LEGISLATIVE COUNCIL

Tuesday 23 August 1994

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

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the special audit report of the Auditor-General pursuant to section 37 of the Public Finance Audit Act 1987 concerning the employment of relatives of staff by the Senior Secondary Assessment Board of South Australia and the issue of nepotism in the public sector generally.

PAPERS TABLED

The following papers were laid on the table:

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

Promotion and Grievance Appeals Tribunal—Report of the Presiding Officer, 1993-94.

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

Australian Formula One Grand Prix Board—Report, 1993.
Dried Fruits Board of S.A.—64th Report, year ended 28 February 1993.
Motor Fuel Licensing Board—Report, 1993.
Regulations under the following Acts—
Starr-Bowkett Societies Act 1975—General.
Workers Rehabilitation and Compensation Act 1986—Written Determinations.
Rules of Court—Supreme Court—Supreme Court Act 1935—Expert Report—Appeals—ER&D Court.

By the Minister for Transport (Hon. Diana Laidlaw)—

Institution of Surveyors, Australia, South Australia Division—Report, 1993.
Regulations under the following Acts—
Dog Control Act 1979—Registration Fees.
Housing Co-operatives Act 1991—
Investment Shares.
Winding Up.
Passenger Transport Act 1994—Taxi Fares—Age of Vehicles.
South Australian Health Commission Act 1976—Fees for Prostheses.
Corporation By-law—West Torrens—No. 3—Garbage Removal.

GAMBLERS' REHABILITATION FUND

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

Leave granted.

PRISON REFORM

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement on prison reforms made by the Minister for Emergency Services in another place.

Leave granted.

QUESTION TIME

TRANSPORT FARES

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about public transport fares.

Leave granted.

The Hon. BARBARA WIESE: In January 1993, the Minister, accompanied by the then Leader of the Opposition, now the Premier, announced the Liberal Party's much heralded passenger transport policy. At the time, the Premier gave an assurance that public transport fares would not increase above inflation. So, I ask the Minister: does she stand by that assurance or will she confirm that, in May this year, the Government deferred normal mid-year CPI increases in public transport fares so that much larger increases for passengers in outer suburbs could be introduced later this year?

The Hon. DIANA LAIDLAW: It is true that in May this year the Government deferred consideration of that matter. It was done so on my recommendation, because there are anomalies in the fare structure at present. I have talked about this matter in the Parliament before, so it is not new information as such. We will look at those anomalies in terms of the integrated fare structure which we will have to apply between TransAdelaide and the private sector when there is competitive tendering of services from March next year, the date that the Parliament has set for the 50 per cent of the services to be tendered.

So, those matters are being addressed. I remember when sitting on the Opposition benches asking the honourable member questions about the private bus sector not being eligible for concessions for the unemployed, and the Mount Barker bus service is such an example. If we are to encourage the private bus sector to be involved and to have an integrated bus and ticketing system, as I know the honourable member wants, it is important that we do assess how we can do so on a basis that is fair and reasonable to TransAdelaide and the private bus sector and to passengers, irrespective of the form of transport on which they would seek to ride. In relation to the issue of inflation, that would certainly be the goal in terms of public transport fee rises, which are being addressed at present.

The Hon. BARBARA WIESE: I seek leave to make a further explanation before asking the Minister for Transport a question about public transport fares.

Leave granted.

The Hon. BARBARA WIESE: The Opposition has been given a copy of a submission to Cabinet signed by the Minister for Transport and dated 18 August 1994, recommending sweeping increases in public transport fares to take effect from January 1995. It is the most extensive restructuring of public transport fares that has been proposed in many years, and it would represent a major assault on people, particularly in the outer suburbs of Adelaide, and on families with school age children, and pensioners.

For example, the commission recommends that the cost of a four zone multitrip ticket should increase from $14.60 to $20.50, and the two section multitrip ticket, which is currently $8.50, would be replaced by a one zone ticket which would cost $14. I therefore ask the Minister: has the Government agreed to the recommendations that she has made to

restructure public transport fares with increases to normal fares of up to 40 per cent or three times the current levels?

The Hon. DIANA LAIDLAW: No, because that matter was withdrawn.

SCHOOL CARD

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

Leave granted.

The Hon. CAROLYN PICKLES: I am concerned about an article in the *Advertiser* of 20 August 1994 regarding the problem of financial assistance to schoolchildren. The article states:

> South Australian parents are facing higher school fees to send their children to State schools. Several Adelaide schools have already been forced to increase their annual fees, one by 15 to 20 per cent, to about $200 next year. State school fees vary from about $90 to about $170 in primary schools, and from about $100 to more than $300 in high schools.

The whole question of the school card is also raised in the article. Of course, as part of the school card scheme, students can have cheaper travel on public transport. In posing my question to the Minister, I point out that, although the Minister for Transport has denied that the submission to Cabinet has been proceeded with, there is no doubt in my mind that members of the public might be interested in what was in that submission, and they should know.

I would like to point out to the Council that the submission to Cabinet dated 18 August from the Minister for Transport recommended increased fares for public transport and the calculations were based on the assumption that school card transport benefits would cease on 1 October. The submission states:

> The estimates in this submission assume that the issue of school card tickets will cease at the end of the third school term in 1994.

That is a very interesting statement. Can the Minister confirm or will he deny that from 1 October 1994 public transport tickets will no longer be issued to children holding school card benefits?

The Hon. R.I. LUCAS: Budget decisions will be announced on Thursday and not before.

TRANSPORT FARES

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about public transport fares.

