the relationship has been made under the Family Relations Act 1975);.

This amendment relates to the same topic that we have been discussing.

The Hon. DIANA LAIDLAW: The Government accepts the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 4, after line 5—Insert:

and

(c) complies with specifications prescribed by the regulations.

This amendment is a matter of clarification and certainly not one to cause any great angst.

The Hon. DIANA LAIDLAW: The Government accepts the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 4, after line 9—Insert new subclause as follows:

(2) A reference in a provision of this Act to drivers or the driving of vehicles will be taken to include a reference to riders and the riding of vehicles (unless the provision by its express terms indicates that it does not apply to riders or riding).

It has been pointed out again by the Crown Solicitor that it would be advantageous to include a reference to the riding of vehicles for the purposes of those provisions that relate to the driving of vehicles. In this regard the legislation will apply to passenger transport services that include motor bikes. It is arguable that bikes are not driven but ridden. The Motor Vehicles Act 1959 makes provision in a manner similar to this amendment. It may be viewed as purely technical.

The Hon. BARBARA WIESE: The Opposition will support this amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 4, after line 9—Insert new subclause as follows:

(2) For the purposes of this Act, a person is an associate of another person if—

(a) the other person is a relative of the person or of the person's spouse; or

(b) the other person—

(i) is a body corporate; and

(ii) the person or a relative of the person or of the person's spouse has, or two or more such persons together have, a relevant interest or relevant interests in shares in the body corporate the nominal value of which is not less than 10 per cent of the nominal value of the issued share capital of the body corporate; or

(c) the other person is a trustee of a trust of which the person, a relative of the person or of the person's spouse or a body corporate referred to in paragraph (b) is a beneficiary; or

(d) the person is an associate of the other person within the meaning of the regulations.

This is the substantive amendment to which those previous definitions that we were discussing apply, and it relates to defining to whom, other than the member of the board, a particular test as contained in the Public Corporations Act must be applied.

Amendment carried; clause as amended passed.

Clause 5—'Application of Act.'

The Hon. BARBARA WIESE: Clause 5(2) deals with the Minister's powers to confer exemptions. I assume that this power is here to enable the Minister, for example, to exempt country councils which may want to run taxi or bus services and perhaps also voluntary community organisations that are providing a service of some sort, and possibly also such things as car pooling arrangements. Can the Minister confirm that my understanding of the application of this is correct, and can she indicate whether bodies receiving an exemption under this clause will still have to comply with the accreditation provisions for such people as drivers, for example?

The Hon. DIANA LAIDLAW: The honourable member has a perfect understanding of the range of exemptions to which clause 5 would apply. In terms of accreditation, people such as bus drivers would be required to be accredited.

Clause passed.

Clause 6 passed.

Clause 7—'Composition of the board.'

The Hon. BARBARA WIESE: I move:

Page 5, after line 17—Insert new subclauses as follows:

(4) A direction given by the Minister under this section must be in writing.

(5) If the Minister gives a direction under this section—

(a) the Minister must have a copy of the direction tabled in both Houses of Parliament within six sitting days after it is given; and

(b) the Board must cause the direction to be published in the next annual report.

(6) However, if the Minister considers that a direction should not be published because to do so—

(a) might detrimentally affect commercial interests; or

(b) might constitute breach of a duty of confidence,

then the Minister is not required to comply with subsection (5) but—

(c) the Minister must have a copy of the direction presented to the Economic and Finance Committee of the Parliament within 14 days after it is given; and

(d) the Board must cause a statement of the fact that the direction was given to be published in the next annual report.

Clause 7 deals with matters relating to ministerial control, and my amendment expands the Minister's responsibilities with respect to the power to give directions. It is my view that the Minister should be required to give any direction in writing and that such a direction should be tabled in Parliament and included in the annual report, except where such a direction might be detrimental to the organisation's commercial interests or constitute a breach of duty, in which case that information would be provided to the Economic and Finance Committee of the Parliament. These provisions, I should indicate, are also lifted straight from the Public Corporations Act.

They are appropriate provisions to be included in this legislation. In fact, if I recall correctly, they were partly included in the first draft and have been removed since. I think they should be restored. This amendment provides a measure of accountability, and it is reasonable for the Parliament and the public to be aware of those occasions when a Minister gives a formal direction to an organisation of this sort.

In practice, such a direction would be given very rarely. In most organisations where a Minister has the power to direct and to control, and there may be some sort of difference of opinion initially on an issue, the Minister and the organisation or its representatives would normally negotiate a position or there would be some agreement as to how things should proceed.

It would be only in very rare circumstances that an organisation simply could not agree with a Minister's point of view and the Minister felt sufficiently strongly about an

issue that a formal direction would be given. In those circumstances it seems appropriate to me that others should be made aware of it. This new clause provides the circumstances in which others can be made aware of it and the accountability that we require.

The Hon. DIANA LAIDLAW: I oppose this amendment. It is important to refer to what is in the Bill at the present time in terms of ministerial control. First, the Bill provides that:

(1) Subject to subsection (2),the board is subject to the control and direction of the Minister.

(2) No ministerial direction can be given—

(a) in relation to the grant (or refusal) of a service contract by the board; or

(b) to suppress information or recommendations from a report by the board under this Act.

As I indicated earlier, this is not a trading body. The Passenger Transport Board is not like the State Bank, ETSA and the like. It will essentially be a regulator in terms of minimum service, standards, setting of fares and overseeing of contracts. The Government has indicated that it wants the Minister to stay well out of the area of service contracts, and there is no provision at all for the Minister to intervene in that area in any circumstances.

I understand from the honourable member's amendment that she is making provision for instances that are almost impossible to see arising in the first place. This measure is over the top in terms of the relationship between the Minister and the board in relation to the lengths to which I or any future Minister of an authority that is simply involved in the regulation of standards and the like should have to go. It would be a convoluted procedure to table every direction, if any direction is ever given, in both Houses of Parliament.

This amendment is interesting in terms of the standards that the Opposition is so interested in establishing now that it is in opposition, when no such standards were looked at in relation to any enterprises of this sort when it was in government.

The Hon. SANDRA KANCK: I support this amendment, again because it builds in accountability. I am sorry that the previous Government did not have this concern for accountability, as the Hon. Miss Laidlaw has mentioned. However, because it did not at that time is no reason not to do something now.

Amendment carried; clause as amended passed.

Clause 8—'Composition of the board.'

The Hon. SANDRA KANCK: I move:

Page 5, line 22—Leave out 'three' and substitute 'five'.

I have moved this amendment following representations from a number of people. Everyone who contacted me indicated that they were concerned that a board with just three members would be more prone to make mistakes. Increasing the size of the board to five will provide a greater base of expertise on which decisions can be made.

The Hon. BARBARA WIESE: The Opposition supports this amendment. Members will note that the Opposition has an identical amendment on file. We, too, have received representations from various organisations that will be affected by the decisions of the Passenger Transport Board. We have been convinced by some of the arguments put by some of these people that to increase the size of the board a little will build in some safeguards that may otherwise not be there.

The Hon. DIANA LAIDLAW: I oppose the amendment, although I recognise that the numbers are not with me on this matter, with both the Democrats and the Labor Party having amendments on file to increase the board membership to five. I think it is a disappointing step. I have been keen to see a much leaner administration in all these statutory authorities, not only at the top executive level but also on the boards themselves.

I have long held the view, which is shared by the Government, that the Passenger Transport Board should be a hands-on board, that it should have an initiating role in policy development and that the members should have some time to give to their role. It would not be a board that simply reacts to CEO initiatives, as is so often the case in the public sector, and it may also be the case in the private sector.

Certainly, the more members we have on this board the less individual responsibility members accept for the collective decisions that are made. I felt that the election of the new Government provided a prime opportunity to look at a much leaner, more committed approach from those appointed to the board. If the number is to be five and not three, I certainly will have to look at finding people who, again, meet my expectations in terms of commitment, time and a hands-on role. Any increase to five members should not in any way be construed as the Government's accepting that these board members would not be making a total commitment to the exercise of their responsibilities as members of the board and to the customers that we must win back to public transport. I accept that I do not have the numbers, but the Government remains of the view that three members is all that is required and desirable.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 5, after line 25—Insert new subclause as follows:

(2a) At least one member of the board must be a woman and at least one member must be a man.

It has been customary over the past 10 years at least that in this Parliament, whenever we have set up a board, statutory authority, committee, advisory committee, or whatever, there has always been a requirement that the board must contain individuals of both sexes. It seems appropriate that we follow our past tradition and indicate that at least one member of the board must be a woman and at least one member must be a man. Of course, that does not preclude having more than one woman or one man to make up the five members, which will now be the requirement. It seems particularly apposite when we are considering a board that will look at passenger transport, as the majority of passengers on public transport are women.

The Minister talks of the desirability of getting more people to use public transport. It may well be that a woman member of the board would be sensitive to the needs of women and more concerned about the sorts of issues that concern women who use public transport. So, it certainly seems apposite, but in any case it has become a tradition in this Parliament to have a membership requirement that ensures that both genders are represented on the board. I hope this amendment will have the support of everyone in this Chamber.

The Hon. DIANA LAIDLAW: I will not vote against the amendment, although I do not see it as necessary. I think we have come of age in this place as Ministers and members and recognise that there is a need to have men and women on all boards and committees. The Government has a policy, as did the former Government, of there being 50 per cent female membership on Government boards and committees by the year 2000. With that sort of a commitment it is hardly necessary to have statements in legislation which, I would

suggest, today are almost platitudes, that we must have at least one man or one woman but, in case it is interpreted that we are voting against having any men on this board and having all women, I think I had better support this amendment.

The Hon. SANDRA KANCK: The Democrats support the amendment. Obviously, a very fine tradition has emerged in recent years where boards are established of having one member who is male and one who is female. Obviously, with regard to public transport, as women are the greater users of the service, it will certainly be to the advantage of passengers to ensure that there is a female member of the board. Although the Minister said that it was almost a platitude, unfortunately the sort of wisdom that prevails in this place is not necessarily seen in the community, so I think that it is advisable that such amendments be implemented.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 5, lines 28-32—Leave out subclause (4) and substitute new subclause as follows:

(4) The Governor may appoint a suitable person to be a deputy of a member of the board and to act as a member of the board during any period of absence of the member.

I seek to change the method of appointment of deputies to members of the board and the method of appointment of members of the board during any period of absence of a member. The Bill provides for the Minister to make these decisions. It has been customary in past years for the Governor to make such appointments as the Governor is required to make appointments to the board itself. I see no reason to vary the practice when the situation arises of appointing deputies or during periods of absence of members from the board.

The Hon. DIANA LAIDLAW: I accept the amendment.

Amendment carried.

The Hon. M.S. FELEPPA: I move:

Page 5, after line 32—Insert the following at the end of subclause (4):

'(and a reference in this Act to a member of the board will be taken to include, unless the contrary intention appears, a reference to a deputy or acting member while acting as a member of the board)'.

The reason for this amendment is my concern with clause 14. I chose to move an amendment to clause 8 on the advice of Parliamentary Counsel to avoid unnecessary changes to a number of other clauses. Clause 14(2) provides:

No business may be transacted at a meeting of the board unless all members are present. . .

Under clause 8(4)(b) provision is made for the appointment by the Minister of a deputy to a member of the board. Therefore, the deputy is empowered to act on behalf of the board member during any period of absence by that board member. I am not certain that this subclause as it stands will ensure that temporary deputy members will be able to deputise for members of the board at meetings where decisions are made for the transaction of business. As I believe that deputy membership would in some circumstances require business to be transacted, in my view this should be clearly established in clause 8 rather than it being taken for granted that this clause also covers the involvement in such meetings.

The Hon. DIANA LAIDLAW: I would be happy to accept the amendment in an amended form. Because this amendment was filed before the Hon. Barbara Wiese's amendments and as we have now voted on her amendments, a small amendment to the honourable member's amendment is required for his amendment to be compatible.

The Hon. M.S. FELEPPA: I seek leave to amend my amendment as follows:

By deleting the words 'or acting member'.

Leave granted; amendment amended.

Amendment as amended carried; clause as amended passed.

Clause 9—'Conditions of membership.'

The Hon. SANDRA KANCK: I move:

Page 6, line 9—After 'board's affairs' insert ', the board has acted in a manner that is inconsistent with the objects of this Act'.

Clause 9(1)(d) provides that the failure to carry out satisfactorily the functions of the board could cause the board to be reconstituted. My amendment is more specific in that it spells out that the board, if it acts in a manner inconsistent with the objects of the Act, is cause for such action. As such, I believe it is stronger, and it gives a clear message to the board about accountability.

The Hon. BARBARA WIESE: The Opposition supports the amendment.

The Hon. DIANA LAIDLAW: So does the Government.

Amendment carried; clause as amended passed.

Clause 10—'Remuneration.'

The Hon. SANDRA KANCK: I move:

Page 6, after line 20—Insert new subclause as follows:

(2) An entitlement under subsection (1) cannot include the private use of a motor vehicle or an allowance associated with the use of a private motor vehicle (but this subsection does not prevent the reimbursement of expenses reasonably incurred in the use of a motor vehicle for official duties).

It is our opinion that, if we are going to have an effective board, one of things that is essential is that members of it actually use public transport. Although I do not think one can actually say that members of the board must use public transport, this is an attempt to do it in a more subtle form by ensuring that, as part of the salary or remuneration package for members of the board, they are not provided with a car or a car parking space. That does not mean to apply, for instance, to cases in the course of their duties. Let us say if there was a major accident involving a TransAdelaide bus, someone from the board might be given a car to go out and investigate and be on the spot to make comments to the media. But it is simply saying that, as part of any sort of remuneration package, they would not get either a car or a car parking space. Hopefully, of course, the Government will provide them with a free TransAdelaide ticket to use on the Crouzet system so that they are really encouraged to use passenger transport.

The Hon. DIANA LAIDLAW: We are not keen to provide any more people with free tickets on public transport. We are trying to get members of the public to use public transport. We are trying very hard to make sure that TransAdelaide is competitive, so that it can compete and win contracts in the new environment that will unfold as a consequence of this Bill. The board members should not have a free ride on public transport, and I am quite keen to review this whole system of the entitlements to free travel of many people—although I suspect I may encounter some difficulties with some members. I feel very strongly that, if TransAdelaide is to compete on a level playing field and win work, this issue of free travel has certainly to be aggressively addressed. So, I can assure the honourable member that there will have to be respect for public transport amongst those who are on the board, and that respect will have to be

reflected in the fact that they are paying for their service. This amendment is unnecessary; it is a bit light-hearted. However, if it is important to the honourable member, I am happy on this occasion for it to go through and to accept it.

The Hon. BARBARA WIESE: I am interested to hear the Minister's comments about this matter, because I feel that the spirit behind the amendment is correct but perhaps the translation of the spirit is not. It seems to me that simply to ensure that members of the board should not be given use of motor vehicles as part of a salary package just will not have the desired result. It will not necessarily encourage members of the board to use public transport more or less than anyone else.

What might be a better requirement on members of the board would be that they must, as some sort of request from the Minister every year, travel on public transport a certain number of days per year or take field trips from time to time which bring them into contact with the services about which they are making regulations and pronouncements. That would be a much more productive way of ensuring that people who are appointed to this board really keep in touch with the system of which they have control. I am inclined not to support this amendment, although I support the spirit of it. But that leads me to ask a question of the Minister about her intentions as to salary allowances and remuneration for members of the board. What does the Minister have in mind in this respect, and what sorts of things might form part of a package for remuneration of board members?

The Hon. DIANA LAIDLAW: Certainly there will not be a car now and there will not be free travel on the STA. Other conditions have not been considered. However, with five members not three, as I had earlier proposed, any remuneration will be less than I was prepared to give earlier.

Amendment carried; clause as amended passed.

Clause 11—'Disclosure of interest.'

The Hon. BARBARA WIESE: I move:

Page 7, after line 10—Insert new subclause as follows:

(4a) If a member of the board has or acquires a personal or pecuniary interest, or is or becomes the holder of an office, such that it is reasonably foreseeable that a conflict might arise with his or her duties as a member of the board, the member must, as soon as reasonably practicable, disclose full and accurate details of the interest or office to the board.

This amendment is also a provision which I have taken from the Public Corporations Act. What it requires of a member of the board is that, should he or she acquire a personal or a pecuniary interest or become a holder of an office in a company, for example, that might reasonably foreseeably cause a conflict in the future with respect to that person's duties as a board member, then that person will be required to declare that interest as soon as is reasonably practicable. This is a further step in achieving high standards of accountability for members of the Passenger Transport Board.

The Hon. DIANA LAIDLAW: I am happy to accept this amendment, although not because I tie it to the Public Corporations Act. The arguments stand to reason, and I am happy to accept it.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 7, after line 15—Insert new subclause as follows:

(5a) Without limiting the effect of this section, a member of the board will be taken to have an interest in a matter for the purposes of this section if an associate of the member has an interest in the matter.

This relates to the matter that I raised earlier. It covers a situation with respect to a member having an interest in a matter if an associate of that member, as we previously defined it, has an interest in the matter. This is one of those accountability issues and I commend the amendment to the Committee.

The Hon. DIANA LAIDLAW: I did not accept earlier amendments related to this issue of associates and it would be inconsistent to accept this one.

The Hon. SANDRA KANCK: We will be supporting this amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 7, after line 17—Insert new subclauses as follows:

(7) If—

(a) a disclosure is reported to the Minister under this section; or

(b) the Minister becomes aware of a failure by a member of the board to make a disclosure of interest or to comply with the other requirements of this section; or

(c) the Minister gives a direction under subsection (5),

the Minister must, as soon as practicable, prepare a report on the matter and have copies of the report laid before both Houses of Parliament.

(8) This section extends—

(a) to a person who is a member of a committee established under section 23; or

(b) to a person—

(i) who is a delegate of the board; or

(ii) who is a member of a body that is a delegate of the board,

with such modifications as may be necessary or appropriate, or as may be prescribed.

This clause deals with the disclosure of interests of board members, an addition made in the interests of accountability. Where a disclosure is made or has not been made when it should have been, and it later becomes apparent, or if the Minister gives a direction to a member of the board regarding such disclosure, this amendment will require the Minister to report the matter to Parliament.

The Hon. DIANA LAIDLAW: I think this is over the top in terms of accountability for a disclosure. For any disclosure required to be made to the Minister then to be reported in Parliament and have copies laid before both Houses of Parliament is excessive, in our view. We have adequate provisions in the Bill. Section 11 is very strict in terms of the obligations upon a member who has a direct or indirect personal or pecuniary interest in any matter; disclosure provisions are clearly set out there and they must of course also be recorded in the minutes of the meeting. I do not believe that it is necessary for this Bill to do more than is required of the public sector, whether it be our most major companies in this State or indeed Cabinet.

Looking at some of these amendments that have been proposed by both members opposite, I am not sure why this Passenger Transport Board is being singled out for such attention in these matters when there are standard requirements of board members in terms of disclosure of interests, and those standards are incorporated in the Bill as proposed by the Government. So, while I do not want it suggested for a moment that we are not insisting on members who are accountable or on the highest standards of accountability, it is almost reaching zealot proportions to suggest that we should be supporting the measures proposed by the Hon. Ms Kanck.

The Hon. BARBARA WIESE: I agree with the Minister that with respect to these matters the amendment suggested by the Hon. Ms Kanck is too onerous, and it is for that reason that I propose to oppose her amendment and, instead, to move

an amendment of my own, which is to provide for any disclosure made during a relevant financial year to be recorded in the Passenger Transport Board's annual report. It seems to me that that is a reasonable step to take and is not quite as over the top, to use the Minister's phrase, as the provisions contained in the Democrats' amendment.

Amendment negatived.

The Hon. BARBARA WIESE: I move:

Page 7, after line 17—Insert new subclause as follows:

(7) The annual report must include any disclosure made during the relevant financial year by a member of the board of an interest in a matter under consideration or decided by the board.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 12—'Members duties of honesty, care and diligence.'

The Hon. SANDRA KANCK: I move:

Page 8, after line 3—Insert new subclause as follows:

(6) This section extends—

(a) to a person who is a member of a committee established under section 23; or

(b) to a person—

(i) who is a delegate of the board; or

(ii) who is a member of a body that is a delegate of the board,

with such modifications as may be necessary or appropriate, or as may be prescribed.

This came as a result of concerns that the Minister had expressed to me about amendments I have later to clause 23. She said that if I was going to be setting up committees such as this it would require setting out what standards and so on are necessary for the members of those committees. So, this addition to clause 12 is setting out that the same standards of honesty, care and diligence that apply to the board will also apply to members of any committees that are set up under clause 23.

The Hon. DIANA LAIDLAW: I support the amendment.

Amendment carried; clause as amended passed.

New clause 12a—'Transactions with member or associates of member.'

The Hon. BARBARA WIESE: I move:

Page 8, after line 3—Insert new clause as follows:

12a.(1) Neither a member of the board nor an associate of a member of the board may, without the approval of the Minister, be directly or indirectly involved in a transaction with the board.

(2) A person will be treated as being indirectly involved in a transaction for the purposes of subsection (1)—

(a) if the person initiates, promotes or takes any part in negotiations or steps leading to the making of the transaction with a view to that person or an associate of that person gaining some financial or other benefit (whether immediately or at a time after the making of the transaction); and

(b) despite the fact that neither that person nor an agent, nominee or trustee of that person becomes a party to the transaction.

(3) Subsection (1) does not apply to a transaction of a prescribed class.

(4) If a transaction is made with the board in contravention of subsection (1), the transaction is liable to be avoided by the board or by the Minister.

(5) A transaction may not be avoided under subsection (4) if a person has acquired an interest in property the subject of the transaction in good faith for valuable consideration and without notice of the contravention.

(6) A member of the board must not counsel, procure, induce or be in any way (whether by act or omission or directly or indirectly) knowingly concerned in, or party to, a contravention of subsection (1).

Penalty: If an intention to deceive or defraud is proved—division 4 fine or division 4 imprisonment, or both. In any other case—division 6 fine.

This amendment relates to the provisions that I talked about previously with respect to board members or associates and what constitutes appropriate behaviour. This deals with transactions and sets out the rules by which those members should operate.

It provides that neither a member nor an associate of a member of the board can be directly or indirectly involved in a transaction, and other similar matters. These provisions are identical to those which appear in the Public Corporations Act and I think that it is appropriate to apply those standards to the Passenger Transport Board.

The Hon. DIANA LAIDLAW: I would like to give more consideration to this matter. At this stage I will intimate that the Government will not support this provision, and the reasons for doing so are consistent with my remarks earlier, that the Public Corporations Act is not applicable to the responsibilities of members of this board. However, I will give further consideration to the matter between now and when the Bill is debated in the other place.

The Hon. SANDRA KANCK: The Democrats support these amendments again in the interests of accountability.

New clause inserted.

Clause 13 passed.

Clause 14—'Proceedings.'

The Hon. SANDRA KANCK: I move:

Page 8—

Lines 17 to 20—Leave out subclause (2) and substitute:

(2) A quorum of the Board consists of three members (and no business may be transacted at a meeting of the Board unless a quorum is present).

Line 21—Leave out 'supported by at least two' and substitute 'carried by a majority of votes cast by'.

Line 23—After 'decision' insert 'and, if the votes are equal, the member presiding at the meeting has a second or casting vote'.

Line 27—Leave out 'two' and insert 'three'.

These amendments follow as a result of increasing the size of the board from three to five.

Amendments carried; clause as amended passed.

Clauses 15 to 17 passed.

Clause 18—'Annual report.'

The Hon. SANDRA KANCK: I move:

Page 10, lines 1 and 2—Leave out subclause (2) and substitute—

(2) The report must—

(a) incorporate the audited accounts of the Board for the relevant financial year; and

(b) incorporate the Board's charter as in force at the end of the relevant financial year and assess its operations for that financial year against the Board's charter; and

(c) include specific reports on the following matters for the relevant financial year:

(i) levels of public utilisation of passenger transport services within the State;

(ii) the number and nature of complaints and submissions made to the Board by members of the public;

(iii) the general availability of taxis on taxi-stands in metropolitan Adelaide, and response times to bookings within the taxi industry;

(iv) other matters prescribed by the regulations; and

(d) contain any other information required by this Act.

The existing subclauses 18(1) and (2) simply require that the annual report of the board reports on the work and operations of the board and requires that audited accounts be included with the report. This amendment sets specific indicators by which the board will be able to assess and more accurately report on its own performance.

The Hon. BARBARA WIESE: I indicate that the Opposition supports this amendment, but I move to amend it as follows:

After subparagraph (i) of paragraph (c) of proposed new subclause (2) insert new subparagraph as follows:

(ia) issues affecting the accessibility and utilisation of public transport within the State.

It seems to me that the issues currently included as matters to be reviewed by the board as proposed by the Hon. Ms Kanck are certainly desirable but they do not do very much more than make observations about the performance of various sectors of public transport. My amendment requests that the board take into consideration issues affecting the accessibility and utilisation of public transport within the State and is designed to broaden the view that might be taken by the board in making its annual report, so that it can make comments on issues which affect, in a broader sense, the use of public transport. Some examples of that might include the policy towards the provision of car parks in the central business district and what impact that has on the level of use of the private motor vehicle as opposed to public transport, and issues of that sort which are not specifically related to public transport but which have an impact on the use by the public of public transport. I would like the board to give considerations to those matters when it is preparing its report each year.

The Hon. DIANA LAIDLAW: I do not want to sound too cynical, Mr Chairman, but the former Government was there for 10 years, over which period the STA board oversaw a situation where its use by 30.3 million passengers was lost and $1.3 billion was lost in the sense of taxpayers' subsidies. It intrigues me now to hear the former Minister become so interested in the activities of the Public Transport Board and the nature of its reporting. Perhaps we would not even need this Bill today if she and her colleagues had been as diligent when they were Ministers as they now wish to be in addressing this Bill. I have no difficulties about the board reporting on these matters. However, I take exception to (2)(c)(ii) where the board is being asked by the Hon. Sandra Kanck to report on the number and nature of complaints and submissions made to the board by members of the public. The correspondence I have received as Minister indicates that there is an increasing number of compliments being paid to the STA for service delivery in a number of areas, although not in all areas. The complaints outweigh the compliments, but if we are to have a more—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: I can show the former Minister the letters if she wants to see them; those who complained to me when in Opposition have written to me since and have said that the buses are cleaner and that people are friendly, and they are pleased to see the safety aspect in terms of the police. If we are now moving into this new era where we want to see that the Passenger Transport Board and TransAdelaide provide a more customer friendly service—and this would also apply to taxis of course—we should be looking at tracking the compliments that are received and not just the complaints and submissions for change. I therefore move an amendment to the Hon. Ms Kanck's amendment, as follows:

Subclause (2)(c)(ii)—After 'complaints' insert 'compliments'.

The Hon. Ms Wiese's amendment to the Hon. Sandra Kanck's amendment carried; the Hon. Ms Laidlaw's amendment to the Hon. Sandra Kanck's amendment carried; the Hon. Ms Kanck's amendment, as amended, carried; clause as amended passed.

Clause 19—'Functions.'

The Hon. SANDRA KANCK: I move:

Page 11, line 3—After 'Functions' insert 'and Charter.'

The Democrats are proposing that the board must establish a charter for itself; hence the need to alter this heading to include the words 'and Charter'.

The Hon. BARBARA WIESE: The Opposition supports the amendment.

The Hon. DIANA LAIDLAW: I hope the board has time to do the work which it has been established to do, that is, set standards and let contracts, because it will be busy being accountable to Parliament and filling out forms and all these sorts of things. I hope it gets on with the job that it is designed ultimately to achieve and does not get deflected by a lot of peripheral matter. I am not inclined to support this change.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 11, line 7—After 'transport services' insert 'involving all modes of passenger transport by public passenger vehicles.'

I move this amendment to make this provision clearer.

The Hon. DIANA LAIDLAW: I am happy to accept the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 11, line 7—After 'including,' insert 'for metropolitan Adelaide,'.

It does not seem appropriate for an integrated fare system to be operating outside the metropolitan area, although I remain to be convinced. I cannot imagine how somebody using one of the Crouzet system tickets could hop on a bus here in Adelaide and go up to the Barossa Valley, but I remain to be convinced that it should be for the whole State rather than metropolitan Adelaide.

The Hon. DIANA LAIDLAW: I do not think it is necessary. We have the words there 'to the extent that may be appropriate', and that covers the circumstances which the honourable member is seeking to address with her amendment. I do not think the amendment is necessary.

The Hon. BARBARA WIESE: I agree with the comments made by the Minister. I can see no advantage in including the words 'for metropolitan Adelaide' and, although I understand the point being made by the Hon. Ms Kanck that an integrated fare system is perhaps not likely to be in operation in the near future outside the metropolitan area, there is no need to exclude it in case in Port Augusta or Mount Gambier or somewhere of that sort there should be a desire to produce some sort of an integrated system, because it certainly would be a convenience for the public. I therefore do not support the restriction that this amendment would provide.

Amendment negatived.

The Hon. SANDRA KANCK: I move:

Page 11, line 9—After 'consistent with the' insert 'objects and'.

I am inserting this amendment to give a clearer definition to the board as to how it should measure its performance.

The Hon. DIANA LAIDLAW: I accept the amendment. I note that between the first draft of this Bill being released for public comment in December of last year and its introduction to Parliament 'Objects' in clause 3 was incorporated in

the Bill. I am quite relaxed about seeing that matter clarified in the honourable member's amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 11, after line 32—Insert new paragraph as follows:

(ja) to establish a centralised system for receiving, and dealing with, complaints from members of the public in relation to the provision of passenger transport services within the State;.

This amendment provides for some body or office, or whatever, to actually receive complaints. If we are to have an efficient system, we must have a place to which all complaints will go so that they can be monitored. A data base or whatever is needed to determine the level of complaints and the efficiency in dealing with them. So, this is to establish one centralised point at which complaints can be received.

The Hon. DIANA LAIDLAW: The Government intended to establish such a system. I would, however, in the light of earlier remarks that have been made about 'complaints' and 'compliments', move an amendment to the Hon. Sandra Kanck's amendment, as follows:

After line 32—Insert new paragraph as follows:

(ja) to establish a centralised system for receiving, and dealing with, complaints and compliments from members of the public in relation to the provision of passenger transport services within the State;.

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

New clause 19a—'The board's charter.'

The Hon. SANDRA KANCK: I move:

19a (1) The board must prepare a charter after consultation with the Minister and the committees established under section 23(1).

(2) The charter must deal with the following matters:

(a) the principles that will be applied by the board in order to achieve a passenger transport network within the State that is consistent with the objects of this Act;

(b) the nature and scope of the board's activities in order to fulfil its functions;

(c) the objectives and principles that the board intends to pursue and apply in its relationship with the operators of passenger transport services, and with members of the public;

(d) the board's strategic plans;

(e) any other matter determined by the Minister, and may deal with such other matters as the board things appropriate.

(3) The board may, with the approval of the Minister, amend the charter any time.

(4) On the charter or an amendment to the charter coming into force, the Minister must, within 12 sitting days, have copies of the charter, or the charter in its amended form, laid before both Houses of Parliament.

This clause requires the board, in consultation with the Minister and the committees that will be set up under clause 23, to prepare a charter. The Democrats believe this charter is necessary because the objects as set out in clause 3 are expressed in terms that we feel are somewhat general. They do not include, as most forward thinking businesses do, such things as vision and mission statements. Having a charter will set things out much more clearly. Again, this will make things clear for the board when it comes to evaluating its own performance.

The Hon. BARBARA WIESE: The Opposition supports this amendment.

The Hon. DIANA LAIDLAW: The Government opposes the amendment.

New clause inserted.

The Hon. BARBARA WIESE: Clause 19(2) indicates that the board must not operate a passenger transport service. I seek clarification that my understanding about a particular matter is correct. At times in the past when some of these concepts were being discussed there was some suggestion that any proposed board might be given the power to issue to itself taxi licences for subsequent leasing. My understanding is that that concept has now been rejected and that the board will not be able to do that. Is my understanding correct?

The Hon. DIANA LAIDLAW: That matter has been canvassed with me in the past. I have made it very clear that the Passenger Transport Board will not be in competition with operators, whether they be in the taxi, bus, rail, minibus charter field or whatever. It is a regulatory authority and its responsibility is with contractual arrangements, which should be seen to be fair and above board. If the board is actually involved in the letting of tenders for work, it should not be involved in the tendering of work, and that extends to the ownership and operation of any passenger transport vehicle.

Clause 20—'Powers of the board.'

The Hon. BARBARA WIESE: I move:

Page 13, lines 4 and 5—Leave out subclause (3) and substitute new subclause as follows:

(3) The board must not, without the approval of the Treasurer—

(a) exercise a power referred to in subsection (2)(i),(j) or (k); or

(b) establish or participate in any other form of scheme or arrangement that involves sharing of profits.

This amendment simply introduces the concept that not only the Minister but also the Treasurer should be satisfied before the board enters into certain types of transaction. This provision also comes from the Public Corporations Act. It seems to me that it builds in additional safeguards and accountability if the Treasurer as well as the Minister is involved in assessing the appropriateness of certain actions that the board might propose.

The Hon. DIANA LAIDLAW: I would like some clarification from the honourable member. Clause 20(3) now reads:

The powers referred to in subsection (2)*(i), (j)* and *(k)* may only be exercised with the approval of the Minister.

These subclauses refer to entering into joint ventures, participating in the formation of a partnership or other body or acquiring, holding, dealing with and disposing of an interest in a strata unit or a strata corporation or shares in, or securities issued by, a body corporate. As the Bill applies at the moment, those powers cannot be exercised without the Minister's approval.

As I read the honourable member's amendment, she has wiped out the Minister altogether and provides that the board must not exercise any of those powers without the approval of the Treasurer. Yet, her explanation clearly indicated that she still believed that there was a role for the Minister, and I would certainly argue that.

In this instance, would the honourable member be prepared to seek a compromise here that would reflect her explanation? Consequently, I suggest that the honourable member's amendment be amended to read:

The board must not, without the approval of the Minister and the Treasurer. . .

The Hon. BARBARA WIESE: I am happy to accept that amendment, as I can envisage no practical difficulty with it. It certainly is my view that the Minister must be involved in the process that we have just been discussing. What I am trying to do is extend that to include the Treasurer. In

practice, I believe what would trigger the Treasurer's becoming involved would be the Minister's seeking the Treasurer's advice. I suppose that the amendment as it was drafted assumed a step in the approval process.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: I certainly didn't intend to write out the Minister from this process. The particular financial transactions described in subclauses *(i), (j)* and *(k)* are all very serious matters that should have the involvement of as many appropriate people as possible. I think that the Minister is one of them and, as an additional safeguard, the Treasurer is another. If that clarifies the point for the Minister then I am happy to accept her further amendment.

Amendment to amendment carried; amendment as amended carried.

The Hon. SANDRA KANCK: I move:

Page 13, after line 5—Insert new subclauses as follows:

(3a) If the board considers that it is desirable to provide a carpark for the convenience of the users of passenger transport services, the board may construct and operate a carpark, or may arrange for the establishment and operation of a carpark by another person.

(3b) If the board considers that it is desirable to make recreational or refreshment facilities or amenities available for the users of passenger transport services, the board may provide those facilities or amenities, or may arrange for the provision of those facilities or amenities by another person.

This clause relates to the board's power to construct carparks, refreshment facilities or amenities. It could be argued that this is covered within the existing clause 22*(f)*. However, my amendments take further what is there by taking out the current wording from the STA Act and putting it back into this Act.

I believe this amendment makes the intent stronger. I am keen that we do whatever we can to encourage people to use public transport. The provision of car parks, refreshment facilities and amenities will help to do that. My proposed subclause (3a) will give the board the right to construct and operate a car park or to arrange for the establishment and operation of a car park by another person, which goes much further than saying that the board can provide facilities. My proposed subclause (3b) provides that the board may provide recreational or refreshment facilities or amenities for the users of passenger transport services or may arrange for the provision of those facilities or amenities by another person, which again goes much further than merely saying that the board can provide facilities and amenities for commuters.

I personally believe that if we are going to make the public transport system more attractive a deliberate attempt needs to be made at, for instance, transport interchanges to provide, say, a 24-hour chemist, a delicatessen, a newsagent, a coffee shop, a post office, a florist and those sorts of things so that interchanges become more attractive and more secure places. This will encourage people to use public transport at night. I believe that incorporating subclauses (3a) and (3b) from the original STA Act will go some way towards that.

The Hon. DIANA LAIDLAW: The matters raised by the honourable member are already covered by the Bill. The Government shares the view that if we are to win back customers we must provide a customer friendly service that includes car parking and a number of other amenities and facilities. As the honourable member has indicated, the STA has been doing so for some time with mixed success. We have provided for such matters in the Bill, but if the honourable member believes they should be spelt out in some detail I accept her amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 13, after line 12—Insert new subclause as follows:

(5) If the board proposes—

(a) that a regular passenger service be operated along a public street or road under a service contract; or

(b) that a terminal point or stopping place for a regular passenger service be established on a public street or road,

then the board must—

(c) inform the authority responsible for the maintenance of the street or road of the proposal at least 28 days before the proposed commencement of the service or the establishment of the point or place of; and

(d) give that authority a reasonable opportunity to consult with the board in relation to the matter; and

(e) ensure that proper consideration is given to the view of that authority.

This may seen a fairly minor matter when we consider some of the other issues with which the Bill deals, but it seems to have slipped through the net. This amendment makes provision for the board to notify appropriate road making authorities if it proposes that a regular passenger service be operated along a public street or road or if a terminal point or stopping place for a regular passenger service is to be established on a public street or road. This provision exists in the State Transport Authority Act. It appears to be a minor issue, but it is important at local level if it is proposed that a bus service be taken through local streets. I therefore believe it should be restored. This matter may have been able to be included in regulations, I am not sure, but as it exists in the State Transport Authority Act it might as well be carried forward into this Act.

The Hon. DIANA LAIDLAW: I vigorously oppose this amendment, not because I do not believe in consultation with the community or all the reasons outlined by the honourable member but because it is apparent from discussions with the STA that there have been many occasions on which a blind eye has been turned to the restrictions which are opposed in the current STA Act and which the honourable member is seeking to incorporate in this Act. For instance, following a spate of trouble involving ambushing of drivers and the like, we sought to curtail quickly the terminus point for a number of buses. The union, for instance, did not want to wait 28 days for an adjustment of that service.

I could cite other instances which this amendment does not take into account, such as dial-a-bus operations, flexi arrangements for taxis, transit services and temporary changes that are required from time to time. The provision in the STA Act has not been raised by the STA or the unions in discussions with me because they know that there have been times when the current provisions do not allow the flexibility that is required to deal with circumstances that so often arise with the public transport service.

The Hon. BARBARA WIESE: I appreciate the points raised by the Minister regarding the need for flexibility in order to make changes in emergency situations, such as the ones she has outlined, but that does not seem to me to be an argument for rejecting my proposition; rather, a proposition for building in an addition to it. If we take away the requirement for the passenger transport board to consult with road making authorities, we will create problems. Under the current provision there have been problems from time to time where the STA has embarked on the provision of services in some suburbs, and at a later date after the commencement of

these services complaints have arisen about the inappropriateness of buses passing through particular streets because the road surface was not good enough, the street was not wide enough or some other matter relating to the road itself. I would prefer to see this provision extended to include the sort of flexibility that the Minister needs to address the emergency situations that she is talking about but to preserve the right of local councils, in particular, to continue to be a part of the process of determining the location of the routes through local streets.

The Hon. SANDRA KANCK: I support the amendment. I think it is logical to communicate with the people who will be affected by these decisions, and local government definitely needs to be consulted.

Amendment carried; clause as amended passed.

Clauses 21 and 22 passed.

Clause 23—'Committees.'

The Hon. SANDRA KANCK: I move:

Page 14, lines 11 to 16—Leave out subclauses (1) and (2) and substitute—

(1) The Minister—

(a) must establish a Passenger Transport User Committee consisting of the following members:

(i) a person nominated by the Consumer Association of South Australia Incorporated;

(ii) a person nominated by the Conservation Council of South Australia Incorporated;

(iii) a person nominated by the Council on the Ageing (S.A.) Incorporated;

(iv) a person nominated by an association or associations that, in the opinion of the Minister, represent the interests of people with disabilities;

(v) a member of the Board appointed by the Minister to act as the presiding member of the committee; and

(b) must establish a Passenger Transport Industry Committee consisting of the following members:

(i) two persons who, in the opinion of the Minister, are suitable persons to represent the interests of the operators of taxis;

(ii) a person who, in the opinion of the Minister, is a suitable person to represent the interests of the operators of centralised booking services;

(iii) a person who, in the opinion of the Minister, is a suitable person to represent the interests of the operators of hire cars;

(iv) a person who, in the opinion of the Minister, is a suitable person to represent the interests of the operators of minibuses;

(v) a person who, in the opinion of the Minister, is a suitable person to represent the interests of private sector bus companies involved in the provision of regular passenger services;

(vi) a person nominated by TransAdelaide;

(vii) a person nominated by the United Trades and Labour Council;

(viii) a member of the Board appointed by the Minister to act as the presiding member of the committee.

(2) The Board—

(a) must establish any committee required by the Minister; and

(b) may establish any other committee the Board considers appropriate,

and a committee established under this subsection may, but need not, consist of, or include, members of the Board.

(2a) The functions of a committee established under this section will be—

(a) in the case of the committee established under subsection (1)(a)—to provide advice to the Board on matters of general relevance or importance to the users of passenger transport services;

(b) in the case of the committee established under subsection (1)(b)—to provide advice to the Board on matters of general relevance or importance to the operators of passenger transport services, and to provide an industry forum to assist the Board (as appropriate) in the performance of its functions;

(c) in the case of a committee established under subsection (2)—to the extent determined by the Minister or the Board, to advise the Board on aspects of its functions, or to assist the Board in the performance of its functions or in the exercise of its powers.