Leave granted.

The Hon. BARBARA WIESE: It would appear that the current Cabinet has better judgment about what should be happening in the area of public transport than does the Minister because, whether or not the matter was withdrawn, the fact is that the Minister for Transport signed the submission that contains some of the most startling revelations with respect to public transport fares that I can recall in my time in the Parliament.

The Minister now says that that submission has been withdrawn. One would have to congratulate her colleagues for rolling her on this matter, because clearly that is what has happened: the Minister has been rolled on this issue of public transport fares. There is a reference in this submission to some work that has been taking place since May of this year, when Cabinet apparently resolved to defer the usual CPI increase of fares for public transport and instructed the Minister to proceed with further work on this abominable proposal which she went to the trouble of putting into a submission and which she signed. Her signature is on this document, so she did put it before her colleagues.

This submission indicates that planning for changes in the fare structure commenced in May of this year, and following Cabinet approval work on the new scheme would continue. The submission then states:

> A software specification has been developed and is currently with the Crouzet programmers in France.

So a considerable amount of work has already been done on putting together this program for extensive and abominable changes to passenger transport fares in Adelaide.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Now the Minister tells us that the matter has been withdrawn. My question to the Minister is: in view of the withdrawal of her Cabinet submission, will she indicate how much money has been spent thus far in developing the project which she prepared for Cabinet and upon which she was rolled?

The Hon. DIANA LAIDLAW: I have not been rolled in Cabinet. As I indicated, I withdrew the submission. This matter had been under consideration for some time, and I thought it was worthwhile having some assessment of—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Yes, it had been under assessment for some time. It is a matter which required some consideration, as do affairs in any area of Government service. The zone system which is under consideration reflects the fact that there is a zone system of fares in every other State. It will continue to be assessed, as will all other matters concerning fares.

SCHOOL ASSISTANTS

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

Leave granted.

The Hon. M.J. ELLIOTT: I have been informed from within the State school system that the Government is in the process of demoting an estimated 900 school assistants, a process which is aimed to save in excess of $1 million. The reason for this reclassification downwards has caused some consternation. I have been told that some of the affected staff members are not going down one grade but two grades, from level 3 to level 1.

The Hon. Anne Levy: They would all be women, wouldn't they?

The Hon. M.J. ELLIOTT: Most would be. Even though they will experience a $1 300 drop in salary if they go from a level 3 to level 2 assistant, they will still be expected to handle the same duties as before because no extra personnel are being employed. I have been told that about 600 of the estimated 900 people who are being reclassified will appeal the change. School assistants are playing an increasingly important role in our schools, often taking responsibility for the school's finances, working laboratories and the upkeep of books and resources.

Here we have the Government, at the same time as it is trying to pass on increasing responsibility to schools and therefore to school assistants, slashing their pay. I ask the

Minister, first, to confirm that the State Government is reclassifying the positions of many school assistants—I believe about one in five assistants at this stage. How many assistants are affected? How much money is the Government aiming to save? How does the Minister justify cuts to salaries when responsibilities are being increased?

The Hon. R.I. LUCAS: It is a nice try, but the school services officers, as they are called, have been involved in restructuring and reclassification for, I think, at least a year or two years. It was a process initiated by the previous Minister and the previous Government in consultation and on my advice (but I will check this) with the agreement of the unions which represent the individual workers.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The honourable member says that that is not the impression he has. What I am indicating to the honourable member is that that is the impression I have as Minister, and that the advice I have been given as Minister is that the impression he has is wrong. I will certainly bring back a reply, if not by the end of Question Time today then by tomorrow, to provide a more detailed response to some of the questions that the honourable member has put.

This process has been ongoing for some time. The problem is that, as so many school services officers have to have their individual jobs classified according to this somewhat complicated and cumbersome formula that was entered into by the previous Government Minister and the unions representing the school services officers, each individual job has to be investigated by nominated officers of the department to ascertain to which of the three classification levels the job belongs.

The Hon. M.J. Elliott: A school bursar is class 1, for instance.

The Hon. R.I. LUCAS: I am not entering into debate as to the detail of the individual agreement. All I can say is that this has been a long process, as I said I think for at least a year or two. Trying to classify these school services officers in accordance with this particular agreement is involving considerable resources of the Department for Education and Children's Services. My understanding is much different from the understanding of the honourable member. I guess that in a short space of time we will see who is right. I will try to bring back a response by the end of Question Time today and, if not, certainly by tomorrow's Question Time.

TRANSADELAIDE

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about passengers on TransAdelaide Services.

Leave granted.

The Hon. R.R. ROBERTS: When introducing the Passenger Transport Bill on 17 February the Minister stated:

> We are determined to reverse the drift to the ever higher costs and ever less relevance that has characterised our public transport system for too many years.

She also stated:

> Today patronage on the STA services is lower than it was in 1970—24 years ago—despite a 30 per cent increase in our population over the same period. I pose the following challenge to members: do we as a Parliament continue to tolerate the haemorrhage of both passenger services and taxpayers' funds that has characterised our public transport system over the past decade or do we act decisively and act now to stop the rot?

In her submission to Cabinet yesterday (which was knocked off, but we must remember that this is the document on which she signed off and has subsequently been told to remove) the Minister proposed the largest increases in public transport fees for many years—an average increase, on the figures supplied to us from that document, of 9 per cent—and predicted that the impact of these increased fares would mean a decline in patronage of 2.4 per cent. There is an acknowledgment that what this Minister was proposing would reverse everything she proposed earlier in the year and cause a decline of 2.4 per cent in patronage. Why has she so quickly failed the challenge that she set the Parliament in February to stop the decline in passenger services on our public transport systems?