(2b) The following provisions apply in relation to a member of a committee established under subsection (1).

(a) the member holds office on conditions determined by the Minister and for a term, not exceeding two years, specified in the instrument of appointment and, at the expiration of a term of office, is eligible for reappointment; and

(b) the Minister may remove the member from office—

(i) for breach of, or non-compliance with, a condition of appointment; or

(ii) for any other ground that is, in the opinion of the Minister, a sufficient reason for removing the member from office; and

(c) the office of the member becomes vacant if the member—

(i) dies; or

(ii) completes a term of office and is not reappointed; or

(iii) resigns by written notice to the Minister; or

(iv) is removed from office under paragraph (b); and

(d) the member is entitled to allowances and expenses (if any) determined by the Minister.

(2c) A committee established under subsection (1) must—

(a) before the first anniversary of the commencement of this Act—meet, and report to the Board, on at least 10 occasions; and

(b) after the first anniversary of the commencement of this Act—meet, and report to the Board, at least once in every three months.

The two committees proposed to be set up by way of this amendment go much further than the original Bill which enables the board to establish committees as the Minister requires them. I think it is fairly obvious that some committees will be needed. What is clear to me is that there needs to be a service provider's committee and a users' committee. Therefore, I am moving that there be a passenger transport user committee and a passenger transport industry committee. My amendment sets out, in both cases, who should be represented on those committees. If this amendment to clause 23(1) fails, then I will support the Hon. Ms Wiese's amendment.

The Hon. DIANA LAIDLAW: It is difficult to know where to start in rejecting this amendment. I have indicated to the honourable member in person that the Government finds the manner in which she is proposing these statutory committees top heavy, in addition to the statutory board. As a principle, we also do not accept that any organisation, whether it be a consumer association, the Conservation Council and the like, should only ever present to the Government its one representative. We have always argued in Opposition and will continue to argue in Government that, where there are nominated groups, they would also provide to the Government a panel of people from whom we would make a selection. So, I do not believe that there is a need in this Bill for the provision of statutory committees. It has not operated in the past for the former Government. It established those committees, and that was accepted with goodwill. For

some reason, with this new arrangement, what was acceptable to the former Government when it was in Government is not acceptable to it now it is in Opposition. So we are finding all these statutory committees are to be serviced not only by board members but also by the staff of the Passenger Transport Board. Again, I ask the question: when will members opposite allow board members to get on with the very simple duty they have? They have the duty and responsibility to provide a service that people want to use, not as it is being provided today with people continuing to reject these services (although the numbers have stemmed in terms of those who will no longer use the STA).

As members of Parliament, we have an obligation to start winning back people to public transport. I plead with members opposite to give this board's members the time to do what it is set up to do, that is, to provide a more customer friendly service that people actually want to use. They will be so bogged down with committees and writing reports to the Parliament, the Treasurer and to me that I will be surprised if they have the time to do much. Even if members opposite do not expect them to perform, I do and so does the community. I would argue not only that the structure of these committees as proposed by the Hon. Sandra Kanck is unacceptable to the Government and is not necessary but that the nomination process is totally out of the question.

The Hon. BARBARA WIESE: That was a very interesting contribution by the Minister and, if I had previously felt any embarrassment about being a little prescriptive about a committee structure, I certainly no longer feel any such embarrassment. What the Minister seems to be saying to us is that she is not particularly interested in the question of consultation or hearing from relevant industry people or relevant users of the public transport system. She would like now, with the passage of this legislation, for the Passenger Transport Board to be able to simply take up the reins and get on with the job and do whatever she and the board thinks is the appropriate thing to do. Obviously, the Australian Democrats and certainly the Opposition do not believe that that is an appropriate way to go. I would have hoped that the procedures in some areas that have been embarked upon thus far since the Minister assumed her position might have given her a clue that it is actually a positive thing to establish some consultative committees for industry groups and others.

The feedback that I have received from some participants in small committees that have already been established for consultation purposes for the drafting of this Bill has been quite positive in some areas. For example, people in the taxi industry have indicated to me that they have been able to find considerable common ground on a number of issues where previously they really did not believe that it existed. Therefore, it seems to me that the idea of committees should be embraced because it will have a smoothing, facilitative effect on the future business and development of the various forms of passenger transport in South Australia.

Having said that, I would like to make some specific comments about the proposed amendment of the Hon. Ms Kanck and my foreshadowed alternative amendment. I believe that the amendment of the Australian Democrats is too prescriptive. It seems to me that the Government of the day has some rights and responsibilities in this area and ought to have some say in how committees are structured and how they might operate; that is a reasonable thing for any Government. Therefore, I am not happy about the very highly prescriptive approach that the Democrats are taking in this area. My amendment seeks to be a lot less prescriptive in that it is recommending that there be three industry groups: one to cover taxis, including centralised booking services; a second to cover hire cars and tour and charter operations; and a third to cover regular passenger services, including TransAdelaide. I recommend those three committees based on consultation that I have undertaken with people in these various sectors of industry. However, it seems to me that, in addition to those sector specific groups coming together from time to time, there is a place for a broader forum where representatives from all the passenger transport sectors should come together and discuss the big picture.

I would not anticipate that that general industry committee would have any need to meet very frequently. In my amendment I certainly have not prescribed how often any of these committees should meet. That is a matter for the Government in consultation with the industry and user groups to determine. I would envisage that the general industry committee would probably need to meet only maybe two or three times a year, maybe less, I do not know. It depends on what stage the development of passenger transport services has reached. I would expect, though, some of the industry sector committees might meet a bit more frequently than the general industry committee. The experience of the previous Government, with respect to a consumer forum, as we called it, when that was established by the State Transport Authority—

The Hon. Diana Laidlaw: Was that written in the STA Act?

The Hon. BARBARA WIESE: I don't recall: it was established before my time. However, the experience of the Government with that committee was that it was a very positive move to make, and it provided some very useful information to the State Transport Authority, even though I might say that some members of the STA management were reluctant to embark on such an exercise.

They actually found that they did learn something occasionally from talking to consumers and consumers' representatives. In fact, they were so pleased with the results of that consultation process that they proposed there be a broadening of that consumer consultation and that a network of regional committees be established, which would give much more localised input into the process. Whether the Minister wishes to proceed with a step such as that is a matter for her to assess, but at the very minimum it seems to me that the committees that I have just described, meeting from time to time, would provide very useful input into the development of passenger transport services in the State. The only prescriptive step that I have taken, beyond naming the sorts of committees that I believe should be established, is to indicate that I believe there should be at least one person on each of these committees who can be a representative of users' interests and another person who can represent the United Trades and Labor Council, and who is nominated by that body.

I expect that those people would be included on each of the three industry committees and the general industry committee. Obviously, the transport users' committee would be almost entirely made up of users or representatives of users. So, I recommend the amendment that I will move in a moment—

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: No, that is a mistake. It should have that on there too, I suppose. I hope that if the Minister is not prepared to accept the Australian Democrats' amendment, as she has already foreshadowed, she might accept the amendment that I will move.

The Hon. DIANA LAIDLAW: I am not prepared to accept either amendment. As I indicated, the Government believes very strongly in the need to have a customer friendly public transport system. It is the whole basis for our strategy for public transport, to win back people to public transport; not only to win them back but to generate repeat business, something that the former Government was not able to do, and did not do. Yet here it is telling me and the Government that we have to establish all these committees, including users' committees, when I do not accept for one minute that any Government that has the prime objective of winning back customers and generating repeat business would even need to dream of having all these committees required by legislation and being directed by Parliament to establish this form of consultation.

I did not need the Parliament to tell me in terms of each code of practice that I should establish a consultative committee, yet we have established six consultative committees to draw up those codes of conduct because we want to work with the industry groups to ensure that.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: It is good management practice and, therefore, I feel very strongly that it is an insult to believe that we would need these advisory committees detailed in legislation, when the honourable member herself says they might meet only two or three times a year. I believe that any consultative group that I established would be meeting on a regular basis, otherwise there would be no point in having such a consultative or advisory committee. I do not believe in, although the former Government set up, deregulation units to go around establishing five additional statutory committees, whether or not they are needed or whether they sit two or three times a year, on the honourable member's own admission.

We have established consultative committees because they are necessary now in terms of the development of codes of practice, and they are critically necessary in terms of the development of regulations. They meet often, and both consumers and industry people are engaged in them and working hard, because they have a purpose. So, I will continue vigorously to oppose both amendments, because they are totally unnecessary.

The Hon. T.G. ROBERTS: It appears to me the argument is whether you have to or whether you want to set up committees. I think the two amendments basically are endorsing the practices outlined by the Minister. The Minister has actually put in train a process. The feedback I am getting is that many people are happy that consultation is going on, and there is an expectation that that would continue. The argument that the Minister has got into as to whether legislation will enforce that and whether the goodwill that the Minister is able to spend in allowing consultation processes is to be set up through some sort of permission process, I think denigrates her arguments a little.

I think the process of consultation that she is embarking on is recognised and people on this side of the House will give her credit for that, but there is a feeling that scheduling, routes, bus shelters and changes that come about in relation to customer services will be adequately serviced by a committee. It can meet as required; it does not have to meet regularly. If there are no problems, I suspect the committee will not meet at all. But my general view is that the changing nature of transport use within the city and in the suburbs has been a problem.

The Hon. Diana Laidlaw: It has been, because we have inherited it from your Government.

The Hon. T.G. ROBERTS: No, because it is not responsive enough to change. If you set up flexible committees that recognise changing routes, the ageing of the population, areas where young people, young mothers, single mothers, etc., are moving, those sorts of demographic changes, which in my view are not operated enough or quickly enough by the transport services; but if you have customer or community committees set up, they can respond to community desires far more quickly than the board can recognise on many occasions.

It appears to me that the positions are: the prescriptive Democrat amendment; and the Opposition's amendment that is less prescriptive and more general, which is probably more to the needs of the Government; but I think that clause 23 of the Bill is too rigid in that it gives too much power to the board and not enough consideration to consultation through all those industry areas that have traditionally cried out for representation.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: No, it is just a matter of the changing needs of transport needs and requirements. If you have a look at taxis, hire cars and regular passenger services, they are the three areas that you will find as Minister will be regularly beating a path to your door.

Whether they are formalised through legislation or whether you set them up yourself, they will occur. There will be a demand for those sorts of committees to be put in place so that consultation can take place. I think the Minister is almost there in terms of the way in which the process has been put in place now; it is a matter of recognising that the Opposition and the Democrats have an argument as to how those consultation processes are put in place.

Amendment carried. Clause as amended passed.

Clause 24—'Delegations.'

The Hon. SANDRA KANCK: I have a question in relation to clause 24(3). What does the Minister envisage 'prescribed circumstances' would be?

The Hon. DIANA LAIDLAW: This is a precautionary measure. I have no specific circumstances in mind at the moment, but this gives some flexibility. Whilst I do not have any circumstances in mind at the moment, I am just indicating that when such circumstances arose they would have to be noted in the *Gazette* so that it was public.

Clause passed.

Clause 25—'Accreditation of operators.'

The Hon. SANDRA KANCK: I move:

Page 17—

Lines 3 and 4—Leave out 'and published by the board and made available to interested persons' and substitute 'by the board'.

After line 4—Insert new subclause as follows:

(3a) The Board must ensure that a standard determined by the Board under subsection (3)(b) is widely published and made reasonably available to interested persons.

This clause relates to publication and circulation of non-gazetted standards of accreditation for operators of general passenger services. I am suggesting that the words relating to publication of standards, which are not prescribed, be removed from 25(3)(b) and that they stand alone in a new subclause (3a). First, this ensures the publication of those standards and secondly it guarantees wider circulation of those standards once they are published. It seems fairly self-evident that the standards that are being used to approve the operators of these services should be widely available,

especially if they deviate in any way from the gazetted regulations. I see this as a matter of accountability. It is not just a matter of accreditation being squeaky clean but being seen to be squeaky clean and without exception. It is simply a question of accountability, making certain that a standard, once it has been determined is published and made available to all people who might be interested in seeing it.

The Hon. DIANA LAIDLAW: I accept the amendments.

Amendments carried; clause as amended passed.

Clause 26—'Accreditation of drivers.'

The Hon. SANDRA KANCK: I move:

Page 17, line 16—After 'responsibility' insert ',skills'.

This amendment relates to the ability of a driver to actually drive. As it is currently worded, 'good repute, responsibility and attitude are the qualities required to accredit a driver. I think it would be valuable for them to actually have some driving skills and hence my amendment actually incorporates that point.

The Hon. DIANA LAIDLAW: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 27—'Accreditation of radio communication networks.'

The Hon. DIANA LAIDLAW: I move:

Page 18, lines 3 to 7—Leave out subclause (1) and substitute new subclause as follows:

(1) For the purposes of this section, a person operates a centralised booking service if the person operates a service where—

(a) bookings for taxi services, or any other passenger service of a prescribed class, are accepted from members of the public; and

(b) the bookings are assigned to drivers; and

(c) the number of passenger transport vehicles participating in the services is not less than the prescribed number.

Line 8—Leave out 'radio communication network within the State' and substitute 'centralised booking service'.

Line 9—Leave out 'network' and substitute 'service'.

Line 17—Leave out 'radio communication network' and substitute 'centralised booking service'.

Line 18—Leave out 'radio communication network' and substitute 'centralised booking service'.

Line 20—Leave out 'radio communication network' and substitute 'centralised booking service'.

Line 26—Leave out 'radio communication networks' and substitute 'centralised booking services'.

These amendments are all consequential to those which I moved earlier in relation to 'Objects'.

Amendments carried.

The Hon. SANDRA KANCK: I move:

Page 18, lines 31 and 32—Leave out 'and published by the Board and made available to interested persons' and substitute 'by the Board'.

This is similar to a previous amendment, in that it is looking at non-gazetted standards. In this case it is for accreditation of persons operating centralised booking networks; and, in the same way as I did with clause 23, I believe that where there are non-gazetted standards they should be guaranteed publication and wider circulation.

The Hon. DIANA LAIDLAW: I accept the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 18, after line 32—Insert new subclause as follows:

(5) The Board must ensure that a standard determined by the Board under subsection (4)(b) is widely published and made reasonably available to interested persons.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 18, after line 32—Insert new subclause as follows:

(5) In this section—

'the prescribed number' is two, or such greater number as may be prescribed by the regulations.

This is a new subclause in reference to radio networks. I have already talked about a prescribed number. This indicates that the prescribed number is two or such greater number as may be prescribed by the regulations.

Amendment carried; clause as amended passed.

Clauses 28 to 35 passed.

Clause 36—'Appeals from decisions of the board.'

The Hon. DIANA LAIDLAW: I move:

Page 26, line 13—Leave out 'statutory declaration' and substitute 'affidavit'.

This clause relates to proceedings before the Administrative Appeals Court. The clause presently refers to the ability of the court to receive evidence by statutory declaration. The Crown Solicitor has pointed out that it will be more appropriate to include a reference to the taking of evidence by affidavit, in that an affidavit is the usual method by which written evidence is received by the court.

Amendment carried; clause as amended passed.

Clause 37—'Service contracts.'

The Hon. SANDRA KANCK: I move:

Page 27, after line 9—Insert new subclause as follows:

(2a) The Board—

(a) must apply the following principles in awarding service contracts under this Part:

(i) that, except in relation to a service contract with TransAdelaide or in special circumstances or circumstances of a prescribed class, a service contract should not, in its operation, require the use (not necessarily at the same time) of more than 100 public passenger vehicles; and

Subclause (2a)(a)(i) relates to the size of service contracts and sets a limit on the size of service contracts in terms of the number of passenger vehicles. We propose this amendment because it gives some substance to the Minister's own promises that these contracts would be offered in small parcels. We believe that by doing this it will allow small, local operators to tender for particular routes, knowing that they will have enough vehicles for that route, whereas if it was possible that we could be swamped, for instance, by interstate tenderers, this would allow the small companies to get in there and have a go.

The Hon. DIANA LAIDLAW: I am happy to accept this amendment, to which I will speak it in a moment.

The Hon. BARBARA WIESE: I move:

Page 27, after line 9—Insert new subclause as follows:

(2a) The Board—

(a) must, in awarding service contracts under this Part, apply the principle that, except in relation to a service contract with TransAdelaide or in special circumstances or circumstances of a prescribed class, a service contract should not, in its operation, require the use (not necessarily at the same time) of more than 100 public passenger vehicles; and

(b) may apply other principles determined by the Board and make known to interested persons.

I support the remarks made by the Hon. Ms Kanck. I understand it is the Government's intention to ensure that only smallish tenders will be made available when the STA's services are competitively tendered for, and I note that she is willing to accept this amendment. However, I oppose the second part of the Hon. Sandra Kanck's amendment, which deals with the proportion of STA services that would be put out to tender up to 1 January 1998.

I support the idea that has been put forward by the Hon. Ms Kanck that the tendering out of services should be undertaken on a phased approach, but my view is that it should be undertaken more slowly than is envisaged by her amendment. I have a later amendment which deals with the same issue but which presents a phased approach in a rather different way, and I will speak further on that matter when I move my own amendment. However, I want to make one key point about the difference between the two amendments at this stage. It is not only a question of what percentage of services can or should be tendered out by a particular date, but in my own amendment I also distinguish between bus services and train and tram services.

[Sitting suspended from 5.55 p.m. to 7.45 p.m.]

The Hon. DIANA LAIDLAW: I support the amendment moved by the Hon. Sandra Kanck. I have repeatedly stated from the time that the Liberal Party issued the passenger transport strategy in January 1993 that it was always our intention to introduce competitive tendering on a progressive basis. Also, particularly after noting the experience in Victoria, we stated that it was our intention that the contracts system would be set up in such a fashion that it would encourage smaller operators to compete for those tenders.

I have objected very strongly to the Victorian idea of putting the whole system out to tender at the one time, because what has resulted is a private monopoly replacing a public monopoly. The basis for the Government's approach to passenger transport services in the future is to encourage competition and, through competition, engender incentive to provide innovative and more frequent services to customers and to win back customers as a consequence.

So, it is not the Government's intention, nor is it in the best interests of customers, that we have a private monopoly replacing a public monopoly—currently the STA. We wish to see smaller service contracts, and in this sense I know we can accommodate the sentiments expressed by the Hon. Sandra Kanck, where she is indicating that service contracts be for no more than 100 public passenger vehicles. The Opposition has a similar amendment.

Clause 2a(a)(ii) refers to a progressive date for the introduction of competitive tendering. I will accept this amendment with reluctance. I have not had time to consult fully with all my colleagues, and this will be subject to further debate. However, certainly in terms of the context for the progressive introduction of competitive tendering and the time frames, at this stage I am prepared to accept it.

It has always been the Government's intention (and I indicated this in summing up the debate) that there would be a variety of contracts, including negotiated contracts with TransAdelaide. The proportion of business negotiated through such contracts with TransAdelaide is a matter that I am still negotiating with the unions, and those negotiations have not yet been concluded. At this stage I will accept the amendment moved by the Hon. Sandra Kanck.

The Hon. BARBARA WIESE: Before the dinner adjournment, I indicated that the Opposition would obviously support the Hon. Ms Kanck's amendments concerning the limit on the number of passenger vehicles that could be included within a service contract, because I have an identical amendment on file. However, I also indicated that we would oppose the second part of that amendment, which deals essentially with the phasing in of competitive tendering, on the ground that I have another amendment later which deals with the same issue but which takes a different approach.

The issue relating to the phasing in of competitive tendering is the key issue in this Bill. How it is phased in and at what pace and how much competitive tendering there will be forms the core of this Bill and the issue that creates the potential for controversy. My proposed amendment to insert a new clause 42a goes somewhat further than the amendment proposed by the Hon. Sandra Kanck. The fact that the Minister has indicated that she will agree to the amendment by the Hon. Ms. Kanck, which would limit the proportion of competitive tendering to 70 per cent of the 1993 services provided by TransAdelaide until 1 January 1998, is a step in the right direction, but my amendments would take that further.

I would like to achieve not only a slowing down of the introduction of competitive tendering but also effectively a moratorium on the competitive tendering of existing services currently operated by the State Transport Authority until such time as the STA—or TransAdelaide as it will become—has had a period of time during which it can arrange its affairs, restructure itself and be sure that it is capable of competing on an equal footing with companies in the private sector. From the information I have collected through consultation on this matter, I believe that the State Transport Authority could well use at least 12 months to bring about some of the changes that would place it in the position of being able to compete on an equal footing with organisations in the private sector.

Among the issues that must be dealt with are questions relating to the financial structure of the organisation, the debt it carries, and so forth. I was pleased to read the response that the Minister gave to one of the questions I asked in my second reading speech about financial concerns. I was interested to see that the STA will be relieved of debt, and that will be of great assistance. However, the STA will have to deal with other matters, not the least of which concerns some of the cost factors that are brought about by the nature of the public sector organisation that it is and also some of the industrial or award conditions under which the work force in the State Transport Authority is employed.

If the State Transport Authority is asked to do a very rapid job in bringing itself up to a point where it can compete on an equal footing with the private sector, many of the issues that must be resolved with the work force are likely to be resolved in what I might call a quick and dirty way, which will not necessarily result in arrangements that are satisfactory for the STA's work force. If it is given more time to arrange its affairs and to negotiate with relevant trade unions and the work force about some of those outstanding issues, I think a better outcome is likely and less pain will be experienced by the people who are involved in the work force. I think that is the most desirable way to go.

Some time before Easter representatives of the major trade union representing STA workers met with the Minister and put a proposition to her about whether she would be prepared to provide an extended contract period to the STA if the PTU were in a position to work with the STA to find the level of savings that the Government wants to find within the public transport system. It seems to me that that is a very attractive proposition if the major part of the exercise is to relieve the taxpayer of the high cost of running a public transport system, but my understanding is that, lamentably, although the Minister promised to reply on this issue after Easter, there has been no such communication. If that sort of arrangement

could be agreed, much of the pressure would be taken away from what is intended by the Government, because a key factor in all this has always been the cost of running the public transport system.

I acknowledge that the other side of the coin involves developing a system where innovative services are provided and where there is an expansion of the range of services that can be provided to the community, but a major factor has always been the cost of the system. If the STA's work force were in a position to find a good part of the savings that are required, the pressure to get into competitive tendering in a hurry would be considerably relieved. It seems to me that that issue should have been dealt with before this time. That would certainly take the pressure off all those people who are currently attempting to negotiate a position.

In the absence of any such agreement, it is my view that there ought to be, as I termed it, this moratorium period, which would enable the STA and its work force to work through the issues that they must work through, none of which is easy. It will be very difficult for the unions involved and for the STA to reach satisfactory agreements on some of the matters on which they must agree in order to become competitive, and they need time for that. My amendment would do that. What I have tried to do with my amendment is to separate the issues within the STA and within regular passenger transport by setting a moratorium period for buses separately from those of trains and trams.

The reason that I have introduced trains and trams in this amendment is that, in response to a question I asked during my second reading speech as to whether the Minister could rule out the possibility of a railway system being included in the competitive tendering process, she indicated that she would not rule that out. Therefore, I am introducing the concept of a moratorium in both those areas—in the case of buses until 31 December 1995 and in the case of trains and trams until 31 December 1996. In addition to that, I will then attempt to limit the amount of competitive tendering that can take place in the area of bus services to a maximum of 10 per cent of the 1993 total in 1996 and a maximum of 20 per cent being tendered out in 1997. This would provide a different level of phasing in from that which is contained in the Democrats' amendment. I believe, in the interests of the current system and the introduction of change at an orderly pace that will not create the level of disruption that might otherwise come about, this is a combination and a timetable that would achieve the required results.

I indicate that the moratorium period to which I have referred would not prevent the Government from competitively tendering new services, that is, services which are in addition to those that are currently operated by the State Transport Authority. As the Minister would be aware, numerous opportunities exist for additional services to be provided in the metropolitan area in particular. For example, there are parts of the outer suburban area which still do not enjoy adequate services because the STA has not been in the position to provide them thus far. Numerous feeder services and cross suburban links and various other services are not available that could be made available under a competitive tendering regime which could occur at any time.

The moratorium to which I refer would apply only on the services that are currently run by the STA. With the consultation that I have undertaken on these questions relating to the phasing in of competitive tendering, as I have said, I have received considerable support from people who would like to see the process phased in over a longer period than the process that is offered by the Australian Democrats' amendment. So, that outlines the position of the Opposition on this matter, and I indicate that I will oppose the Democrats' amendment in favour of the proposition that I have just put.

The Hon. DIANA LAIDLAW: In terms of the reference to moratorium on the current services operated by the STA, it is important that all members recognise that the STA itself does not want to operate all the services for which it is currently responsible. I have been told by the STA that it wants to be out of 15 to 20 per cent of the services it currently operates. On the basis of what the honourable member is talking about, that would mean that TransAdelaide wants some period to restructure so that it is responsible for only 80 per cent of services in several years' time. That has no foundation. If the STA had its way, it would be out of 15 to 20 per cent of its services now.

What the honourable member is arguing just does not make sense, that is, to allow the STA to have the time to restructure—over some 18 months, I think it is—to come to a position where it is responsible for 80 per cent of current services. It would like to be out of 15 to 20 per cent right now. If it were out of those services, that would mean that the STA, its unions and staff would have no incentive to produce the savings that the honourable member is aware that the Government is looking at in this area. The savings are absolutely imperative for this system that the Government is introducing. The matter of savings is one issue, but the savings are also for the introduction of innovative services, and that is the key. We must have the savings for the innovative services, such as the reintroduction of support services on trains, particularly at peak time, to win back passengers.

As I have indicated to the Hon. Ms Wiese, the unions and I have had discussions about this matter. However, with the debt that has been inherited and until I can find the savings, there is no way that the Government can find the money or pull it out of a hat to introduce human presence on trains when people are calling for such human presence. We must find the savings. If one looks at the media and the letters that come across my desk, one sees that people now want extra people on the trains, particularly in the evenings. So, those savings must be made now for a number of these innovative services. I cannot introduce new services without such savings.

I have not had an opportunity to get back to the trade union movement following the meeting I had with it before Easter. I did say at that time I would consider the proposition over Easter, I had every intention, as I have told Mr Crossing since, of speaking further with him on this matter. Negotiations have not closed by any means. He knows my door is always there; it has just been a particularly hectic past couple of weeks. I have always indicated that there will be negotiated contracts and that remains the Government's position. At this stage we are accepting the Australian Democrats' proposition of 70 per cent of services to TransAdelaide by January 1998, although that matter has to be discussed further with my colleagues as I indicated earlier.

What the honourable member has said on behalf of the Opposition and also of, I suspect, the unions does not relate to what Mr Crossing, as head of the Public Transport Union, has stated publicly about his satisfaction with the STA. I repeat the statements he made in the *Sunday Mail* of 20 June when he blasted the performance of public transport policies over the past decade. He said:

. . . service and staff cuts had taken the human face out of a morale stripped system where workers were getting around like zombies. . . Drastic long-term changes were needed—

These are not my words, they are his. I am talking about progressive change; Mr Crossing is talking about drastic long-term changes:

—needed to revive the system, which cost taxpayers $136 million dollars last year.'If nothing is done, reductions will continue until the whole thing comes down in a screaming heap', he said. The public and the [Labor] Government must also accept that a major overhaul strategy with funds wisely spent was needed or the system will haemorrhage to death.

They are not my words but those of the Public Transport Union. Mr Crossing is calling for drastic long-term action and I am talking about the progressive implementation of change with savings used for innovative services. I believe that what we have accepted at this stage is tolerable. It is to be further discussed with my colleagues, but certainly it is far preferable to what the Hon. Barbara Wiese was accepting, which provided no incentive for the unions or the STA to look at the savings that are necessary and the savings they are prepared to negotiate with us, so that we can introduce more innovative services and win back customers. And by winning back customers there will be jobs, which is also what the PTU is concerned about.

The Hon. BARBARA WIESE: I think the Minister has a cheek to talk about how important it is that these changes be brought in immediately in order to achieve the savings that are necessary to redistribute into other services when she has already a proposition before her, put before her by the majority union within the public transport system. It is a proposition that was put to her some weeks ago and, although she promised to respond, she has not responded. The union proposition believed that it would be able to find the sorts of savings that she was asking from the public transport organisation, which would allow her to achieve some of her objectives in this area in return for a guaranteed contract for a period of years. She has not even paid the union the courtesy of responding to the proposition that it has put and has given it no idea at all that this is a proposition that the Government would entertain.

In that case, one can be forgiven for believing, as many people out there in the real world do, that the Government is more interested in some sort of ideological commitment to handing over large parts of the public transport system to private sector companies than it is in developing the very best public transport system we can develop in the interests of the community. The honourable member relies on a *Sunday Mail* article as her information for determining how representatives of the Public Transport Union feel about this proposition and about the future of public transport. I rely on direct conversations that I have with representatives of that union, because I find direct conversations to be much more reliable than anything that I read in the *Sunday Mail*.

What people in the Public Transport Union and other unions associated with the State Transport Authority tell me is that they recognise that there must be changes within their system but all they want is an opportunity to work through the issues in a reasonable way and in reasonable time, and to have the opportunity of explaining why change is needed and what sort of changes are needed to the members they represent, so that, as far as is achievable, there can be some sort of consensus amongst those who will be affected by these changes about what can happen and how it can happen. If they are asked to do more than they can achieve, it will be very difficult for the unions to maintain a reasonable relationship with their membership but, more particularly, it will be very difficult to ensure that the work force within the STA will go along with change.

So, when Mr Crossing has been talking about the fact that he recognises there will be drastic change in the public transport system, he is not advocating some overnight massive change to the award rates and conditions of his members; on the contrary, what he is trying to achieve and what he would like to negotiate is some sort of arrangement that would examine the way the STA operates and, where possible, find savings that have least impact on the people who are employed within the organisation. Let us face it: people who are working in some of the jobs in the public transport system or the private transport system, for that matter, are not particularly highly paid, and they do not want a situation to emerge that requires them to take some massive drop in their take home pay or some massive change that affects them in an awful way if there is another way of achieving the same end, which brings with it less pain.

That is not an unreasonable request, but the problem is that these things cannot be achieved overnight and they need some time to work through them. I am sure, too, that those people who are in management in the State Transport Authority, those who are responsible managers within the system and who care about the work force for which they are responsible, would rather negotiate these things in a way that will not have an unreasonable impact on the membership of their organisation. For that reason, it is a sensible proposition to give some space and some time to allow some of those things to occur. I might say, as the honourable member acknowledged in her second reading response, that quite a range of change has already occurred within the State Transport Authority, and it occurred under the previous Government, because we were moving in the direction of requiring the State Transport Authority to become more of a commercially oriented organisation.

The Minister found it rather amusing and made some play of comments that I made during my second reading speech about the changes that had occurred because of the threat that things could be worse if there were no change. The fact is that the Minister completely missed the point in making fun of those comments because the point always was, and it was a point well understood by the representatives of the STA work force, that the threat of change was not necessarily a threat coming from what was then the Government. The threat was that if changes did not occur during those years when we were involved then there would be a community reaction that would bring about more change but, more particularly, if the Government changed and the Liberal Party came to power then the threat of drastic change could have a much nastier impact on individuals within the organisation.

That was the point of the exercise and it was certainly something which representatives of the STA work force were completely aware of and did as much as they could to convince the members that they represented that change in a whole range of areas was not only desirable in order to make the STA a more efficient organisation but necessary to make for the long term future of the organisation. I am saying that it needs more change to complete that process and to put it on an equal footing with the private sector, to be able to compete openly.

There is one other point made by the Minister that I should like to comment on. She indicated that the STA does not want to operate some of the services it currently operates. I know

that is so and there is nothing in my amendment that would prevent the STA from relinquishing services if it so chose. What I have tried to achieve with this amendment is to provide the opportunity for the STA to continue to run the services it currently operates if it wishes. My further amendments also prevent the board or the Minister from providing directions to the STA to relinquish services. The choice is a commercial judgment to be made by TransAdelaide itself as to whether it retains or relinquishes services for the future. I think that is the way it should be. I think that the timetable that is laid down in the amendment that I will move later is a reasonable one for all concerned.

Subparagraph (i) inserted.

The Committee divided on subparagraph (ii):

AYES (11)

Davis, L. H.	Elliott, M. J.
Griffin, K .T.	Irwin, J. C.
Kanck, S. M. (teller)	Lawson, R. D.
Lucas, R. I.	Pfitzner, B. S. L.
Redford, A. J. t.)	Schaefer, C. V.
Stefani, J. F.	

NOES (8)

Crothers, T.	Feleppa, M. S.
Levy, J. A. W.	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	Wiese, B. J. (teller)

PAIRS

Laidlaw, D. V.	Sumner, C. J.

Majority of 3 for the Ayes.

Subparagraph (ii) thus inserted.

Paragraph (b) inserted; clause as amended passed.

Clause 38—'Nature of contracts.'

The Hon. SANDRA KANCK: I prefer not to proceed with my amendments to this clause. I defer to the almost identical amendment that the Hon. Barbara Wiese has on the same clause.

The Hon. BARBARA WIESE: I move:

Page 28, after line 5—Insert new subclauses as follows:

(3a) The Board must, for the purposes of subsection (1)(c), establish various standards that will apply to all service contracts of a similar kind with a view to ensuring that standards relating to the provision of services are, so far as is reasonably practicable and appropriate, maintained at the highest possible levels.

(3b) The Board must, in relation to the fares payable by passengers on regular passenger services within metropolitan Adelaide, ensure—

(a) that the standard adult fare allows for unlimited travel on regular passenger services provided within a specified zone or zones (subject to those services being available and stopping within that zone or those zones), for a specified period or until the expiration of a specified period; and

(b) that concession fares do not exceed 60 per cent of the standard adult fare for the same service (if provided at the same time), subject to the qualification that this paragraph does not apply to special fares that are payable during a particular part of the day, that are set for special events or purposes, or that are excluded from the ambit of this paragraph by the regulations.

(3c) An alteration to the fares or fare system under a service contract may only be undertaken as part of an across the board alteration of the fares or fare systems under all service contracts of a similar kind.

As the Hon. Ms Kanck has indicated, three parts of the amendment that I am now moving are identical to an amendment that she has on file. Those parts relate to the preservation of the existing arrangements with respect to fares that operate on regular passenger services within metropolitan Adelaide.

The first part relates to the standard adult fare that applies within specified zones, and the second part relates to concession fares and also refers to the desire that any alteration to fares or the fare system under a service contract should be undertaken only as part of an across-the-board alteration of the fares or fare systems under all service contracts of a similar kind. In other words, what the Opposition wants to achieve and what the Democrats would like to see achieved is the preservation of some certainty across the system with respect to the level of fares and the type of fares operating as there is currently.

Part of my amendment which differs from that which was put on file by the Australian Democrats is new subclause (3a), where I refer to the need for the board to establish standards for all service contracts. My objective is to ensure that all operators who are successful in winning contracts must abide by the same standards; in other words, all operators must operate on the same playing field. So, that is the first part: that the standards will be the same for all tenderers within a particular class of passenger transport for which they may be tendering.

The second part is to ensure that the standards that will apply will be as high as they possibly can be, and the reason for that is obvious: no-one wants to see a running down of service standards for maintenance, etc., with the introduction of competitive tendering. The current situation is that in some areas now the State Transport Authority standards are higher than some that apply in the private sector.

So, we would like to see everyone operating on a similar basis, with the standards not being reduced to some lowest common denominator level. The amendment for new subclause (3a) expresses that concept, and I commend it to the Committee.

The Hon. DIANA LAIDLAW: I regret the decision by the Hon. Sandra Kanck not to move her amendment, and perhaps she may reconsider that decision, because I was prepared to accept it. I have no objection to saying that concession fares would not exceed 60 per cent of the standard adult fee for the same service; nor do I have any objection to the statement that 'the standard adult fare allows for unlimited travel on regular passenger services provided within a specified zone or zones'.

In relation to subclause (3b) of the Hon. Sandra Kanck's amendment, I note my preference for the words 'service contracts of the same kind' rather than 'service contracts of a similar kind', although I would have sought a reference to the words 'in the metropolitan area'. We have a situation where, in country areas, there are different bus operators that offer similar services but with a different fare structure, and service contracts of a similar kind in the metropolitan area would have overcome those operational difficulties. However, as it stands, I am not prepared to accept the term 'similar kind', and I also want a reference to the metropolitan area.

In addition, I indicate that I have stated over and again—and it is also quite clear in the objectives and the functions of the proposed Passenger Transport Board—that standards are to be applied in the provisions of services. We have indicated that we want a minimum standard of service and, in setting a minimum, we are hardly going to a scale where the minimum is so bad that nobody wants to travel on passenger transport services; otherwise we will not reach our objective of winning back and retaining passenger numbers. So, I believe that subclause (3a) is sort of a motherhood statement and is unnecessary. Subclauses (3a)(a) and (b) I can accept,

but not (3b) for the reasons that I have outlined. Therefore, I will oppose the amendment.

The Hon. BARBARA WIESE: I am not so wedded to the concept of my amendment referring to 'service contracts of a similar kind' rather than of the 'same kind'. In fact, it is a bit of a drafting quirk that it turned out that way, anyway. So, I can indicate to the Minister that I am prepared to amend my amendment to refer, in subclause (3c), to 'contracts of the same kind' if that makes the amendment more acceptable.

The Hon. DIANA LAIDLAW: And also includes the words 'in the metropolitan area'.

The Hon. BARBARA WIESE: I will come back to that. The second point that I want to make is that in subclause (3a) of my amendment I have no objection to changing 'similar kind' to 'same kind', either, so that it becomes clearer and, I suppose, in some ways has a narrower focus when we are referring to the standards that would apply. I do not have any problem with that. However, on the question whether the words 'in the metropolitan area' should be included in proposed new subclause (3c), will the Minister explain why she would like those words added?

The Hon. DIANA LAIDLAW: I would like the words 'in metropolitan Adelaide' added. I referred to this earlier, but I believe the honourable member may have been engaged in discussions on this clause and may not have heard my explanation at the time. However, there are many anomalies in conditions between various contracts, particularly for country services. They have been negotiated by the Office of Transport Policy and Planning because of the competitive tendering basis that has been used there in the past. I have indicated that in future we will be having integrated services and minimum standards of service.

However, there are anomalies in existing contracts and they will probably remain in those contracts in the future in relation to fares and a number of other matters. It would be more acceptable if this amendment were confined to the metropolitan area because of issues such distance, numbers of children on buses, numbers of passengers and population density. Different contracts have been signed to take account of those factors and that will remain so in the future.

The Hon. BARBARA WIESE: I thank the Minister for her explanation. It is something which I had not taken into account but with which I now agree. I therefore seek leave to move the amendments to my amendment that have been requested by the Minister.

Leave granted; amendment as amended carried.

The Hon. SANDRA KANCK: I move:

Page 28, after line 7—Insert new subclause as follows:

(5) If the Minister gives an approval under subsection (4), the Minister must, within five sitting days, prepare a report on the matter and have copies of the report laid before both Houses of Parliament.

This amendment refers to ministerial responsibility if a contract is approved for a period greater than five years. Under clause 38(4) the Minister is able to do this. This amendment requires the Minister to report to the Parliament any such exceptions that she makes in this regard. Again, this is a question of accountability. If for some reason or another a contract is automatically renewed in this way Parliament needs to know about it and why.

The Hon. DIANA LAIDLAW: I do not accept the amendment. We have an interesting situation where the Opposition wants TransAdelaide to have 80 per cent of the work and the Democrats and the Government agree at this stage to TransAdelaide's having 70 per cent. Essentially a pittance is to be offered to contract. That does not mean that private contractors will win all of that 70 per cent. I would suggest that, with the aggressive way in which the STA is embracing the challenges of TransAdelaide, it has a very good chance of winning many, if not all, of the contracts offered. Of course, there are some contracts in which it does not wish to participate, and I highlighted that earlier.

However, when the contracts are let it is my intention that they be let for five-year periods except in very exceptional circumstances. I see no reason why the Minister should be reporting to Parliament on those commercial grounds. Those matters would be reported in the minutes and they could also be referred to in the annual report. However, I see no reason why they should be reported by the Minister to Parliament when it is a commercial undertaking and there would be very few circumstances where such contracts would be let.

I do not know what fear or horror the honourable member is suggesting could arise from such an extension of contract. As I have said, that would be an exceptional circumstance. I do not know what fear or horror would warrant Parliament's being involved in this exercise.

The Hon. BARBARA WIESE: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 39 to 42 passed.

Clause 43—'Requirement for a licence.'

The Hon. SANDRA KANCK: At the beginning of this debate, when we were talking about definitions and when my definition of 'metered hire vehicle' was not accepted, both the Minister and the Hon. Ms Wiese said that they would not accept my new classification of metered hire vehicles. So I will not proceed with any of my amendments entitled 'Division 1' or 'Division 2'. However, I do wish to pick up the discussion at clause 45.

The Hon. DIANA LAIDLAW: I move:

Page 30, lines 20 and 21—Leave out 'excluded from the operation of this subsection by the regulations' and substitute '(if any) prescribed by the regulations as an area for which a licence under this Part is required even though the area is outside metropolitan Adelaide.

This amendment relates to a matter of drafting. Clause 43(2) of the Bill provides that a taxi licence is not required for a vehicle that is licensed outside metropolitan Adelaide and complies with other specified criteria. Paragraph (b) of the provision will, however, allow the regulations, if appropriate, to specify certain areas of the State for which a licence will be required, even though the area is outside metropolitan Adelaide. This will be necessary if it is decided to apply the licensing system under this Act to other areas of the State. However, there has been some confusion due to the current wording of paragraph (b). This amendment is therefore proposed to the clarify the situation. It is not intended to effect any substantive change.

Amendment carried; clause as amended passed.

Clause 44 passed.

Clause 45—'Issue and term of licences.'

The Hon. SANDRA KANCK: I move:

Page 31, after line 28—Insert new subclause as follows:

(3a) A temporary licence is not renewable.