The Hon. DIANA LAIDLAW: I remind the honourable member that the submission to which he referred was withdrawn.

CHILD CARE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question on the care of children.

Leave granted.

The Hon. ANNE LEVY: My attention has been drawn to a particular case where a women was to be arrested about six weeks ago for non-payment of parking fines. The parking fines had accumulated from about two years previously when, at the time, the woman concerned had a small child, was very pregnant with her second child, was attempting to study and was trying to cope with a disintegrating marriage and an abusive husband. At the time she put the parking stickers aside to deal with when she felt more capable of doing so. Subsequently she sought refuge in a women's shelter and her second child was born. After a time in the women's shelter she found accommodation through the Housing Trust and is now a single mother trying to raise her two small children while existing on a pension, supplemented by a very small amount of casual work.

The Hon. K.T. Griffin: Are they parking tickets or speeding tickets?

The Hon. ANNE LEVY: They were parking fines. Because she had left her previous address and had been to women's shelters in various places, presumably any follow-up notices from the parking fines were not forwarded to her or disappeared into the system, such that she certainly never received any further reminder that she owed a considerable sum on parking fines.

One morning about six weeks ago she had sent her elder child to school, as he has now reached five and is a proud new schoolboy. She took her baby to family day care, where the child is cared for while she undertakes a few hours of work. When she returned home to pick up some things before going to work, the police arrived to arrest her and take her off to gaol for non-payment of these two-year-old parking fines. She was of course considerably startled and agitated and said, 'But what about my children?' to which the police could give no satisfactory answer whatsoever. There was one child at school, the other in child-care, and the police wished to cart her straight off to gaol for non-payment of parking fines. My understanding has been that, whenever a parent with sole responsibility of children is to be arrested, the Department for Family and Community Services was involved and that someone from the department would accompany any police to undertake proper care and allocation of any children involved, so that that concern, at least, is not one that the

arrested person has to suffer, and it ensures that the children are properly taken care of.

However, in this case there was no indication that FACS had been informed; no-one from FACS was present and the police made no statement at all about making any arrangements whatsoever for the woman's children. As anyone with children will realise, the woman was extremely perturbed as to what would happen when her small boy came home from school and how long the child in family day care would be looked after before the carer felt it necessary to cease caring for the child, and what would happen to them. I may say that the matter was solved by the woman concerned making some phone calls and managing to borrow sufficient money to pay the parking fines there and then, which seems grossly unfair. She now has what is an enormous debt for someone on a pension to repay, but at least she was spared the anxiety of wondering what on earth would happen to her children. My questions are:

1. Why did the police not make arrangements or give undertakings that the woman's children would be cared for and that she need have no anxiety on that score?

2. Is this an unfortunate isolated event or is it common for police to arrest women without having taken any steps whatsoever regarding the care of their dependent children?

The Hon. K.T. GRIFFIN: I will certainly refer the question to my colleague, the Minister for Emergency Services, for a report. It would be helpful if the honourable member would be able to make available the name of the person.

The Hon. Anne Levy: I am quite happy to do so, but I did not want to make it public.

The Hon. K.T. GRIFFIN: No; I am just saying that if the honourable member could make available the name of the person to whom she referred in her question it would make it easier to have the matter investigated. I make no judgment about the facts as asserted by the honourable member. An investigation will determine the reasons why this occurred.

The other matter that has to be kept in mind is that it may not have been because of the Government that action was taken in the first place because, if they were parking fines, they were undoubtedly the responsibility of local government and, presumably, had gone through to the courts; the courts had imposed a monetary penalty; and the police were acting as agents of the Sheriff. But, notwithstanding that, it is important to determine exactly what happened, whether there was a breakdown in the system and then to address those issues. I understand from the statement of the Hon. Ms Levy that those facts did, in fact, occur. I am not suggesting that she is misrepresenting them, but if there was no other explanation then it would have been a matter of some concern to her constituent. I will ensure that the matter is referred to the Minister and I will undertake to bring back a report.

TRANSPORT FARES

The Hon. BARBARA WIESE: In view of the Minister's earlier indication that the matter of increases in public transport fares is still on the agenda, will the Minister rule out the introduction of the distance-based fare structure that she was advocating in a submission that she signed only a few days ago? Also, will she rule out the changes that she was proposing for inter-peak fares which would have such a damaging impact on pensioners? If these changes to the fare structure that the Minister was proposing are so necessary to make the competitive tendering policy that she is introducing work (as she says in the submission under her signature), will this mean that, if her Party will not support those changes, her competitive tendering policy will fail?