This amendment involves the placement of subclause (3a). My proposed new subclause (6) puts a limitation on the number of licences that can be issued in any one year. I have included it to ensure that the value of taxi plates does not crash overnight, which is what could occur if too many licences were issued in one year. The industry has indicated to us that that is tolerable. In moving this amendment, I am

assuming that the board would see the sense of issuing fewer than 50, but this amendment will allow up to that figure. It provides that the board must not issue more than 50 general licences under this part in a year.

The Hon. DIANA LAIDLAW: I will support the substantive amendment to insert new subclause (6). Therefore, I accept this amendment which is essentially consequential at this point. It is not the Government's wish under the current circumstances to issue anywhere near 50 general licences a year, but this measure would give some guidance to the board in the future. On that basis we accept the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 32, after line 12—Insert new paragraph as follows:

(g) determine that a particular licence, or licences of a particular kind or grade, are not renewable.

The Bill provides for the clarification and reform of a number of issues involving taxis. In particular, the Government is keen to provide the board with appropriate powers in relation to the administration of a taxi licensing scheme and to facilitate greater regulatory innovation within this industry. One approach may be to issue certain licences that are non-renewable. However, the board is not given specific power to issue such a licence.

This may be contrasted with subsection (6) of clause 45 which specifically provides that a temporary licence is not renewable. The reference I have just made is altered because of the earlier amendment by the Hon. Sandra Kanck to which we have just agreed. It would be an unintended consequence if it were found by a court that the board could not issue other forms of non-renewable licences. This amendment therefore makes specific provision in relation to the matter.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 32, line 13—Leave out subclause (6) and insert new subclauses as follows:

(6) Despite any other provision, the board must not issue more than 50 general licences under this part in a particular year.

(7) A general licence is any licence, other than—

(a) a temporary licence;

(b) a special licence for a passenger transport vehicle suitable to carry persons who are confined to wheelchairs;

(c) a stand-by licence within the meaning of the regulations;

(d) a licence of a prescribed kind.

(8) A regulation made for the purposes of subsection (7)(d) cannot come into operation until the time for disallowance has passed.

(9) The board must develop, publish and periodically review principles to be applied with respect to the issue, limitation or other regulation of licences under this section that relate to metropolitan Adelaide.

(10) Those principles must address issues relating to changes in the population and development of metropolitan Adelaide and may take into account other matters determined by the board.

I have mentioned subclause (6), which was necessary to describe what was happening with subclause (3a). The remainder of this amendment defines, in particular, a general licence.

Subclause (7) describes what fits into the category of a general licence. Subclause (8) is about regulations. Subclause (7)(d) includes, as one of the forms of a general licence, a licence of a prescribed kind. Subclause (8) provides that a regulation made for the purposes of subclause (7)(d), that is, a licence of a prescribed kind, cannot come into operation until the time for disallowance has passed. So, it means that a licence of a prescribed kind would be described on paper only, but it would give the power to the Parliament to be able to disallow it so we would not have the situation, as usually happens with regulations, that as soon as it is gazetted it comes into operation. This has a slowing down effect on it, so that the Government is able to assess through the Parliament whether it is the wish of the Parliament.

Subclauses (9) and (10) are related to each other. Subclause (9) is about developing principles which would be the base of licences, and subclause (10) provides that, as part of this, the board has to take into account population size and also the development of metropolitan Adelaide. So, if there was a substantial increase in human population, then that would be a justified need for an increase and also, if the urban sprawl continues to increase, that would also be an indication for an increase in the licences. However, on the other hand, if for some reason or other the population decreases then there would not be that justification for increasing the number of licences. So it is a moving target to some extent to allow the board to assess numbers against the present situation as a base line.

The Hon. DIANA LAIDLAW: I regret that I did not note the additional amendments circulated this afternoon in terms of subclauses (8), (9) and (10) to clause 45. I indicated earlier that I was prepared to accept the amendments to subclauses (6) and (7). That remains my view. Subclauses (6) and (7) are acceptable to the Government and subclauses (8), (9) and (10) are well meaning, I suspect, but rather messy in the way this matter will be exercised in future. We could find a situation where the disallowance is never discharged because of the way in which Parliament sits and the times that the session rises in context of the 14 days in which a disallowance motion must be given and voted upon. Having just sought some advice, I believe that, while well meaning, the provisions are messy and clumsy, and will not necessarily meet the objectives that the honourable member may be seeking.

I am prepared to accept proposed subclauses (6) and (7). Subclause (8) will be messy in terms of the disallowance arrangement. Subclause (9) is a matter that the Government is considering in terms of review of licensing provisions for taxis in the future. There is some concern amongst the taxi industry itself about having periodic reviews, because it does wish to have some certainty in terms of investment schemes that it arranges for the purchase of a taxi, particularly the plate. There is general reference to periodically reviewing principles without any statement of over what period or how often the honourable member is envisaging such a review. That is a matter that would cause uncertainty within the community, the taxi community in particular. Therefore, I indicate those new subclauses are matters the Government cannot accept.

The Hon. BARBARA WIESE: The Opposition will support these amendments in their entirety. I cannot see the problem that the Minister has with subclause (9). She indicates that the taxi industry is looking for some certainty for the future, and I cannot see that the sentiments expressed in this proposal need stand in the way of that at all. All this is asking for is periodical reviews of principles to take place.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: It is a matter for the Government to determine how often these things should be reviewed, and I would expect that any sensible Government

would be making that judgment in consultation with the relevant industry organisations. It is well within the power and realm of the Government to give assurances to relevant sectors of industry as to how often it would propose to conduct reviews, so that there is involved the element of certainty that the industry might be calling for. All the amendment is doing is establishing the basis on which such inquiries would take place. As to subclause (8), I understand that it relates only to regulations that would create some new type of licence. It relates only to (7)(d), a licence of a prescribed kind, which is a provision for the creation of some new category.

I think that what the Australian Democrats are saying is that, if the Government intends to develop some new sort of licence, the Parliament should have the opportunity to have a say in that before relevant people within the industry go out spending large sums of money or investing huge amounts of capital in vehicles or equipment on the off chance that the regulation will stand, when it may very well be disallowed by the Parliament and all that work would have to be undone. So, I do not find that concept particularly offensive in this context either.

Amendment carried; clause as amended passed.

Clause 46—'Ability of board to determine fees.'

The Hon. SANDRA KANCK: I will not proceed with my amendment or the next two listed, as these are consequential to the amendment in relation to division 2, which I have already lost.

Clause passed.

Clauses 47 to 49 passed.

Clause 50—'False advertising.'

The Hon. DIANA LAIDLAW: I move:

Page 34, line 20—After 'this part' insert 'by virtue of section 43(2)'.

Clause 50 is intended to prevent false or misleading advertising by people who are not licensed to provide taxi services under part 6. Subclause (2) provides for certain exemptions. Paragraph (b) should provide that the clause does not apply 'to a person who is not required to hold a licence under this part by virtue of section 43 (2).' These words were unintentionally omitted. The clause is virtually ineffectual without them.

Amendment carried; clause as amended passed.

Clauses 51 to 62 passed.

New clause 63—'Review of Act.'

The Hon. SANDRA KANCK: I move:

Page 46, after line 25—Insert new clause as follows:

(1) The Minister must, as soon as practicable after 1 January 1998, appoint an independent person to prepare a report on—

(a) the work of the board to 1 January 1998; and

(b) the operation of this Act to 1 January 1998 and the extent to which the objects of this Act have been attained; and

(c) other matters determined by the Minister to be relevant to a review of this Act.

(2) The person must present the report to the Minister within six months after his or her appointment.

(3) The Minister must, within 12 sitting days after receiving the report under this section, have copies of the report laid before both Houses of Parliament.

This amendment builds in a review of the Act. I believe that it is essential that there be that review; that it should occur as soon as possible after 1 January 1998; and that it should be done by an independent person.

The Hon. BARBARA WIESE: The Opposition supports this amendment. We believe that it is appropriate, particularly in view of the program for implementation that has now been agreed to by the Council, that there should be a review of progress after a period of time to ensure that the objectives of the legislation are being met and to determine whether there are any concerns or problems that may have arisen in the meantime that should receive the attention of the Government and the Parliament.

The Hon. DIANA LAIDLAW: I do not support the measure. When one considers the amendments that have been moved and supported by members opposite, I am surprised that they are entrusting this review to an independent person and not to Parliament. Nevertheless, that is their wish and they have the majority of numbers. I would have thought that perhaps Parliament may have been a more appropriate forum; but I do not have the numbers.

New clause inserted.

Schedule 1—'Regulations.'

The Hon. SANDRA KANCK: I move:

Page 47, line 5—After 'requirements' insert '(including requirements for driver training)'.

I think it is self-evident that requirements regarding accreditation of drivers should include driver training.

The Hon. DIANA LAIDLAW: I accept the amendment.

Amendment carried; schedule as amended passed.

Schedule 2—'TransAdelaide.'

The Hon. SANDRA KANCK: I move.

Page 50, after line 7—Insert new subclause as follows:

(4a) The Minister cannot direct TransAdelaide to transfer, assign, lease or otherwise dispose of a public passenger vehicle.

This is a fairly important amendment, I believe. Let us say, for instance, that the board decided to put out for competitive tendering the O-Bahn bus route. There would probably be no coach service anywhere in Australia with buses equipped with guidewheels for operation on that track. Theoretically, the board could actually grant a tender to a company that did not have those particular buses and then, as it currently stands, the Minister could actually take hold of TransAdelaide buses, the guided buses, and lease them out to this fictitious company that we are talking about. I do not think that such an action would be at all fair to TransAdelaide. I am not suggesting that the Minister has something like this in her sights; but I want to make sure that something like this does not happen. Within the schedule for TransAdelaide it still has that right itself to transfer, assign, lease or otherwise dispose of its vehicles. I am simply submitting this amendment to make sure that a Minister at some future time, other than the present Minister, may not take this particular action. I think it is something that allows TransAdelaide to remain competitive within this process.

The Hon. BARBARA WIESE: I move:

Page 50, after line 7—Insert new subclauses as follows:

(4a) The Minister must not direct TransAdelaide to cease to provide a regular passenger service.

(4b) A direction given by the Minister under this clause must be in writing.

(4c) If the Minister gives a direction under this clause—

(a) the Minister must have a copy of the direction tabled in both Houses of Parliament within six sitting days after it is given; and

(b) TransAdelaide must cause the direction to be published in the next annual report.

(4d) However, if the Minister considers that a direction should not be published because to do so—

(a) might detrimentally affect commercial interests; or

(b) might constitute breach of a duty of confidence,

then the Minister is not required to comply with subclause (4c) but—

(c) the Minister must have a copy of the direction presented to the Economic and Finance Committee of the Parliament within 14 days after it is given; and

(d) TransAdelaide must cause a statement of the fact that the direction was given to be published in the next annual report.

The purpose of my amendment is to ensure, firstly, that TransAdelaide has some independence in the way that it operates. I want to ensure that the Minister cannot direct TransAdelaide to cease to provide a regular passenger service, but if it chooses to cease to provide a regular passenger service it is a decision that it makes according to its commercial judgment. Furthermore, with respect to the general power of direction that the Minister has, I want to make provision for any direction given by the Minister to be in writing and to be tabled in Parliament and published in the annual report with qualifications relating to commercial interests and breach of duty of confidence. As I outlined in a previous amendment, the amendment that I propose here is consistent with the Public Corporations Act and I think that adds to the level of accountability that the Minister has to the Parliament and to the community with respect to the administration of TransAdelaide.

The Hon. DIANA LAIDLAW: I am again interested to see the Opposition's concern for the future of TransAdelaide. I indicate that in terms of the whole of this issue of regular passenger services it will really be in the area of the Passenger Transport Board to determine what regular passenger services there will or will not be in the future, in the ambit of the earlier amendment that we passed: about 70 per cent by 1998. It will be the Passenger Transport Board determining what services are available or not available, and then it will be up to TransAdelaide to work out whether or not it wants to tender for those services. I indicated right at the start under 'Ministerial directions or controls' on clause 7 that I can give no direction to the Passenger Transport Board in relation to a grant or refusal of a service contract by the board. I do not really understand, nor do I see the need for, the amendment moved by the Hon. Ms Wiese.

In terms of the Hon. Sandra Kanck's amendment, she is indicating that she does not want the Minister to direct TransAdelaide to transfer, assign, lease or otherwise dispose of a public passenger vehicle. I did indicate earlier, and the Hon. Ms Wiese expressed some pleasure at the fact, that TransAdelaide will not be left with the debt that it now has through the STA and therefore will be allowed to tender on an equal footing with other services if it so wishes to tender for public transport services in the future and for public passenger routes. One of the big debt burdens upon the STA at the present time is the public passenger vehicle. I indicated that they may well be transferred so that that is not a burden to TransAdelaide in the future. I do not see a need for the amendment that the Hon. Sandra Kanck is moving, in the circumstances of the answer that I gave the Hon. Barbara Wiese last week and the support that she gave for that move earlier this evening.

The Hon. BARBARA WIESE: I think the Minister is perhaps missing the point that is being made by both the Australian Democrats and the Opposition with respect to these two issues. The question relates to the power of the Minister to direct in these areas rather than what the cost burden may or may not be in the case of the passenger vehicles as contained in the Hon. Ms Kanck's amendment.

The point which I made in speaking to my amendment, and which I have made previously during the course of the debate, is that I do not think it is appropriate for the Minister to be interfering in the process of the deliberations that TransAdelaide must make in determining what is in its commercial interests. So, in relation to my amendment I am suggesting that the Minister should not have the power to direct TransAdelaide to cease to provide a regular passenger service. One can envisage the circumstances where if in the future the Minister wanted TransAdelaide to get out of the business of providing public transport—although that is a rather extreme example—the Minister might be able to direct TransAdelaide to cease providing services which could then be put up for tender for others. I am saying that TransAdelaide should have the flexibility and freedom to make its own commercial judgments in this area without interference from the Minister.

I cannot speak for the Hon. Ms Kanck with respect to her proposed subclause (4a), but I presume that the sentiments are the same: she wishes TransAdelaide to have the freedom to make its own judgments as to whether it transfers, assigns, leases or otherwise disposes of public passenger vehicles rather than being subject to the direction of the Minister as to whether or not these vehicles should be disposed of or transferred or leased, which may or may not be in TransAdelaide's commercial interests.

The Hon. Sandra Kanck's amendment carried; the Hon. Barbara Wiese's amendment carried.

The Hon. BARBARA WIESE: I move:

Page 51, lines 6 and 7—Leave out subclause (4) and substitute new subclause as follows:

(4) TransAdelaide must not, without the approval of the Treasurer—

(a) exercise a power under subclause (3)*(g)*, *(h)* or *(i)*; or

(b) establish or participate in any other form of scheme or arrangement that involves sharing of profits.

This amendment again seeks to make provision for the Treasurer to be involved in the approval process where TransAdelaide is entering into certain financial transactions as outlined in subclause (3)*(g)*, *(h)* and *(i)* of the Bill. They relate to entering joint ventures; participating in the formation of a partnership or other body; and in acquiring, holding, dealing with and disposing of an interest in a strata title unit or strata corporation or shares in, or securities issued by, a body corporate.

As I indicated when I spoke to a similar amendment that related to the business of the board, it seems to me that it is better to have not only ministerial involvement but also that of the Treasurer in assessing whether or not these decisions are appropriate. I therefore commend the amendment to the Committee.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: As the Minister has requested that I specifically incorporate the 'Minister' in the amendment, as I did previously, I am happy to do that.

Amendment carried; schedule as amended passed.

New schedule 2A.

The Hon. BARBARA WIESE: I move:

Page 52—Insert the following schedule after schedule 2:

2A—'Public transport infrastructure.'

Any property of a kind prescribed by clause 2 that, immediately before the commencement of this Act—

(a) is held by or on behalf of the Crown; and

(b) is used for the purposes of a passenger transport service,

cannot, after the commencement of this Act, be sold to a private sector body unless the Minister has, by notice in the *Gazette*, declared that, in the Minister's opinion, the property is no longer reasonably required for passenger transport purposes (whether within the public sector or the private sector).

The following property is prescribed:

(a) transport depots and interchanges (including any associated land);

(b) railways, including all land, railway lines, bridges, culverts, structures, depot and servicing facilities, signalling, road protection and communication facilities, and other works and facilities used, associated or connected with any railway system;
(c) the track commonly known as the O-Bahn Busway (from Adelaide to Modbury), and all land, bridges, culverts, structures, depot and servicing facilities, signalling, road protection and communication facilities, and other works and facilities used, associated or connected with that track;
(d) the tram track from Victoria Square (Adelaide) to Glenelg, and all land, bridges, culverts, structures, depot and servicing facilities, signalling, road protection and communication facilities, and other works and facilities used, associated or connected with that track;
(e) communication systems for public transport.

This amendment relates to the ownership of public transport infrastructure and, as we read the amendment, we see that it deals with real property that is essentially land and buildings. The concept that I want incorporated in the legislation is very important, namely, that property which is used for public transport purposes, whether it is used by the Government public transport authority or by private sector operators, should remain in the ownership of the Crown, and the only provision that would allow the Crown to sell that property would be if the Minister, by notice in the *Gazette*, declared that a particular property was no longer required for the purpose of the provision of public transport services.

I have a concern that I want to overcome by creating this schedule. If the Government were able to sell, say, a bus depot to a private company, one could envisage the circumstances where a company tenders successfully for the services that are provided from that particular depot. The depot is sold to the operator as part of the successful tendering process and then, say, two years down the track that particular company might run into financial difficulties and have a fire sale of its assets, which might include the bus depot. It may be detrimental to the public transport system in metropolitan Adelaide for a particular depot to be taken out of the public transport system in that way. I therefore believe that the Crown should retain ownership of such assets.

If members look at the second part of my amendment, they will see that I prescribe the various assets that I think fall into the category of assets that are essential to the provision of a public transport system in metropolitan Adelaide. They include depots, interchanges, railway lines, bridges, culverts and other things associated with the provision of a railway system. It also takes in the O-Bahn busway, lands, structures, depots, and so on, that are used in the provision of bus services. It also includes the tram track from Victoria Square to Glenelg and other such facilities which form part of our public transport infrastructure and which I believe we should ensure we retain as part of our public transport infrastructure until such time that, for example, a particular piece of land is deemed not to be necessary for public transport purposes. If that is the case, the Government might then want to consider the sale of such land for other purposes.

The Hon. SANDRA KANCK: Having listened to what the Hon. Ms Wiese has said on this amendment, I share the concerns that she raised in her hypothetical situation, where we can have this property sold off and end up not being able operate our passenger transport services. The Democrats therefore support the amendment.

The Hon. DIANA LAIDLAW: I agree with the amendment in principle and recall a strong commitment in the Liberal Party's passenger transport strategy that with this measure we are not proposing privatisation in terms of a sale of the assets. What I do not understand and what I cannot accept are the riders at the end of clause 2*(b), (c)* and *(d)*—the words 'and other works and facilities used, associated or connected with any railway system', with the O-Bahn track or with the tram track down to Glenelg.

I remember the situation with, for example, our regional ports, where the former Government started the process of selling bulk grain facilities. That former Government set in motion the sale of the conveyance facilities between the storage and the ship. I do not believe that essentially any facility is sacrosanct, whether it be in public transport or ports, although I did indicate specifically (and I repeat it) that this passenger transport exercise is not about privatisation in terms of the sale of assets.

However, the reference to other works or facilities used, associated or connected with a rail system, with the O-Bahn track or with the tram system is too broad and all-encompassing, and I will not be bound by those measures. I have given specific undertakings, for instance, that we would never sell the O-Bahn track. Why would we do that when it is the jewel in the crown—and incidentally a Liberal Tonkin Government initiative? I would never sell it to any operator. I certainly would not intend to keep it with TransAdelaide so that it alone would have access to that track. It is an important public facility. I am not talking about selling those things. I just think the words 'any other works or facilities used, associated or connected with any railway system' are totally unreasonable and certainly unacceptable.

The Hon. BARBARA WIESE: I am pleased to hear that the Minister shares my view that essential assets which make up our public transport network and system should remain in the ownership of the Crown, and that therefore she supports the thrust of this amendment. The words at the end of paragraphs *(b), (c)* and *(d)* to which she objects and which relate to works and facilities used, associated or connected with any railway system essentially are there as a catch-all phrase in order to cover assets that may have been missed in prescribing those assets that are essential to the system.

So, if the Minister has some alternative wording which she thinks is appropriate but which preserves the concept that I want embodied in this schedule, I am prepared to consider any such wording.

I would like to comment upon another issue that the Minister has just raised. The Minister drew some analogy to the ports system and referred to the fact that the former Government initiated a process of examining whether or not the bulk loading plants attached to our ports should be sold. I should first preface my remarks by saying that the then Government did not at any time make a decision as to whether or not we should sell the bulk loading plants. What we initiated was a study to determine whether or not it was in the State's interest to sell the plants.

However, the essential point I want to make about this is that the bulk loading plants are not essential to the running of the State's port system at all. They are an adjunct to the ports. The essential parts of providing a port system are those areas associated with the wharf—the access to the sea. They are the essential services, and they, I hope, are amongst the issues to which the Minister is giving attention in the ongoing assessment that is currently being undertaken about whether or not the bulk loading plants should be sold. They are different issues. Bulk loading plants are assets that are sitting on land owned by the Government. One has to make a judgment about whether one believes that the land should be part of the parcel that one might sell to the private sector or

whether it is deemed to be in the interests of the State that the land be retained by the Crown and whether or not one believes the wharves should be retained as public assets in order that others, who may not be the owners of bulk loading plants in the future, will still have access to the essential service that is being provided by the State Government. So I think it is important to make a distinction between the assets we are referring to.

To get back to the essential point that I am making with this amendment, there are specific assets that are essential to the provision of a public transport system. I have attempted to prescribe those elements. The Minister has indicated that she objects to the catch-all phrase that exists after three of those points. If she has some alternative wording which preserves the concept I am trying to embody but which also takes away her concern that this is perhaps too broad, I would be prepared to consider it. She may wish to give this matter some consideration before the Bill goes to the House of Assembly.

The Hon. DIANA LAIDLAW: I seek clarification. With amendments such as these, would it preclude our having the rail transfer agreement of 1975 with the Commonwealth? I remember the re-financing of the power stations and the sale and lease-back arrangements which the former Government got into with ETSA and the sale and lease-back arrangements in terms of the STA buses. Would these arrangements preclude all those arrangements in which the former Labor Government was involved?

The Hon. BARBARA WIESE: I cannot comment on some of the arrangements concerning some assets because I do not know enough about those specific situations. With respect to the rail transfer agreement, the wording in this proposed amendment with respect to railways in prescribing which assets should be taken into account is based on the wording in the legislation that came before the Parliament relating to the 1975 rail transfer agreement.

The Hon. DIANA LAIDLAW: It would preclude the lease-back arrangements that the former Government negotiated with private financial companies for the purchase of buses. The Federal Transport Minister (Mr Brereton) is looking at the potential sale of not only the airport but also in terms of public infrastructure the sale to a private owner of the Wolseley-Mount Gambier line. I do not intend to sell the O-Bahn, the tramline or depots and these sorts of things. I think it is unreasonable when the former Government has been prepared to negotiate sale and lease-back arrangements, when the Federal Government, because of the Hilmer report and a whole range of debt servicing matters, is looking at State assets, including our airport—the former Government even looked at privatisation arrangements and the public purchase of our airport—that the honourable member would restrict the Government of the day in this manner. I cannot accept the amendment.

The Hon. BARBARA WIESE: The Minister indicates that this would prevent sale and lease-back arrangements for buses. That is not so, because this amendment does not cover buses, rolling stock, railcars, etc. I do not consider that those assets fall into the category that I am trying to cover. What are essential to the running of a public transport system are such things as rights-of-way and depot facilities which are located in various parts of the State and the metropolitan area and which, in some cases, would be impossible to replace should they fall into the wrong hands and be used for some other purpose, inadvertent as it may be.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: The point I want to make is that we should preserve these assets until such time as it is determined, as it was by the former Government with respect to the land about which the Minister is interjecting—that is, land set aside for the purpose of roads—that those pieces of land were no longer required for road making purposes. Therefore, they were sold, in part. I am saying that we should retain essential public transport assets unless at some stage in the future things change and we no longer require such assets, land and buildings for the purpose of the provision of a public transport system.

New schedule inserted.

Schedule 3.

The Hon. SANDRA KANCK: I move:

Page 55, line 6—Leave out 'The' and substitute 'Subject to this clause, the Governor may by proclamation'.

The Hon. DIANA LAIDLAW: I accept the amendment.

Amendment carried.

The Hon. SANDRA KANCK: I move:

After line 36—Insert new subclause as follows:

(8) A proclamation under this clause cannot provide for the transfer of a public passenger vehicle (or an interest in a public passenger vehicle) that is the property of the State Transport Authority (before the commencement of schedule 3) or of TransAdelaide (after the commencement of schedule 3).

This prevents the Governor, by proclamation, from selling TransAdelaide vehicles. It is similar to the previous amendment to schedule 2 which prevented the Minister from doing do.

The Hon. DIANA LAIDLAW: I oppose the amendment.

The Hon. BARBARA WIESE: Why is this necessary in view of the fact that the Hon. Ms Kanck's previous amendment, which prevents the Minister from directing that public passenger vehicles be transferred, was carried?

The Hon. SANDRA KANCK: The previous amendment involved the Minister's not being able to direct TransAdelaide while this amendment closes any back doors that might still be open because it prevents the Governor, by proclamation, from doing the same thing. I am concerned that if we do not have this provision we have only half the protection of TransAdelaide that we are looking for.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 57, after clause 8—Insert new clause as follows:

8A. A person who, immediately before the commencement of this provision, was licensed under another Act to operate a passenger transport service cannot be required to be a member of a centralised booking service under this Act.

This is essentially a grandfather clause that pertains to those taxi operators in Adelaide who are known as independent operators. As members will be aware, from the commencement of this legislation the Bill provides that taxi operators will have to be involved with a central booking service. However, it seems to me reasonable that the few people who are currently operating as independents and who do not use a central booking service should be entitled to carry on operating in that way if they choose. As we all know, the numbers of people operating in this way have fallen significantly during the past few years.

In the mid-1980s about 80 of these people were operating. Currently, I understand there are only about a dozen of them. The reason for that is that it is becoming increasingly difficult for taxi operators to survive without being associated with a central booking service. However, it is the wish of a small

number of people to continue operating in the way that they have operated. I understand they have an assurance from the Government that provision would be made for them to continue in this way and that a regulation would be drafted. It is reasonable, and they have requested that it not be a matter left to regulation but that there be a clause in the Bill. Therefore, my amendment provides for that. But it certainly does not leave the door open for any new operators to choose to work in this way. In future, it will be necessary for taxi operators to be associated with a central booking service.

The Hon. DIANA LAIDLAW: I support the amendment. As the honourable member acknowledged, the Government had advised the same operators that we would be addressing this matter by regulation. I am comfortable in addressing it in this Bill, because the intent is the same.

New clause inserted.

The Hon. BARBARA WIESE: In relation to the superannuation provisions for STA employees, under clause 2(c) of the schedule, provision is made for the rights of TransAdelaide employees to continue to receive the benefits that they currently enjoy under the State Superannuation Act. I want clarification from the Minister that this provision and an earlier provision which provides that members of the staff of TransAdelaide are not public service employees are there to preserve the *status quo* in both instances. Can the Minister confirm that my understanding is correct?

The Hon. DIANA LAIDLAW: In terms of superannuation on both counts?

The Hon. BARBARA WIESE: The first question is whether the same rights will apply as far as superannuation is concerned, and the second question is the provision that says that a member of TransAdelaide is not a public service employee but is simply carrying on in exactly the same way with the same rights attached as currently exist with the STA.

The Hon. DIANA LAIDLAW: The answer to the honourable member's first question is 'Yes'. With regard to the second question, I cannot find the provision to which the honourable member referred. In the draft Bill there was reference to the fact that these employees would be under the GME Act, and the unions took exception to that. That is why that provision was taken out, so that the award arrangements remained the arrangements for the future. That was taken out at the request of the unions themselves.

The Hon. BARBARA WIESE: So, the words that were eventually arrived at, namely, 'a member of the staff of TransAdelaide is not a public service employee' were designed to preserve the current situation. As I understand the current situation, STA employees are not public servants for the purposes of the GME Act: they are employees of a statutory authority with a Federal award that applies to their conditions. Is it intended that exactly the same situation will carry forward to TransAdelaide?

The Hon. DIANA LAIDLAW: Yes, we are preserving the *status quo*. In terms of the earlier superannuation question, I can also confirm to the honourable member that any action to move employees out of this arrangement would require an amendment to the Superannuation Act itself. So it would be a very deliberate move, one which would be fully debated in this place, but it is not the Government's intention, anyway.

Schedule as amended passed.

Title passed.

Bill read a third time and passed.

JURIES (JURORS IN REMOTE AREAS) AMENDMENT BILL

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Residence qualification.'

The Hon. ANNE LEVY: I move:

Page 2, lines 13 and 14—Leave out all words in the clause after 'amended' in line 13 and insert—

(a) by striking out 'for that court' and substituting 'in which the jury is to be empanelled';

(b) by inserting after its present contents (now to be designated subsection (1)) the following subsection:

(2) If it appears from an electoral roll that a person summoned to serve as a juror resides more than 150 kilometres from the place where the jury is to be empanelled, attendance at the time and place specified in the summons is optional but, if the prospective juror does attend, further attendance in accordance with the summons is obligatory unless the juror is excused.

(3) If a person summoned to serve as a juror does not attend at the time and place specified in the summons, and it appears from an electoral roll that the person's place of residence is situated more than 150 kilometres from the place to which the person was summoned, the Sheriff must excuse the person from attendance in compliance with the summons.

I have two amendments on file but propose to move only the one that arrived second and is the longer one in words. While not being as short and concise as the other, I think it does attempt to pick up the problem that the Attorney was concerned with while at the same time maintaining what to me is a very important principle: that people who currently are on the jury roll should not be taken off it. It may well be that, because of distance, a large number of these people will not want to undertake jury service, and I accept that as being a reasonable excuse for not undertaking such, but I feel it important that, if these people are prepared to undertake the civic duty of jury service they should not be prevented from doing so.

What the amendment in effect is saying is that, if someone lives more than 150 kilometres from the place where the court case is to be heard, attendance at the time and place will be optional on the part of the person whose name comes up, and if the person does not attend he or she is automatically excused from attendance in compliance with the summons. Furthermore, there is a new clause which, while I know we will vote on separately, is obviously consequential, that if the names of such people come up and a summons for jury service is to be sent to them, they will be informed that they do not have to attend but that if they wish to undertake jury service this is the time and place at which they must attend.

It is true that not a large number of people in isolated areas wish to undertake jury service. As I say, that to me is quite understandable and is a very plausible reason for not undertaking that service, but I feel it important as a matter of principle that people who have been on the jury roll should not be taken off it and thereby prevented from undertaking jury service, because their name will obviously never come up, even if they are prepared to undertake jury service. It is a civic responsibility. I would hope that most people in the community would regard it as one of the duties of citizenship that they are occasionally called on to undertake jury service.

I know that as the Act now stands I and all members of this Parliament are removed from the roll, and so are unable to take jury service. Parliament decided that was a reasonable thing to insert in the legislation in that the people who make the law should not be part of administering it, but when I

leave this Parliament I wish to make sure that my name goes back on the list of potential jurors. Personally, I very much hope that my name will come up some day for jury service and that I will be able to undertake that civic responsibility.

The Attorney was concerned that only a small number of these people would turn up for jury service and that this could complicate matters for the Sheriff. But I think that, on the basis of statistical information as to the number of such people who do turn up, the Sheriff can make the requisite accommodation for this in terms of the number of summonses that are sent out to arrive at a sufficient number of people for the jury panels required for a session at the courts. It is surely not beyond the wit of any Sheriff to make the appropriate allowance and adjust the number of summonses that are sent out accordingly. It may not be quite as easy for him but, as I say, I feel it an important principle that people should not be removed from the jury roll and so prevented from undertaking jury service if they are prepared to do so.

The Hon. K.T. GRIFFIN: It really is quite unworkable. It is all very well for the Hon. Anne Levy to say that the Sheriff can just do some statistical analyses and send out summonses to meet what the statistical analyses might reflect, but experience indicates that it is not a workable proposition. I repeat that for the past 65 years, at least, and possibly longer, many people in South Australia have not been on the jury roll.

The Hon. Anne Levy: That is a shame.

The Hon. K.T. GRIFFIN: That may be the judgment you make, but the fact is that it has not been a so-called universal right or responsibility, because it has never been practised in South Australia. It happened only as a result of the 1991 electoral redistribution that the subdivisions in the north were so extensive and covered a much larger area than had previously been covered. What the Sheriff experienced as a result of the redistribution and the changes in the jury districts was that a substantial number of people who were summonsed did not even bother to reply to the summons.

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: Quite a substantial number. The experience in the Port Augusta circuit, as I understand it, is that even when it is compulsory to attend the Sheriff has to send out more than double the number of jury summonses in the expectation that he will get a reasonable list.

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: Maybe, but it really does not help in the management of a circuit court when people do not bother to respond. I cannot understand the honourable member's assertion. It is not a universal right or responsibility. We always talk in rather glib terms about that. For the past 65 or so years that has not been the practice in South Australia. All that we are endeavouring to do is to ensure that we allow a reasonable number of people to be on the jury list and that the Sheriff's job is not made unnecessarily difficult. As I said in the second reading explanation, from January to September 1993, that is nine months, 149 persons were summonsed from remote areas: 107 applied to be excused, 7 attended and were excused, and 33 did not respond in any way. In relation to those who attended and were excused, it does make it difficult to manage because if they only seek to be excused when they attend it is too late to issue fresh summonses for the jury list.

The Hon. Anne Levy: It says if they attend they have to take part.

The Hon. K.T. GRIFFIN: That is not the way it works. Some people do attend believing that they are compelled to attend, as they presently are, but they have a good reason—

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: Yours is a licence to ignore. Where is the Sheriff going to be when what you put into it is really a licence to say, 'Too bad, I am not going to bother'. There is no compulsion. What the amendment does is provide that if it appears from the electoral role that a person summonsed to jury duty resides more than 150 kilometres from the place where the jury is empanelled then attendance is optional. If the juror does attend then attendance is obligatory unless the juror is excused. 'If the juror does not attend then the Sheriff must excuse the person from attending.' That is a bit of a roundabout way of getting to that. As I say, that does not do anything to overcome the Sheriff's problems. The Sheriff now writes to prospective jurors inviting them to be excused from jury service. His problem is that they are not responding and they are not turning up for jury duty. The amendment does not change that situation. The Sheriff will still be in the position of applications to be excused from jury service being made too late for replacement summonses to be issued, or no application is made at all but the juror does not attend. It really compounds the Sheriff's problems by making attendance optional.

Attendance for jury duty is now compulsory and people are not attending or are asking to be excused when invited by the Sheriff to do so. If attendance is optional the situation is likely to worsen, particularly if the amendment to be made to section 30 is successful, as the summons will contain a statement that compliance with the summons is not compulsory. It is an invitation to ignore it. The Government opposes the amendment.

The Hon. ANNE LEVY: It seems to me that the Attorney is being rather illogical. He is saying that this is virtually making it optional and that is precisely what I am trying to achieve so that the vast majority who do not want to undertake jury service, because of the distance from the court, will not need to. The few who do accept that responsibility will still be able to. The Attorney's proposal in clause 7 of the Bill will mean that these people are ineligible to do jury service. The fact that there have been some people who for the past 65 years have not been eligible for jury service I think is quite beside the point. If we have a means of enabling people to do jury service if they wish to, we should grasp it with both hands and not say, 'Because they were not able to in the past therefore they should not in the future.' The Attorney talks about 65 years that this has been going on. In fact, it is only 29 years since women were able to be members of juries. Until 29 years ago every women in this State was excluded from jury service. It is very relevant to the question of whether people are eligible or ineligible to do jury service. There was a huge fight to get women the right to sit on juries. The right to sit on juries is something which many people regard very highly. I do not think this Parliament should be in the business of preventing people who wish to undertake this civic responsibility from doing so.

The Hon. M.J. ELLIOTT: In percentage terms, how many residents within jury districts at this stage are living outside of the 150 kilometre radius.

The Hon. K.T. GRIFFIN: I do not know and I do not think anybody has made any calculation of that. I suppose those northern areas are fairly sparsely populated. I cannot remember whether Woomera and Roxby Downs fit within the 150 kilometre radius. Mr Chairman might know whether they

are within the 150 kilometre radius. I do not think they are. You have a number of people at Marla, Ernabella and those places where they are beyond the 150 kilometre radius, but in terms of percentage I am sorry, I do not know the figure.

The Hon. M.J. ELLIOTT: The Minister has given some indication as to how people in those outer districts have generally reacted. What I am interested to know in terms of the problem created for the Sheriff with the list that is being drawn up is what the likely percentage of people is. That is what makes the list unpredictable or not. If it is a relatively small percentage, for example, if we are talking 10 per cent or something like that you do not need to be a mathematical genius to make allowances if it is at that sort of level. I think it is significant because whether or not the problem that you claim is created for the Sheriff is substantial is very much affected by that percentage. If it is 70 per cent then it is an incredible problem. If it is 10 per cent then it is not really a problem at all. I do not believe it is an unreasonable question to ask. It is not an unimportant one in terms of how I react to the amendment.

The Hon. K.T. GRIFFIN: One would need to look at the electoral roll and do some calculation, and get that from the Electoral Commissioner. I have not done that but I suppose we have Port Augusta which has about 12 000 people and also Whyalla. There is also Roxby Downs, Ceduna and towns out of Peterborough.

The Hon. Anne Levy: Whyalla would be within 150 kilometres.

The Hon. K.T. GRIFFIN: Whyalla is, yes.

The Hon. M.J. Elliott: And Iron Knob.

The Hon. K.T. GRIFFIN: Iron Knob is within 150 kilometres. So you have a fair number of people within that radius. It may, I suppose, be 20 or 30 per cent outside the 150 kilometre radius; I am not sure, but that is something on which we can get some information. However, I think it is important to get this moving. We can deal with it in the other House and, if the amendment is carried here, we will address the issue in the House of Assembly.

The Hon. M.J. ELLIOTT: On the basis of the Minister's comments, at this stage I will support the amendment, noting that that percentage is important as to whether or not I would later insist upon it.

Amendment carried; clause as amended passed.

Clause 7—'Selection of names to be included in annual jury list.'

The Hon. ANNE LEVY: This clause will now be opposed; otherwise, one would have two contradictory things in the Bill. It is consequential on the other amendment having succeeded, as is the new clause 7A.

Clause negatived.

New clause 7A.

The Hon. ANNE LEVY: I move:

Page 2, after line 14—Insert new clause as follows:

7A. Section 30 of the principal Act is amended by inserting after subsection (1) the following subsection:

(2) If a summons is issued to a person who, according to information contained in an electoral roll, resides more than 150 kilometres from the place where the jury is to be empanelled, the summons should include an endorsement to the effect that the person's attendance in compliance with the summons is not compulsory and—

(a) if the person elects not to attend, the person will be automatically excused from attendance in compliance with the summons; but

(b) if the person does attend, the person will be required (unless later excused) to render jury service as required under the summons.

This amendment is consequential.

New clause inserted.

Remaining clauses (8 to 10) and title passed.

Bill read a third time and passed.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 14 April. Page 463.)

The Hon. BERNICE PFITZNER: I rise to support this Supply Bill and note there will be an appropriation of $1 800 million to allow for the Government to continue to provide public services for the early part of 1994-95. This amount is $80 million less than the total of both Supply Bills of last year. There will be only one Supply Bill instead of the customary two Supply Bills, and this will cover the entire period from 1 July until assent is given to the main Appropriation Bill.

There is also a new provision in subsection (3) of the Bill which ensures that where Parliament has appropriated funds to an agency to enable it to carry out its functions in the previous financial year and those functions become the responsibility of another agency the funds may be used by the new responsible agency during the Supply period in accordance with Parliament's original intention without further appropriation.

I take this opportunity to discuss the recently raised issue on child-care. This issue has been with us ever since mothers began to bring in the bacon as well. I have been one of those mothers who have had very small children needing child-care. This issue has taken the centre stage again due to a new book entitled *Children First—What our Society Must Do and Is Not Doing for Our Children Today*, released by a British psychologist, Penelope Leach. In fact, the major part of her book is excellent, as it discusses parents and society in a realistic manner. 'Putting children first' is an excellent chapter, which discusses new approaches to poverty and privilege, new approaches to human rights for children, etc., as are the chapters on 'Children and parents', 'Getting started', 'Growing up takes time', 'Education and school', etc.

However, the chapter with which I do take issue is chapter four entitled 'Day care—dreams and nightmares'. She states that child rearing is seen as 'women's matters' and, whilst this concept is sometimes true, there is a gradual but definite change in our society towards the view that child-care is shared by both partners. She says that day care does not mean that it gives mothers real equality of opportunity in the market place, as we are still hindered by extra stress, extra expenditure and guilt resulting from lack of time for the child.

Further, she says that day care does not give mothers equality at home, as women still do most of the housework. That is all so, but Ms Leach then goes on to ask, 'What about their children?' She says:

> While they are babies or young toddlers, even the very best day care seldom gives them anything they positively need, and being in day care all day and every day often deprives them of what they need from mothers.

The Hon. Anne Levy: Absolutely insulting to child-care centres.

The Hon. BERNICE PFITZNER: My colleague opposite makes a comment about child-care centres, and I do concur with her, as will be seen as I expand the debate. The article continues:

Day care only comes into its own as first choice for children themselves towards the end of the toddler period, when it begins to fulfil developmental needs for companionship and education from others.

She then asks, 'What do parents want?' Her reply is:

Clearly, then, the assumption that universally available, acceptable, affordable day care will fulfil most parents' ideal is premature and may well be unjustified.