The Hon. DIANA LAIDLAW: That is a ridiculous supposition in terms of question No. 3. As the honourable member would know, in terms of public transport fees that are so heavily subsidised—in fact the most heavily subsidised in Australia—there is a difference in those fares and the long based fares, for instance to Mount Barker, or whatever; there is a difference in fare structure now. There is also a difference in the concessional arrangements that apply, and those are the anomalies that I have talked about. It is complicated. It is certainly not traditional practice in any efficient and effective public transport system, other than one that does not charge any fares at all, for there not to be a zonal arrangement. So, today if you want to travel from Walkerville to Adelaide or from Ashford to the city the fare is $2.70.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: These are the fares that the former Government brought in. So, people in the inner suburban areas are heavily subsidising people in the outer suburban areas because it is a flat $2.70 to get into the centre of the city, whether you live at Moana or at Walkerville.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: That means, as I understand it, that the people who are the most heavily—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW:—subsidised today are members of the work force who live in the outer suburban areas. There are some anomalies in the structure, and it is right and proper that they be addressed. The former Government—and this is what Mr Blevins did—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Well, I am very interested. The honourable member says that she is not interested in what the former Government did. I am not at all surprised, because under her Government 30.3 million people were lost to public transport—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW:—and the former Government introduced a fare structure that was absolutely warped, so we find a severe decline in numbers—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW:—from inner suburban residents. If the Minister had read her past correspondence—and I am sure that it would reflect the correspondence that I receive today—she would find strong resistance and resentment from people who live closer to the city regarding public sector structure fares which the former Labor Government introduced. Because of these complaints, anomalies and distortions in the fare structure, I have asked that the system be reviewed.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: Well, they would be paying now the two section fare, which costs $1.70, and not the $2.70 fare. If the honourable member did not get so excited and actually looked at the facts, she would realise that the majority of people in the southern suburbs do not travel to the city by public transport; they travel locally. The structure that was being looked at would have offered

discounts to them. Anyway, as I said, the whole matter is being looked at; it is being reviewed—

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: I do not rule out a zone system.

The Hon. Barbara Wiese interjecting:

The Hon. DIANA LAIDLAW: No, I do not rule out the introduction of a zone system. South Australia is the only State in Australia that does not have a zone system. The arguments that I have seen so far would recommend the reintroduction of a zone system, and of course it would have to be considered by others in the—

The Hon. Barbara Wiese: You have misled the electorate.

The Hon. DIANA LAIDLAW: I have never misled the electorate.

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: The submission has been withdrawn; the issue is being considered. However, I, as an individual Minister, do not rule out the reintroduction of a zone system as a fair and social justice move.

FORESTRY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the forest review.

Leave granted.

The Hon. T.G. ROBERTS: On 11 August, the Minister for Primary Industries tabled a report and made a ministerial statement on the forest review. That statement contains recommendations that will impact on not just the South-East but the central and northern regions of the State. I am sure that you, Mr President, would have an interest in the area around Wirrabara, etc.

The PRESIDENT: Indeed.

The Hon. T.G. ROBERTS: The forest review has caused people in the industry to be nervous about some of its recommendations. Although large areas of the State have a lot of confidence in the forest industry, a number of people are nervous about the impact of some of the recommendations. One of the recommendations on page 63 of the report states:

> . . . forestry should continue to seek and develop viable markets for small diameter logs. These logs could either be sold to a local processor or as exports in log or chip form.

That is one of the statements in the forest review that is making people nervous. The mere mention of exporting log as opposed to offering the log resource to local processors is exporting the ability to have value adding through processing and is certainly making many people nervous, particularly people in those regions of the South-East who would be interested in securing small log to maintain their place in the sun in relation to employment opportunities and the social growth of those townships that rely so heavily on them.

A recommendation on page 67 states:

> Community service activities should be administered by another organisation separated physically from the district offices. Charges should be increased to achieve full cost recovery.

This recommendation relates to some of the services that are provided by the Department of Primary Industries in respect of some of the activities involved in the provision of subsidised trees, bushes and shrubs to enable people to propagate in the community and to beautify their own geographical area. The report contains many other recommendations that are making people nervous.

I know it is not the Minister's intention to pick up all the recommendations. I think he has a fairly healthy respect for some of the concerns that are being shown, particularly in the South-East and in his own electorate. My question is: will the Minister prepare an economic and social impact statement taking into account privatisation and employment opportunities related to the recommendations and outcomes of the forest review?

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

DENTAL THERAPISTS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about dental therapists.

Leave granted.

The Hon. SANDRA KANCK: School dental services began in this State in 1971. The first clinics were established in schools situated in disadvantaged areas, and were then extended to all schools across the State. Originally, the service provided dental care for primary schoolchildren only. However, in 1983 a decision was made to extend the service to high school students. The School Dental Service not only provides treatment but also puts a lot of emphasis on prevention and education. Statistical data from the School Dental Service shows that 30 per cent of children are in the high risk category and, for the most part, this risk cuts across the socioeconomic spectrum.

Dental therapists' statistics also show that children who do not visit a dentist regularly are likely to have three times as much decay as those students who visit the dentist regularly, and that children who have private dental treatment have more fillings overall, showing that there is clearly a role for school dental services in terms of a better health outcome. The work of school dental therapists is in direct competition with private dentists. There is no dispute about the quality of the work, but the Australian Dental Association argues that private sector dentists are more efficient than public sector dentists.

In response to this claim a study comparing the cost effectiveness of the public and private sectors with adult patients was undertaken by the South Australian Dental Service. This study found that private sector dentists were less efficient and more costly than their public counterparts. This finding was criticised by the Australian Dental Association on the grounds that input data was not correct.

A second report was done adjusting some of this input data but producing the same end result. Again, the Australian Dental Association rejected the study's outcome and it was referred to Price Waterhouse for further examination. Price Waterhouse confirmed that, in fact, the private sector is 30 per cent more expensive than the public sector in providing dental health services. While this study was about adults, the same pattern has been verified for children. Last year, costs per child for services performed by the School Dental Service were $50. If the same services had been performed by the private sector they would have cost the taxpayer $105 per child.