She then asks, 'What kind of day care?' Her answer is:

What is good for most children of three years is not necessarily appropriate for children of 30 months and may be downright harmful for any child of 13 months, let alone three months.

The Hon. Anne Levy interjecting:

The Hon. BERNICE PFITZNER: Quite true. The article continues:

The educational tradition that legitimises preschool centres and has no relevance to infants and their corporate nature—so desirable to policy makers and reassuring to parents—is developmentally inappropriate for them!

She declares that an infant needs continuous individual care and that nurseries and day centres seldom meet these infants' needs. Ms Leach also says:

In her [the child's] first six, nine or even 12 months that baby has no way of knowing that the parent who leaves her will come back, no way of measuring the passage of time, no way of holding the parent's image in her mind so as to anticipate her or his return. Only another known and beloved adult can keep her happily engaged.

Penelope Leach is obviously sending the message that to use nurseries, day care centres and child-caring facilities is now not on. As Dr Neil Wigg of the Child, Adolescent and Family Health Service states, 'This is all hogwash'. I concur and, further, those who are experts in child development would agree that this is all hogwash.

To use commonsense and logic, even when a child is cared for at home, mother is not always there. She goes to the toilet, she goes to the shops, she goes to parties and she goes to lunch, and at those times she has relatives, close friends or possibly even unknown baby-sitters to look after the child. In those situations Penelope Leach's statement that the child has no way of knowing that the parent will come back could also apply. It is commonsense that when the parent keeps reappearing time after time, whether from work or from the toilet, that is how the child will learn that his or her parent has not left forever.

We know that the quality of the environment and the quality of care given at home, at day care centres or at child-care centres are all important. Research has been done, particularly in America, that has listed characteristics of developmentally stimulating environments, according to Caldwell. Some of these factors and characteristics are as follows: first, that the optimal development of a young child requires an environment ensuring gratification of all basic physical needs and careful provisions for health and safety. I am sure members would agree that that would be available both at home and at child-care centres.

Secondly, the development of a young child is fostered by a relatively high frequency of adult contact involving a relatively small number of adults. This also is possible at home as it is at child-care centres. Thirdly, this development is fostered by a positive emotional climate in which the child learns to trust others and himself or herself. One could say that many homes may not have that positive emotional climate.

Fourthly, the development of a young child is fostered by an optimal level of need gratification. Fifthly, this development is fostered by the provision of varied and patterned sensory input in an intensity range that does not overload the child's capacity to receive, to classify and to respond. I would contend that child-care centres have specifically trained staff to oversee and to supervise these areas.

Sixthly, the development of a young child is fostered by people who respond physically, verbally and emotionally with sufficient consistency and clarity to provide uses as to appropriate and valued behaviour and to reinforce such behaviours when they occur. Some would say that child-care centres cater for this type of behaviour rather better than do the parents of the child.

The seventh criterion for the development of a young child is an environment containing a minimum of social restrictions on exploratory and motor behaviour. The eighth criterion is the provision of careful organisation of the physical and temporal environment which permits expectancies of objects and events to be confirmed and to be revised. The ninth requirement to foster the development of a young child is the provision of rich and varied cultural experiences rendered interpretable by consistent persons with whom the experiences are shared. The child-care centres will have to have a regular and permanent staff to cope with this particular factor.

The tenth criterion is the availability of play materials which facilitate the coordination of sensory motor processes and a play environment permitting their utilisation. The eleventh criterion for fostering the development of a young child is contact with adults who value achievement and who attempt to generate in the child secondary motivational systems related to achievement.

Finally, the development of a young child is fostered by cumulative programming of experiences that provide an appropriate match for the child's current level of cognitive social and emotional organisation.

These then are the factors important for child development and therefore for child rearing and child care. These particular factors can be, and in Australia are, present both as much in the home as in child-care centres. Arguably some might even say that some of these factors are more prominent in child-care centres than at home.

It may be possible that Penelope Leach's own experience in the UK might have coloured her point of view. I have had experience of British child-care centres for my two children, at stages of six months and 2½ years. That particular British child-care centre was not good, and I quickly changed to an individual child minder, who was exceptionally good. When I arrived in Australia I used child-care centres and I worked as medical officer at numerous child-care centres where the staff, equipment and service could not be faulted. Indeed, as Dr Neil Wigg comments, Australia is a world leader in child-care and we should be proud of this achievement.

As the 12 April editorial in the *Advertiser* stated, 'Child-care is a national priority.' There is no argument in that—only that we should be open to the different options. The option of a child-care centre should not be put down or discredited. Nor should mothers who have used, or who are or who will be using, child-care facilities be made to feel guilty. These centres are a valid option and, if suitable for the child, should be used freely and without guilt or concern.

Although Penelope Leach says that 'our society can do so much better for children than it does', this should not apply to child-care centres. Rather it should apply, in my opinion, to our children who are at risk of being abused physically, sexually or through neglect.

So, before we decide to close down our child-care centres in order to balance the budget and allocate the funding to home care, let us be fully informed that there is as yet no comprehensive research to support Penelope Leach's contention, even though she be a veteran expert in child development. I support the second reading of the Supply Bill.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

WORKCOVER CORPORATION BILL

Adjourned debate on second reading.
(Continued from 13 April. Page 436.)

The Hon. A.J. REDFORD: In rising to support this Bill and its associated legislation I remind members opposite of the former Minister of Labour's comments to the House of Assembly on 12 February 1986 when he introduced the legislation promulgating WorkCover.

The Hon. L.H. Davis: That was Frank Blevins.

The Hon. A.J. REDFORD: It was Mr Blevins. He said:

> It is recognised that no system can be designed that will ever fully compensate injured workers because many losses such as the loss of promotional opportunities are simply not quantifiable. The [Labor] Government recognises that a balance should be struck between the legitimate rights of workers to fair levels of compensation and the economic ability of industry to pay the cost of that compensation.

Those comments were repeated by the Leader of the Opposition, Mr Sumner. With that in mind, it is absolutely astounding to hear members opposite and the Australian Democrats pontificate on this and other legislation before this place.

Since 1986, the Australian Democrats and the Australian Labor Party have presided over a workers compensation regime which has given South Australia the most expensive system in Australia and destroyed the rights of workers to proper and fair compensation. It is absolutely unbelievable that, despite the savaging that members opposite received at the last State election, they continue to peddle the 1960s rubbish that led this State to the position in which we now find it. It is also absolutely astounding that the Democrats, promulgated by the platitude that they would 'keep the bastards honest', are also peddling the absurd rhetoric of the Labor Party that we have already heard in the second reading speeches on this legislation.

It is clear that members opposite and the Australian Democrats have gone to little trouble to actually speak to injured workers and small businesses which are struggling for their very lives to survive these difficult economic times. It is also absolutely astounding that they have continued to ignore the fact that apart from Tasmania South Australia has the highest rate of unemployment in this country. In fact, the whole approach of the Australian Democrats is one of intellectual elitism, of pandering to sectional interests, to the overall detriment of ordinary South Australians, particularly those who are seeking jobs.

The Hon. L.H. Davis interjecting:

The Hon. A.J. REDFORD: Yes, the lentil soup set. I point out that they are not in the Chamber to hear the debate on this very important legislation. They are out there with the phone box, I think. It is also interesting to see the Democrats' approach to legislation in this place. I now understand that the problems of the State Bank and various other institutions left to the current Government by the previous Government were in no small measure due to the approach of the Australian Democrats to legislation. Indeed, it is my view that their approach to the Government's program is reprehensible. The Hon. Michael Elliott has the gall to criticise the Minister's handling of the matter in the light of his Party's performance. For instance, I asked the Democrats a number of questions, including: did they make themselves familiar with our policies announced prior to the election; of which of our policies did they announce their disapproval prior to the election; of which of our policies did they announce their approval prior to the election; do they say that the Government has a mandate to do anything; and, if so, what do they say the Government has a specific mandate to do having regard to its announced policies?

In answering those questions, the Hon. Michael Elliot said a number of things. He indicated that he knocked on 7 000 doors during the election campaign. That was in the trendy area of Davenport, which he claimed was the most winnable seat in Australia for the Australian Democrats. Notwithstanding that, he struggled to obtain 20 per cent of the vote in that seat. If that enables him to claim any form of mandate to do what he is currently doing, it is beyond me. He went on to say—

The Hon. L.H. Davis interjecting:

The Hon. A.J. REDFORD: Absolutely, and he is not even here to listen—that he polled the electorate directly in relation to compulsory voting. I will make some comments about polling people later in this speech. By the end of his answer, we were left with the feeling that the Democrats believe that the mandate of this Government is whatever the Democrats think fit. That is the net effect of what the honourable member said. He has absolutely no basis for saying that. The hypocrisy of the Hon. Michael Elliot in relation to this legislation and, in particular, the Government's mandate is astounding. I quote from his second reading speech of 27 February 1986 to demonstrate the hypocrisy that he is displaying. At that time, he said:

> The Government has a mandate for workers compensation in the general form proposed.

It is a shame, given the mandate that this Government has, that he does not adopt the same attitude. What has been the attitude of the Australian Democrats to this and other important legislation in this place? It has been one of obstruction. I will detail that in relation to these Bills in due course.

The Hon. Mr Elliott, having not only lost what he described as Australia's most winnable seat, having knowingly refused to explain what he claims their mandate is, and having refused to acknowledge that the Government has any mandate to do anything, split on their leadership—a divided Party. The net effect of that has been an electoral disaster for the Australian Democrats. From the position of obtaining 7 per cent of the vote at the 11 December election and following that with their leadership dispute, their refusal to acknowledge a mandate and their indicated obstructionism in this place were put to the test in the Elizabeth by-election. The end result is that they struggled to get their deposit back. Their vote dropped to nearly half of that which they obtained at the 11 December election: only 700-odd votes or 4 per cent of the vote.

One would think that the Democrats would ponder their position and perhaps acknowledge that this Government has a mandate to do a number of things. One would think that they would proceed also to acknowledge the fact that the Government should be allowed to get on and govern this State in a manner in which the South Australian people want.

But what has their reaction been? They refused to put up a candidate for the seat of Torrens. They were devastated in the poll at the Elizabeth by-election; now they are refusing to front the people in the Torrens by-election. Quite frankly, the approach by the Australian Democrats can only be described as gutless. The dishonest approach of the Democrats is evidenced by a question asked by the Hon. Mr Elliott last Thursday. It was deliberately designed to mislead the public by implying improper motives on the part of the Minister for Primary Industries. If dredging up the conduct of Minister's relatives is the Democrats' version of 'keeping the bastards honest', perhaps we ought to consider what improper motive the honourable member had in relation to the Gilfillan affair.

Let me turn to the looney tune approach that the Australian Democrats have to this legislation. I will explain precisely why I say the Democrats have embarked on an inadvertent conspiracy with the Labor Party to visit again the problems of the State Bank on the South Australian public. The first issue concerns the board of management. Mr Elliott has indicated that he opposes removing the tripartite nature of the board and minimising representation of workers and employers. He then proceeds to justify the appointment of people to the board based on sectional interest rather than on overall merit. He said that there must be a retention of the tripartite nature of the board. He is critical of the fact that the Minister for Industrial Affairs appears to have wider powers under the current Act, and he emphasises that the WorkCover Corporation should function independently.

Those are fine sounding words, and in the sterile atmosphere of this place they may sound attractive, but it seems to me that what Mr Elliot is seeking to do is to entrench class conflict. Appointments must and should be made in accordance with particular skills. I should not have to remind the honourable member and other members in this place of the criticisms of the Royal Commissioner in relation to the structure of the State Bank board. As he said, people should be appointed for their skills in the appropriate area and not because of some interest they might happen to represent. However, I must say that is consistent with the approach the Australian Democrats adopted in supporting the previous Government, notwithstanding the previous Government's failure to manage the State Bank properly. The claim by many other witnesses including then Premier Bannon was that the board was independent and the State Bank was independent and that therefore—

The Hon. M.S. FELEPPA: I rise on a point of order, Mr President. I think the Hon. Mr Redford's comments are outside the parameter of this Bill, and I ask you to direct that he confine his remarks to the Bill.

The Hon. A.J. REDFORD: What I am seeking to do is contrast—

The PRESIDENT: Order! The honourable member is allowed to expand his argument that far, so I rule there is no point of order.

The Hon. A.J. REDFORD: So that the Hon. Mr Feleppa can understand, I am saying that what the Democrats are proposing here is the same structure as we had with the State Bank Board, involving the same non-accountability and the same hands-off approach. That was what former Premier Bannon did when he went into the royal commission and gave his answers. It was a hand-offs policy. That is precisely what the Hon. Mr Elliott wants to do with the WorkCover Board.

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: That may well be the case, but the fact of the matter is that you want to visit that back on us.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: No accountability! The penultimate argument—and I must point this out—was that at the end of the day the previous Government was not responsible, and you are still peddling that rubbish after some $3 billion losses. It is the same rubbish. What members opposite are trying to visit upon us is exactly the same structure.

The Hon. R.R. Roberts: That's what you insisted on, you and the Democrats.

The Hon. A.J. REDFORD: That may well be the case, but I am talking about WorkCover today. What happened 10 years ago is very interesting history. One of the principal platforms on which this Government was elected was the principle of responsibility and accountability. Without some responsibility to the Minister and having regard to the fact that the Minister is ultimately responsible to this Parliament and to the people, there is no accountability. We have seen a similar example of that in relation to the Democrats' approach to the Passenger Transport Board. I remind members, and in particular the Hon. Mr Elliott, that for over 15 years we have adopted a model where everybody has to be independent. Unfortunately, the greater the independence, the less the accountability and, if we are going to make proper changes, we must have accountability of some real substance.

There are literally dozens of statutory authorities that are technically accountable to Parliament, and that is what Mr Elliott wants—accountability to Parliament. Let us examine that approach. The accountability to Parliament has not led to any better management or, indeed, to any real or substantial accountability. One has only to consider the number of statutory authorities that fail to fulfil their simple obligation of filing on time annual reports in this place to understand that accountability of that nature is not real accountability. It is farcical to think that you can literally hand over all responsibility to some independent board and then think that forever and a day it will continue to do the right thing. What members must understand is that ultimately no-one is more accountable than members in this place and that accountability is exercised through the ballot-box and to a lesser extent through the system of responsible Government that was so sadly ignored and abused by the former Labor Government.

One has only to look at the conduct of the current Federal Labor Government to see how the principle of responsible Government has been undermined. Of course, a pleasing example was the approach of the Senate, and in this case I acknowledge the role the Australian Democrats played in the recent resignation of a Minister associated with the sports rorts affair. In that case we saw an example of where a Minister ultimately was held responsible for her conduct, and it was done merely through the principle of responsible Government. I can see no reason why the same principle cannot be applied in relation to this legislation.

The Hon. T.G. Roberts: It's all right while they're on your side; is that what you're saying?

The Hon. A.J. REDFORD: I trust this system of responsible Government when it is exercised correctly. In that case, the resignation of the Minister was done responsibly, albeit quite belatedly. But at the end of the day the truth came out. The honourable member's approach obviates and takes

away all real accountability. We have seen an example of that with members of the TAB Board. When the Minister asks questions or wants something done it tells him to go and get nicked. That is not the way to make people accountable, and to make people accountable is why we were elected.

The Hon. Mr Elliott also indicates that there should be some representative nature in relation to the board. Here we go again; we are entrenching the vested interest. I must say that contrasts markedly with his rather banal question directed to the Minister for Agriculture last week, when he said that, if the Minister had some form of vested interest in a topic, he should take no part in it. That shows up the intellectual dishonesty of the Australian Democrats. Quite frankly, I think it is a political stunt—and I am referring to the question about the Minister for Agriculture's situation—and some move by which he thinks he can gain the rather inordinate publicity he manages to get (notwithstanding his obvious declining political stocks). What he also fails to understand, and I know the Hon. Mr Roberts, Mr President—

The Hon. R.R. Roberts: Which one?

The Hon. A.J. REDFORD: Mr Ron and Mr Terry, I should say that in plural—would like to come in and defend the Australian Democrats, because you do have something in common, and it is called declining electoral stocks. I might say that, what he failed to understand is that when legislation establishes a public monopoly—and in this case the public monopoly in WorkCover was opposed by the Liberal Party at the time—there was some change in the attitude of the Liberal Party between 1982 and 1986. It opposed that monopoly and it opposed complete independence at a time when perhaps it might have been less fashionable. Quite clearly, in a situation where there is a monopoly, some greater degree of accountability must apply, and it is the Government's view, and indeed my view, that the monopoly has to be accountable, not just in a theoretical way by some report annually to the Parliament but, as I said earlier, in a substantial and practical way.

At the end of the day, it is important to recognise that this board is managing large amounts of investment funds and is involved in a large range of areas. The board needs to have many different skills, and a process of selecting a board on the basis of some industry representation is wrong. Let us look at what members opposite did with the TAB. There are six members on a racing board involving betting, and three of them are lawyers. I have a great deal of respect for my profession; there are three out of six and they will not go. They are sitting there. They have the attitude, 'We're not going.' That is precisely the sort of result we will get from these sorts of amendments from the Australian Democrats.

I will just change the topic now because I think I have got members opposite on that one. I know that the Hon. Mr Ron Roberts agrees with my comments about too many lawyers being on the board. Perhaps he might make a comment in the Council tomorrow supporting the Hon. Mr Oswald's approach in that regard. I will turn to the topic of costs, because to some extent that was a principal topic in all the contributions in this debate. I do not think that members need reminding that the cost in New South Wales is 1.8 per cent, and in this State 2.8 per cent, predicted to blow out to 3.2 per cent. It has been suggested by members opposite that to cut out journey accidents and changing stress is merely fiddling with the system, and it will make very little difference. Unfortunately, when members opposite say that, they demonstrate their ignorance so far as business is concerned. In labour intensive enterprises, 1 to 1.5 per cent, nearly 2 per cent, of total payroll is quite a significant amount and in marginal cases can mean the difference between the financial success and financial failure.

The Hon. T.G. Roberts: Stress is quite low in those areas.

The Hon. A.J. REDFORD: I know; it is only in the public sector, and I will cover the public sector in a minute; that is the public sector you blokes managed for 10 years.

An honourable member interjecting:

The Hon. A.J. REDFORD: Well, I use that word in its broadest sense. With the change of Government, we are hearing announcements of new business starting. Let us look at the example of Motorola, which initially wanted to employ 350 people. Let us say that the 350 mark is optimistic. So, 300 people are to be employed in this State. The difference is of the order of $150 000. That makes the investment in New South Wales and the current system that much more attractive. Do members opposite think we have a bottomless pit to get new business into this State when it will cost sums of the order of $150 000?

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: One senior manager's position and probably a fair percentage of its net profit when one gets to the bottom line. If you look at a small business that turns over $1 million, which has labour intensity, you are talking about $10 000 to $15 000, and on a very small profit margin that is a heck of a difference. That is the sort of thing that keeps people in jobs. Of course we have to get big business here, and they are pretty mean. The honourable member would agree with me on that.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I think it is all part of the package, and that is what this is. We will be debating some other parts of this package in due course. One needs really to consider the prospect of employers either not setting up business in this State or leaving the State. One needs only to cast one's mind back to the SABCO experience. A principal reason for SABCO's going out of business was WorkCover. Whilst it was not the cost aspect of WorkCover that put SABCO out of business, it was the practices of WorkCover that were visited upon SABCO that did it. Without commenting on the cause and extent of the injuries that led to the extraordinary number of claims at SABCO, the principal reason that it went out of business was that it had a huge proportion of its work force on light duties. Despite SABCO management stating to WorkCover that it could not take any more workers back on light duties, WorkCover insisted that that occur. At the end of the day, it had more people on light duties than it had working. As a result the business foundered.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: That's right. Perhaps we will have more safe unemployed people and we could get to the ideal safety regime and just not have any employment.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: There are other means by which WorkCover could have dealt with the problem. The occupational health and safety legislation provides some very severe penalties. SABCO did not go out of business because it was paying heavy fines: it went out of business simply because it had too many people on light duties and a WorkCover Corporation run by sectional interests telling it how to run its business. And it died and left the State. It is quite clear that WorkCover and those sorts of issues do have a substantial impact on whether or not business is done here

in South Australia. It is facile to avoid these comparisons by saying that companies interstate pay excesses. That point was raised by the Hon. Ron Roberts. In fact, it is intellectually inconsistent.

Everyone in this place would agree that safety is of paramount importance, therefore why not visit directly on the employer the cost of injury to some degree? That is not part of the current package, although I believe that it is an option we can consider in due course. The Hon. Michael Elliott said he would agree to certain changes provided we brought in some no faults system. One could be forgiven for thinking that this has come from left field, and it is something that I will address later. The comments made by members opposite and by the Hon. Michael Elliott on the topic of social security are quite extraordinary.

They are alleging that the corporate sector is bludging on the Australian taxpayer. I cannot understand why some people in this community are unable to understand that it is the corporate and business sector which provide jobs, employment and wealth and which, as a consequence, ultimately lead to the ability of a Government to tax the recipients of that wealth. The corporate sector provides most if not all of the productive aspects of this society, and to say that it is bludging off the taxpayer is, quite frankly, ridiculous. It is a repetition of the old fashioned bosses versus workers mentality that the lunatic fringe in this country appears to be continuously spouting forth. In fact, if we have another 11 December, the ALP will be in the lunatic fringe.

When one looks at the current system, one can hardly be excited about the benefits provided by WorkCover *vis-a-vis* social security, and it is something members opposite overlooked. It is looking at the small individual instead of going off to your broad industry representative groups and getting overall global figures. I will give a simple example: a worker with two dependants. Let us say he is earning $350 a week. He pays tax of $29 and has a total net income of $321. Let us say this worker is injured. After 12 months he receives 20 per cent less than his normal salary, so it goes like this: income $280, tax $13.70, balance $266.30—all out of this wonderful WorkCover scheme that employers are paying so dearly for.

Let us look at the same individual with two dependants who loses his job. Not only does he receive all the entitlements under the social security system such as health benefits card, free public transport and all the other benefits that flow to those people, he receives the dole. It goes like this: Job Search allowance, $265.30. He gets one dollar less being on social security and he does not have to put up with all these bureaucrats climbing over his carcass telling him how he ought to run his life. The current system pushes people into the social security system in any event, yet members opposite say that the current system is wonderful in South Australia because we do not push people onto the social security system. The only people you are not pushing onto the social security system are those who are too dumb to work out that they might be better off under the current regime you have visited upon this State.

To sit there and claim some sort of intellectual or moral superiority is indicative of the complete lack of touch that both the members opposite and the Australian Democrats have with the average person. And you really have to look at the little fellow, not your gurus and not your sectional interests that visit your office every other day.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: No, certainly, and sometimes I think they have a pretty good point to put. If you go back to 1986 and look at every prediction the legal profession put to the Labor Government, they all came to pass. They told this place—and the Hon. Mr Blevins—what would happen. In fact, it did come to pass and, at the end of the day, some of you fellows had to sit there and watch the common law rights of workers ripped off them and the workers given nothing in return. In his arguments in relation to the tightening up of the stress definition, the Hon. Terry Roberts argued that it is likely to disappear, as did repetitive strain injury, with better work practices.

Unfortunately—and I wish he was correct—that ignores the reality of the situation. Repetitive strain injury was a result of mass hysteria, and that has all been well documented in a great many journals. It was resolved by a series of educational measures and also by small changes in work practices. The work practice changes were insignificant, and my experience in my own office would indicate that. It merely meant the acquisition of better chairs and ensuring that workers took proper breaks. That disappeared to nothing, but stress is a lot more complex than that. The level of stress in the Public Service is quite extraordinary when contrasted with the private sector. I cannot understand why that should be the case.

It would appear that private sector employers are more compassionate and better people managers than those in the public sector. I doubt that, and I think that the Hon. Terry Roberts may agree when I put the proposition that it is unlikely that public sector management is any better or any worse than private sector management. What the Hon. Mr Roberts might look at is the degree of pressure that the Public Service Association has placed on Government departments not to dispute stress claims. As such, the current legislation has been circumvented, leading to this legislation. Not long ago we looked at the stress issue in this place. We went through it, and it has had absolutely no effect because, in my view, of the conduct of the Public Service Association and its cosy deals with certain Government departments on this topic of stress.

At the end of the day, all it has achieved is to bring disrepute on many hard working public servants. It has brought disrepute on those few public servants who have, in my view, genuine stress claims. The problem with stress is that there is a great tendency on the part of employees, when a problem arises, to blame the employer. This then leads to some perceived view that they suffer some stress and the restrictions subsequently placed on the proper management of an enterprise on an employer by this sort of claim is enormous and can interfere with the proper and sound management practice of that business.

I consulted with a number of lawyers in relation to the rehabilitation aspect of this legislation and the effective rehabilitation in relation to WorkCover in recent times. Whilst I do not have any specific figures on this, every one of them—and I consulted with a number of lawyers—has said to me that in the past 18 months with long term recipients of WorkCover, rehabilitation has virtually come to a halt. The rehabilitators have given up. In fact, the effect of the current regime is that those workers on long term WorkCover are sick to death of the bureaucracy and the ability of bureaucrats to run their lives. What has happened is that WorkCover has kept a lot of these people on the drip system when, quite frankly—and I know that this is not currently before the Council—a lump sum payout would allow them to get out

and get on with their lives. Certainly, it would give workers a choice. I appreciate that this is not part of the current package, but I think that can be looked into at a later time. Mr Elliott—and I might say he is great champion of doing surveys as is indicated on compulsory voting—perhaps should go out and do another survey. I will make this challenge—

Members interjecting:

The Hon. A.J. REDFORD: You go to your union mates and get them to survey every single long term recipient of WorkCover benefits and say, 'What do you want, do you want a lump sum payout or do you want to be kept on this drip system, this socialist system where you have a bunch of bureaucrats running around telling you they know how to live your life better than you do?' I guarantee that 90 per cent of those people will come back and say, 'Give us the lump sum and let us get on with our jobs.' Provided it is properly costed I think that merits some consideration. With the hotchpotch system that you have visited on us we have to deal within the parameters we have. I hope and trust that this Government will look at the whole thing and start from scratch because that is about what it needs. In the meantime we will deal with what we have got.

I would be interested to also have a look at figures with this wonderful socialistic scheme. The Labor Party got away with propaganda for a couple years but at the end of the day, on 11 December, people woke up. I would be interested to see precisely what percentage of workers who have been on this drip system, this socialist WorkCover system for 12 months, actually go back to work. I suggest that there would be very few. All those people have in front of them is some bureaucrat telling them what to do. They cannot leave the State, they cannot go out and seek other employment or take a punt. At the end of the day they finish up broken human beings.

I now turn to the topic of journey accidents. I might say again that the approach of the Australian Democrats is absolutely morally bankrupt. The Hon. Mr Elliott comes into this place and says that he supports this legislation and then starts to move a series of amendments that puts us back to where we were. He says he supports it. If he reckons that the media are that dumb that they will sit there and swallow that then he has another think coming. It is pleasing, Mr President, if I can digress, to see that the *Advertiser's* editorial has captured these figures so accurately and so well. It is good to have good and unbiased reporting in this State. I tell you what, they are a lot more honest than Mr Elliott who comes into this place and says, 'I support this legislation but you cannot change journey accidents or stress claims and I want to make the WorkCover board non-accountable.' We do not need support like that.

I do not understand why he cannot be intellectually honest and come out and say, 'I oppose this legislation.' I might also enlighten the Hon. Michael Elliott by pointing out that the Federal Industry Commission Inquiry into workers compensation in Australia has recommended that journey claims and injuries arising during authorised breaks from work should be excluded from compensation claims. The report specifically recommended that journey claims and injuries occurring during unpaid breaks be excluded from workers compensation insurance. The report stated that the compensation test should be the extent to which the employer is or was in a position to exert control over the circumstances associated with a particular injury or illness.

It would appear that Mr Elliott is talking to the wrong people. He has not done his homework and he really does not understand the commercial realities of the situation. The employer cannot possibly accept responsibility for accidents outside his control. There is no issue of safety here. What does the looney tune Australian Democrat proposal come up with? A no-fault system of insurance conditional upon him removing the journey accident system. I have to say that is absolutely ridiculous. I could perhaps understand him not being well prepared on a number of issues but to propose a completely new, no fault compensation scheme and to attach it on a series of reforms to WorkCover is absolutely astounding. I hope that the Adelaide media pick up this looney tune approach. Where is his costing? Where is his research and to what experience does he say it is appropriate? Why has he not introduced a private member's Bill in relation to this?

I will give the honourable member a couple of home truths on this topic. About 3 per cent of CTP claims are work journey claims. The SGIC says that about 1 per cent of all persons injured in road accidents in the course of work journeys would not be entitled to damages or less than the full measure of damages. Establishment of a no-fault scheme will result in approximately 33⅓per cent more persons being entitled to compensation for journey accidents. To maintain a system at adequate levels of compensation, a substantial premium increase would be needed to cover the additional number of claims and administrative cost. The Northern Territory scheme is yet to be properly tested having only been introduced in 1991. If you bring in this no-fault scheme all you are really doing is transferring liability from the Federal Government to the State Government. I know members opposite are used to that because that is what they did with WorkCover, but quite frankly our interest here is to the taxpayers of this State.

Members interjecting:

The Hon. A.J. REDFORD: An issue to be considered is whether it is equitable that a person at fault in an accident should be entitled to the same or similar benefits for injuries received as a person not at fault. Road safety issues of encouraging safe and defensive driving arise. I see that the Hon. Mr Crothers points out my broken nose. Under the current system, because I was on my way home—I went from here down to cricket practice and then had to duck home—I would have been compensated for that. That is a great idea.

Members interjecting:

The Hon. A.J. REDFORD: I point out to the Hon. Mr Roberts that I got nothing for pain and suffering. Persons not compensated under the existing scheme are entitled to payments for hospital and medical treatments through Medicare. Other treatment costs may be payable. If we bring in a no-fault system again we are transferring moneys from the State to the Commonwealth. One wonders with that sort of approach and the sort of accountability we are talking about, if the Democrats ever got hold of the Treasury in this State, whether the State Bank would be just a precursor and a small one at that of many further great financial disasters.

It is also important to record in relation to this Northern Territory scheme, of which he is so fond, that the maximum pay-out is $122 000. So, if we follow the Democrat principle, it is: here we go again, Mr President! The really needy and the really injured are thrown onto the social security scrap heap. If a 15 or an 18 year-old has an accident, and becomes a paraplegic, the most he can expect is $122 000, whether or not he ever works in his whole life again. That proposition is

absolutely absurd and indicates a complete lack of research on the part of the Australian Democrats.

The absence of those members from the Chamber, having regard to the comments they have made, does not indicate that they spend their time on a great deal of research. Before coming up with these loony tune schemes from left field they ought to go back and do their homework. In my view, it is the journey accident employer subsidising the public and not the other way around.

In closing, I will say there has been some indication from the Leader of the Democrats that privatising should be the subject of parliamentary scrutiny. Again, this shows how the Democrats are totally out of touch with the real world. How can a group of some 67 people scrutinise commercial arrangements and determine whether or not they are adequate? If we start doing it in this respect, perhaps we could get Parliament to scrutinise the issue of taxicab licences or the issue of fishing licences. Based on the contribution to this debate so far by the Democrats, perhaps they have found their level: the scrutinising of the granting of licences! As if we do not have enough to do. Sometimes the Hon. Mr Elliott has to understand that the trust of the people is placed in a Minister, and he has to respect that trust.

The honourable member also refers to the use of actuarial tables. I remind Mr Elliott that anyone involved in the compensation business would understand just how misleading actuarial tables can be. We are dealing not with machines or numbers on a piece of paper but with human beings. Actuarial tables completely ignore that.

Each case has to be determined on its merits. In my view, the current system has really created a whole new bureaucracy. I will give a simple example. We now have approximately 25 review officers on total salary packages of between $60 000 and $80 000 per annum. When we look at the old system—the one that was thrown out; the one that was so unfair—we had in this State some five claims officers. One really has to look at whether this representative body, fulfilling roles from sectional interests, has the capacity or the ability properly to run a big financial enterprise such as WorkCover.

In closing, I remind members that without changes to this scheme average levies paid by employers would rise from 2.86 per cent to 3.15 per cent. That is in the opposite direction in which other States are headed, and we cannot continue that process. If there is one thing this Government has a mandate to do—

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: I will come back to that and answer it in a minute. I know the word 'mandate' creates a lot of difficulties for the Hon. Mr Elliott, but if there is one thing for which this Government has a mandate it is to improve business conditions so that we can get back to full employment.

Returning to the query by the Hon. Ron Roberts, I will say that, if you had looked back at WorkCover and brought in some of the initiatives that have subsequently been brought in, you would find that the premiums would have dropped to pretty much the same level in any event. But the attitude of the members opposite, and that of the Australian Democrats, flies in the face of the requirements of the electors at the last State election.

Clearly, the Government has a responsibility to act on the advice of the WorkCover Corporation. This is particularly so when it has claimed that there has been widespread rorting of the system in relation to stress and journey accidents. For the Hon. Michael Elliott to come into this place, having regard to that stupid question he asked of the Minister for Primary Industries, and then at the same time say that all the Hon. Mr Ingerson has done is put up some *ad hoc* examples designed to discredit the whole process and not properly argue the matter, in my view is hypocritical and dishonest.

I also remind members of the figures from the Government's Workers Rehabilitation and Compensation Office showing that in the past financial year stress accounted for 8.2 per cent of all claims but accounted for 34 per cent of expenditure. So, if you have a physical injury there is 34 per cent less money available to pay you compensation. That can hardly be fair when you look at what comprises that expenditure, that is, the public sector. I cannot believe that the people who work in the public sector can be that much more stressed than those who work in the private sector. I cannot believe that it is all due to poor management practices on the part of the public sector. I know that members opposite want to sit back and wait for our good management practices to bring stress claims back, but unfortunately we do not have the time. We want business to come back into this State, and that is absolutely important. Indeed, stress claims are costing the current State Government more than $20 million per year. That cannot be solely as a result of poor management.

Is Mr Elliott saying that we must have this stress problem visited upon us because of some miracle that might occur within the Public Service? It has nothing to do with poor management, and the Hon. Mr Elliott is insulting when he implies by way of his argument that public sector managers are poor managers.

At the end of the day, this is a very important item on this Government's platform. We were elected with an enormous mandate. The changes are not significant, and I hope that we will continue an ongoing review and, with the better management practices that this Government will undoubtedly bring to bear, we can have a major review and perhaps at some stage return to the workers some of the benefits that were taken from them by the previous Government. I commend this legislation.

The Hon. J.F. STEFANI secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 April. Page 441.)

The Hon. BERNICE PFITZNER: This Bill is one of three complementary Bills, namely, the WorkCover Corporation Bill, the Occupational Health, Safety and Welfare (Administration) Amendment Bill, and this Bill, the Workers Rehabilitation and Compensation (Administration) Amendment Bill.

From my previous experience and expertise as a medical practitioner, I want to focus on the stress and rehabilitation aspects and the journey accident issue of this Bill. Looking at the WorkCover Corporation functions in that Bill, clause 12(1)(c) provides:

> To promote the rehabilitation of persons who suffer disabilities arising from employment.

This function must be one of the corporation's priorities. Clause 8(1)(c) of the Occupational Health, Safety and Welfare Bill provides:

The advisory body is to recommend to the Minister codes of practice relating to occupational health or welfare, to keep those codes of practice under review and, where appropriate, to make recommendations in relation to their revision.

This advisory body will monitor the codes of practice so that occupational health and welfare will at all times be of a high standard, always taking into account that the preventive codes of practice with regard to industrial hazards are always better than cure.

I want to focus on journey claims. Let us look into the journeys that one has to take from home to work. If injuries are sustained during a journey that is undertaken as part of the employee's work, or at the request of the employer, then such injuries are compensable. However, if the journey is between an employee's residence and workplace, any injury sustained during that time is not compensable. This would seem logical, as previously public servants in the health area—and I was one of these—were not allowed to claim their mileage either for tax purposes or as a travel allowance for that residence to work journey.

Therefore, injuries sustained during that time ought not to be the responsibility of the WorkCover system. I understand that it has been suggested that there would be instances when, due to overwork, an employee or, for that matter, an employer would be fatigued and perhaps doze over the wheel and an accident might thus eventuate. Such instances should be prevented by good codes of practice, which would promote a high standard of occupational health and welfare.

There are examples of such homeward journeys which show that this area ought not to be included in WorkCover claims. For example, a worker drove his car out of his residence, stopped and went to shut the gate. While doing this, his dog escaped and ran off down the street. The worker was injured while chasing the dog and the injury was compensable as the journey had commenced. The second example is of a worker who was cycling to work when a truck—

The Hon. R.R. Roberts: That dog has caused a lot of trouble.

The Hon. BERNICE PFITZNER: True. A worker was cycling to work when a truck passed him very closely. This angered him and he gesticulated his annoyance to the truck driver. The truck driver stopped his truck, got out and punched the worker, knocking him unconscious. The review officer determined that the worker had sustained a compensable injury whilst on a journey to work.

The third example involves a worker who one morning, when walking from her flat to her car to go to work, slipped backwards and fell on the grass, hitting a block of letterboxes and the pavement, causing an injury to her back and shoulder. The review officer determined that the worker was covered as soon as she stepped from the grass to the pavement because she had passed the boundary to the land opportune to her home, and her journey had already begun.

In the fourth example, a worker drove home after work and parked his car in the street outside his house. After getting out of his car the worker tripped and fell in the gutter, injuring himself. The worker was entitled to workers compensation because he had not passed the boundary of his house and therefore his journey had not finished.

Finally, on his way to work a worker became embroiled in a fight and sustained a cracked rib. The review officer found that the worker was on a journey to work and therefore was in the course of employment.

There are many such instances and incidents and common-sense dictates that these should not be included under WorkCover. The Government cannot sustain or support such injuries, which are obviously caused by personal accidents and have nothing to do with the worker's actual work.

Journey accidents represent 4.5 per cent of claims, and this represents approximately $22 million before recoveries and $15 million after recoveries. This measure of eliminating compensation for such journey accidents will have the net effect of saving the WorkCover scheme approximately $15 million per year.

I would now like to discuss the stress aspect. This area is extremely complex and complicated. Even psychiatrists who are supposed to be the experts at knowing, managing and handling stress do not quite agree as to what is significant stress. The experts use what is called the DSM3R table, which stands for the Diagnostic Statistical Manual of Psychiatric Disease. This is a classification of psychiatric illness, and there is a section on stress-related illness or disease. However, the interpretation of this DSM3R might vary.

Further, we have other experts assessing stress. We have the medical specialists, the general medical practitioners and possibly review officers. The difficulty arises in that stress is not a static or fixed entity. It is the result of a dynamic situation where there is a stressor—a thing that causes stress—and the stressed person. It therefore depends on the strength of the stressor and the resilience or tolerance of the person being stressed. Further, we must also make judgments as to whether the stressor is closely related to work and, in addition, whether the stressor is over and above what is expected of that occupation. The question of the degree of the stressor must also relate to the resilience and/or tolerance of the stressed person.

There is, of course, no disagreement on obvious stress situations. For example, when a fireman is called to an enormous raging fire and he is confronted with dead bodies in the blaze, or if an ambulance officer is called to the scene of an accident and the injuries are such that broken bones, torn flesh and spilt blood confront the officer, that would obviously be stressful and not related to their general cause of duty. However, some might even venture to say that for their occupation such incidents should be expected. For doctors and nurses it would be par for the course, in line with and expected, due to their occupation and the profession for which they were trained.

However, there are other stress claims that are not so obvious and, indeed, at times defy logic. For example, an employer instigated bankruptcy proceedings against a worker who had had costs awarded against him on an earlier compensation claim. The worker claimed that the instigation of bankruptcy proceedings had caused him to suffer stress-induced anxiety. In allowing the claim, the review officer determined that the worker was suffering from a mental disorder and that the stress was caused by worker's employment and did not arise from a reasonable administrative action.

However, in another case, we have a prison officer who had a history of stress claims and had a second job with the approval of his employer. The worker was frequently absent and the employer decided not to allow the worker to continue in the second job. The worker ceased work and lodged a stress claim. The review officer allowed the claim, finding that the stress was due to unreasonable administrative action.

These successful claims must be cause for concern and alarm for us all, especially when the State is in such dire economic straits. Stress, if not defined more clearly, is a potential for abuse, as some of these examples serve to identify. It is estimated that stress claims are costing the Government over $20 million a year. If we streamline the definition of stress, we will be able to help prevent further abuse or exploitation of existing benefits. This measure will have an approximate cost saving to the scheme of $6 million per year.

Accordingly, proposed new section 30A redefines and clarifies the circumstances in which stress claims can be compensable. The amended definition would be as follows:

A disability caused by stress is compensable believe if and only if—

(a) the stress affecting the worker is wholly or predominantly stress arising out of employment; and

(b) the stress arising out of employment is not to a significant extent attributable to—

(i) a reasonable, act, decision requirement or instruction in the course of, or in connection with, the worker's employment;

(ii) a reasonable act, decision or requirement under this Act affecting the worker.

Finally, in closing, this Bill must be applauded, especially in respect of those two areas of potential abuse: journey claims and stress. The definitions and circumstances regarding those two areas have been too vague and too loose and, given human nature, that tends to lead to abuse. It has been reported that, without changes to the WorkCover scheme, the average levies paid by employers could rise from 2.86 per cent to 3.15 per cent. South Australian workers compensation levy rates are the highest in Australia. The Government included these changes as part of its mandate and policy, a policy which was not hidden at the last State election. This Liberal Government has come in on a landslide and it is now delivering its election promise. Indeed, it is mandatory that these amendments be presented in legislation. I support the second reading.

The Hon. J.F. STEFANI secured the adjournment of the debate.

ADJOURNMENT

At 11.57 p.m. the Council adjourned until Wednesday 20 April at 2.15 p.m.