The Dental Therapists' Association is a professional organisation and its executive is aware that savings do have to be made, given the State's financial difficulties. One

proposal that has been put forward, for example, is to charge a small fee for each child, and the dental therapists' view is that, whilst this adds costs to families in providing health care for their children, it is a more cost-effective solution than cutting back what is a very efficient service.

The promised $65 million cutback across the board in health would mean that funding of these dental services would be cut back, despite their greater cost efficiency compared to those of the private sector. The Dental Therapists' Association is concerned that a balanced policy regarding children's dental health may not eventuate if the Minister meets only with members of the Australian Dental Association and does not seek well researched information from the public sector. My questions to the Minister are:

1. Given the Minister's public statement that $65 million has to be cut from the health budget, will cuts to the school dental service take place, irrespective of reputable data showing that these services are more cost efficient than their private counterparts?

2. How can the Minister develop health policies to benefit all South Australians if he refuses to accept unbiased studies showing statistical data comparing both the public and private sectors?

3. Is it true that the Minister for Health has given a verbal directive banning anyone in the South Australian Dental Service from making any public statement about cuts to the health budget?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

SUBMARINES

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Leader of Government in the Council, representing the Premier, a question about statements made by the Federal Opposition spokesperson for defence, Mr Peter Reith, on the subject of the building in South Australia of the six Collins class submarines for the Royal Australian Navy.

Leave granted.

The Hon. T. CROTHERS: I speak on this matter with what I believe is some qualification with respect to the subject of the building of new submarines, that is, I served my time as a ship's carpenter in what was then the biggest single shipyard in the world, namely, Harland and Wolf of Belfast. Of course, I do not know what Mr Reith's qualifications are relating to the matter but, in a recent statement made by him, he was severely critical of the delay in the commissioning of the *HMAS Collins*, the first of this class of submarine, due to the lack of the full completion of that ship's sophisticated computer system within the specified time limits. His remarks on this matter can be best described as disparaging, and anyone who has any knowledge of the building of a new class of naval ship will know that they are seldom if ever delivered on time.

I well recall when a frigate called the *Blackpool* was built in Belfast—a very fast frigate indeed, of a new class. She was the forerunner to the Australian Navy's six river-class frigates which, as is known, have served the Australian Navy very well for the past 25 years or more. The final commissioning of the *Blackpool* was delayed for many months whilst Harland and Wolf sorted out all the new innovations and armament systems in that ship. As well as this type of ship, Harland also built many aircraft carriers for the Royal Navy and, when they were a new class of ship, the same delays always occurred in the building and delivery of the first ship of the new class.

Mr Reith's unfortunate remarks may well have cost the Australian Submarine Corporation dearly with respect to other work it might be able to attain due to its newly found expertise in this type of ship construction. Much more could be said about the apparent propensity for our Federal Opposition MPs to suffer from what people have described as 'foot in mouthitis'. Did somebody say Mabo? In light of the foregoing, I direct the following questions to the Premier—

The Hon. T.G. Roberts: It's sad when you've got to provide your own interjections.

The PRESIDENT: Order!

The Hon. T. CROTHERS: Do you mean my hearing has further deteriorated? I will ignore that interjection. I tell you what, that almost torpedoed me. My questions are:

1. Does the Premier agree that the decision of the Federal Government to build these submarines in South Australia has widened the scope of South Australia's industrial technology?

2. Does the Premier agree that some hundreds of new jobs have been created here by virtue of that decision?

3. Has that decision to build the submarines locally instead of overseas saved many billions of dollars in foreign exchange expenditure?

4. Did Peter Reith contact the Premier's office here before making his statement?

5. Does the Premier agree that, with new class type naval vessels, there is inevitably and invariably always a delay in the delivery of the first ship built with respect to new classes of naval vessels?

6. Does the Premier agree that such statements as made by Peter Reith could cause great damage to the ongoing future of the Australian Submarine Corporation and, therefore, the gainful employment of hundreds of South Australians?

7. In light of the foregoing, does the Premier dissociate himself and his Government from the unfortunate remarks of Peter Reith?

The Hon. R.I. LUCAS: That is the one of the rare occasions where we have seen the Hon. Mr Crothers lost for words, as a result not from an interjection on this side but from one of his colleagues. The Hon. Mr Davis could tell an equally delightful story about one of his colleagues, but we will leave that for another time. As always, we have listened attentively to the honourable member's question, and I will refer that series of questions to the Premier and bring back a reply.

FAMILY IMPACT STATEMENTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Transport a question about family impact statements.

Leave granted.

The Hon. ANNE LEVY: This afternoon there has been a good deal of discussion regarding a submission which the Minister took to Cabinet and which Cabinet was wise enough to turn down and get her to withdraw, though doubtless she approved of every word of its contents or she would not have signed it in the first place. Of course, it is a fact that that submission does not contain a family impact statement. Yet, recently we had the Premier and the Minister for Family and Community Services announcing that, because this was the

International Year of the Family, in future all Cabinet submissions would need to have a family impact statement indicating the effect on families of the proposals put forward in that submission. As I stated, the submission agreed to by the Minister—though not by the Cabinet—would stop school card tickets, and severely disadvantage long distance travellers (compared to their current situation), short distance one way travellers, and some inter-peak travellers.

Did the Cabinet reject the Minister's submission because it did not contain a family impact statement? When she returns to Cabinet with a revised submission, will the Minister ensure that it does contain a family impact statement indicating the horrendous effect on families of the measures she was proposing?

The Hon. DIANA LAIDLAW: As the honourable member has access to the submission, I find it extremely interesting that none of the very positive initiatives suggested in it has been canvassed. Nevertheless, as I said, that submission has been withdrawn. The family impact statement will be introduced by the Government for all Cabinet submissions. I understand that work is being undertaken on the form of those statements—the matters to be assessed and how they will be assessed. When that work has been completed that will be an initiative required of cabinet submissions. That work has not been completed at this time.

The PRESIDENT: Before calling on Orders of the Day I point out that during Question Time there was quite a lot of kitchen talk. It does not help when members sound like a pack of King Charles Cavalier Spaniels all trying to get a feed at once. It does not help me with the questions, it does not help *Hansard* in any way and it does not help the gallery to understand what we are talking about.

The Hon. L.H. Davis interjecting:

The PRESIDENT: They are not allowed in here. I remind members that it would be better if they interjected one at a time but not altogether.

TOW TRUCKS

In reply to **Hon. BARBARA WIESE** (9 August 1994).

The Hon. DIANA LAIDLAW:

1. Any complaints received in relation to matters arising from the accident towing roster scheme are investigated by officers of the Department of Transport's towing authority. Where complaints are substantiated prosecutions are pursued. Advice of incidents occurring at accident scenes is received from members of the towing and crash repair industry, as well as motorists. The percentage of complaints received relative to the number of tows undertaken under the roster scheme suggests that the rate of compliance with the scheme is high and that the regulations are adequately policed.

2. Despite there being a high rate of compliance by most operators under the scheme, the towing authority has reported an increase in the number of reports of vehicles being towed to destinations other than those requested by motorists. Incidents such as these have been brought to the attention of the accident towing roster review committee and industry representatives on that committee have reminded members of their industry of the standards of behaviour required of two truck drivers at crash scenes. The towing authority has well established lines of communication with tow truck operators and actively seeks to reinforce suitable forms of behaviour. Rather than increase overall enforcement of the scheme, I strongly believe that the message about improper behaviour must be targeted to those in the industry who are causing problems for other operators and for members of the public.

3. As indicated in my initial response to the honourable member's question, a number of strategies are being developed to ensure that the accident towing roster scheme achieves its objectives of providing an efficient and effective service to members of the public.

The towing authority is presently developing strategies to achieve a better understanding among motorists of their rights under the legislation. One of these initiatives involves a redesign of the form for 'authority to tow' that is required to be signed by the motorists before a vehicle is removed from the accident scene. The new form will highlight the rights and obligations of the motorist, most particularly the right of the motorist to nominate the place where the vehicle is to be towed and delivered.

I will request the accident towing roster review committee to explore means by which the public may be better informed of their rights under the legislation. As the Royal Automobile Association is represented on that committee, it may be appropriate for the committee to seek the co-operation of the association to achieve this.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 11 August. Page 128.)

The Hon. K.T. GRIFFIN (Attorney-General): I take this opportunity to thank Her Excellency for the speech with which she opened this session of Parliament, to reaffirm my loyalty to Her Majesty the Queen of Australia and to add to what Her Excellency referred to in respect of those former members of Parliament who have passed on and extend to their families by sympathies and condolences.

I want to address briefly issues raised by the Leader of the Opposition in relation to the crime prevention evaluation by La Trobe University. The Hon. Mr Summer raised a number of questions in his Address in Reply contribution on 11 August and they relate to the following matters: first, the involvement and role of Mr M. Presdee; secondly, Dr Garry Coventry and his position with the review; thirdly, particular issues regarding the contents of the final report; and, fourthly, possible future options for the Government to consider in relation to the review report.

I deal first with the position of Mr Presdee. La Trobe University was responsible for all contractual matters relating to the employment of staff for the review. Mr M. Presdee was employed by La Trobe University through a contractual arrangement negotiated between La Trobe University and the University of Sunderland. As was the case with all other staff of the review, he was selected by La Trobe University, and the Crime Prevention Unit's role was formally to approve staff selected by La Trobe University. This occurred in February 1994, following the university's decision to engage a writer for the report, although, as I said at the time of making my ministerial statement, I was certainly not aware of all that detail and certainly not aware of Mr Presdee's potential or subsequent involvement. I am informed that Mr Presdee's role was to:

> Compile and prepare the report based on data obtained by La Trobe University in its review of the South Australian Crime Prevention Strategy.

His role was not to collect data, nor reinterpret the data collected and analysed through the review process. The department was assured by La Trobe University that Mr Presdee would be one of a number of authors of the report and that his international standing would contribute to the quality of the report. The department understands La Trobe University's decision to engage Mr Presdee was on this basis. Mr Presdee did not arrive in Adelaide until April 1994 to undertake the duties associated with writing the report.

In May 1994, a series of interviews was scheduled with officers of the Crime Prevention Unit and was conducted by Mr Presdee, Dr Coventry and Mr Walters. These interviews were completed by Friday, 20 May 1994, and the conduct of these interviews first alerted the Crime Prevention Unit to the way in which Mr Presdee was pursuing his role. The draft report, authored by Mr Presdee and Mr Walters, was presented three weeks later. La Trobe University and the two authors were clearly advised that the draft did not accord with the terms of reference and that the department required extensive amendments to satisfy the terms of reference.

The second issue relates to Dr Garry Coventry and his position with the review. Dr Garry Coventry was the Director of the National Centre for Socio-Legal Studies, which successfully tendered for the review of the South Australian Crime Prevention Strategy. Dr Coventry was identified in schedule 1 of the agreement between La Trobe University and the Attorney-General's Department as the principal researcher of the review. Mr Reece Walters, a research fellow at that the National Centre for Socio-Legal Studies, was the coordinator of the Adelaide group located at Flinders University of South Australia for the purposes of the review. Dr Garry Coventry attended regular management meetings in Adelaide, together with Mr Reece Walters, as part of his responsibilities with the review.

Shortly after a management meeting of 25 May 1994 (at which only Dr Coventry was in attendance from La Trobe) the manager of the Crime Prevention Unit was informally advised by Mr Mike Presdee that he and Mr Walters did not wish Dr Garry Coventry to have any further involvement with the conduct of the review and writing of the report.

Following this conversation, the manager of the Crime Prevention Unit contacted the chairperson of the La Trobe steering committee to clarify the situation regarding Dr Coventry and the review process. The manager of the Crime Prevention Unit was advised that the steering committee was meeting on Monday, 20 June and that the matter would be discussed, following which the Attorney-General's Department would be advised. No advice was received and La Trobe University has never clarified the situation.

Following the presentation of the draft report on 15 June 1994, a meeting was arranged in Adelaide on 29 June 1994 involving the Vice Chancellor from La Trobe University and officers of the Attorney-General's Department. The meeting was requested by the Attorney-General's Department because of concerns relating to the draft report and its lack of adherence to the terms of reference. Dr Coventry was not involved in the meeting, although both Mr Mike Presdee and Mr Reece Walters attended.

La Trobe University has recently appointed Professor W.B. Creighton as Acting Director of the National Centre for Socio-Legal Studies, although, again, there has been no formal advice from La Trobe University on this matter. It appears that Dr Coventry was removed from the management of the review at a very late stage. Reasons for his removal are unclear and no formal notification has been received by the Attorney-General's Department regarding this change in personnel, despite requests to have the matter clarified.

The third point relates to particular issues regarding the contents of the report. I can confirm that the recommendations were added to the final report following the presentation of the draft report to the Attorney-General's Department. The department did not have an opportunity to provide comments on the recommendations. The Attorney-General's Department requested a meeting with La Trobe University following the presentation of the draft report. During the course of the meeting the matter of a literature review was identified as it was apparent that the draft report contained no reference to or evidence of such a review. The tender presented by La Trobe University indicated that a literature review would be undertaken and it was expected that this would form part of the final report.

Following this meeting, extensive comments were provided by the Crime Prevention Unit in relation to the deficiencies that were apparent in the draft. The comments included: the failure of the draft to meet the terms of reference; issues concerning the balance of the draft; serious omissions from the draft; and, factual inaccuracies in the draft. The final report does not contain significant changes from the draft report, nor does it include a literature review as identified in the tender. I understand that, following his request, the manager of the Crime Prevention Unit provided the Hon. Mr Sumner with a list of the changes made to the final report.

The fourth issue concerns the possible future options for the Government to consider in relation to the review report. The Hon. Mr Sumner has suggested that the Crime Prevention Unit prepare and table a response to the report. I have actually asked the unit to prepare this response, although I give no commitment at this stage that the response will be tabled. However, it will include an analysis of the report, ethics and practice of the review, and management issues relating to the conduct of the review.

The Hon. Mr Sumner has also suggested taking this matter to the Standing Committee of Attorneys-General, Police Ministers, the Criminology Research Council or the Australian Vice Chancellor's Committee. I can advise that I have informed respective State Attorneys-General on this matter, as well as Ministers responsible for the police. I can also advise that negotiations are continuing between the Crown Solicitor's Office and La Trobe University's solicitors in respect of providing the final payment for the report and obtaining the return of documentation from the review. The option of addressing the matter to the Australian Vice Chancellor's Committee is one which I will also consider.

The issue is a difficult one. As I said at the time I made my ministerial statement when tabling the report at the end of the week before last, the report is disappointing. It certainly does not provide the Government with an objective and clear analysis of the various aspects of the crime prevention strategy nor does it give us any reasonable propositions for the directions in which we should take the crime prevention strategy in the future. Certainly that was what was proposed to be presented to Government, but it has not been so presented. As I indicated when I made that ministerial statement, we will be seeking comments from a range of people who have an interest in crime prevention, including those who are involved with the 22 local crime prevention programs and also the exemplary and Aboriginal and other programs.

The request for those responses has already gone out to various persons who have an interest in the matter. I visited the Riverland last week and met with the Crime Prevention Committee at Loxton (a crime prevention committee which is a regional crime prevention committee for the whole of the Riverland) and indicated to them that it would be helpful if we were to have an assessment of their experience and programs, as I have requested responses from every other Crime Prevention Committee. It is therefore of concern that we will have to make decisions about the future without the

benefit of a balanced report providing evidence upon which recommendations could be made.

It is clear that around the world the focus for crime prevention is at local community level but also there are other initiatives for crime prevention. This week's World Symposium on Victimology here in Adelaide is providing a valuable opportunity for Government and others to be exposed to the experience of other countries and to draw on that experience where we regard it as appropriate for consideration for South Australian conditions. So there are a variety of options available to us. The consultation process is expected to end about the end of September, and towards the end of this year I would hope we would be in a position to publish our decisions for the future of crime prevention in South Australia. I support the motion.

The Hon. CAROLYN PICKLES: On 28 June 1994 the new Federal Minister for the Environment, Senator John Faulkner, gave a very important speech which I am pleased to say had very wide public coverage. He made the speech at the launch of the State of the Environment Reporting Framework for Australia. In his speech the Minister quoted from the Prime Minister's 1992 Statement on the Environment in which he said:

> Australia's natural environment is our greatest asset. It is the air we breathe, the water we drink, the soil in which we grow food. The environment provides us with nothing more or less than the basics of life. It is a prime source of our identity and our unmistakable emblem. Our fauna and flora and our climate and landscape are just as much natural assets as gold or coal or iron.

I am very glad that the Minister for the Environment has reinforced the Prime Minister's view. I would add another dimension to our environment: it is something that many of us feel quite passionate about—the beauty of our country, the colour of the land, our fantastic fauna and the peace of the bush. For those of you who, like me, feel these things you will understand it when I say that I feel enormous anger when I hear of the wanton destruction of such a precious asset. I sometimes wonder whether we will ever see the day when the environment is put before the almighty dollar. I sometimes fear not, but I am very pleased that the Federal Government has put the environment and its care and protection high on its agenda.

I also get very angry when people are cynical about those of us who care for our land. Even the word 'greenies' is used in a derogatory way by some. I get angry when I hear some people say that Ministers and shadow Ministers for the Environment 'go feral' when they take on this portfolio area. If 'going feral' means seeing the light, then so be it. I despair when I hear that people who care for our land are referred to as being anti-jobs, anti-progress. Is progress toxic waste in a river? Is it filth, pollution, air that is so toxic that our children are becoming increasingly more allergic to the air that they breathe? Is progress an increasing population which is out of control? If this is progress, then we should fear it tremendously.

The five most populous countries in the year 2030 will be China, up from 1.2 billion people to 1.5 billion; India, up from 934 million to 1.4 billion; the United States of America, up from 263 million to 328 million; Indonesia, increasing from 231.5 million to 275.7 million; and Brazil, increasing to 231.5 million. The area in which we live, which is nominally called Oceana, will increase its population by 36 per cent from 29 million to 39 million. The cynics and the short-sighted will say, 'So what? This isn't our problem.' Fortunately for us, Senator Faulkner sees all these things as our problem. We have been part of the creation of a world that is rapidly running out of time, and he is committed, as is his Government, to doing what he can to change our way of thinking.

I believe that the State of the Environment Reporting Framework for Australia is particularly important. I would also urge the State Government to set up a similar system here in South Australia. Maybe this is something that the State Minister for the Environment may consider when the parliamentary committee that both he and I are on makes it final report to the Parliament. One of the key features of SOE is that it will take environmental information from a diverse range of sources. It will present the information, good and bad, not only in a way that people can understand but in a way that they can use. It will also allow us to measure our overall progress in protecting the environment.

The Minister has set up the National State of the Environment Advisory Council to shape and oversee the reporting program. The success of this program will depend on scientists, industry, community groups and Governments working together to share environmental information and scientific knowledge. The first national report under this framework will be in late 1995.

Future reports will be produced every four years and there will be regular reporting on an agreed set of national indicators. These will show changes and trends in environmental conditions in much the same way as well accepted, economic or social indicators. Indicators like interest rates, employment rates or the CPI are readily understood by the public. They are an integral part of how we keep track of the performance of our economy. There is no equivalent set of indicators for reporting on the environment and this is one of the key objectives of SOE. I hope that the State Government will work closely with the Federal Minister on this program. The window-dressing approach so far by the State Government will not succeed in moving us further ahead in the protection of the environment overall.

I believe that industry has a fundamental role to play in environmental protection and creation of 'green' jobs. That is why I will be discussing a concept that I support with the Federal Minister when I meet with him next month. I will be calling on industry to adopt an environmental best practice program, which potentially will save industry millions of dollars and help the environment. We have been developing best practice in a range of areas, including administration, quality control, safety and production output, in response to the need for greater competitiveness in international export markets.

Legislation has ensured that industries are much more environmentally responsible, but I do not believe that best practice techniques involving waste minimisation and cost effective clean technology has been fully explored. I will be discussing with the Minister a five point plan which has been adopted in the United Kingdom and which I think we could improve on. I would like to touch on some of the areas that the United Kingdom has implemented. It is not often that I support the moves of a Conservative Government, but in this case I think they have taken a step in the right direction.

This plan includes encouraging the development of innovative technology and techniques through research and development, establishing a free help line providing advice and access to information, developing environmental performance guides to enable firms to compare their performance with others or with firms using the same technology or

operation, publishing guides and case studies on good practice, and monitoring and encouraging the adoption of cleaner production measures. This is the United Kingdom model and, as I said, I think we can improve on it. It has enormous potential and I hope it will be supported at the Federal and State levels.

I will turn now to a couple of areas in which the State Government has shown that it is taking a window-dressing approach to the environment. As honourable members would know, the container deposit legislation has been in force for some 20 years. It has proved an effective strategy to control litter. The former Labor Government's approach to litter control was multi-faceted. For example, the consumer deposit legislation report showed that the South Australian Government then spent nearly twice as much on the activities of KESAB, such as Put It In A Bin and Tidy Towns, as it did on the administration of the Beverage Container Act. The focus of our Government was on education initiatives, clean-up campaigns, on-the-spot fines and kerbside recycling. There is no doubt that moves are afoot to derail CDL. A report in the *Advertiser* of 20 August 1994 shows that carton producers are scathing in their views on CDL. The Minister has made some very wobbly statements.

At a recent seminar organised by the Conservation Council of South Australia, which I attended along with the Hon. Mr Elliott and the Minister, the Minister said that if industry had a better plan he would reconsider CDL. I am not sure which industry was to come up with a better plan—presumably the packaging industry. Indeed, one hopes that the packaging industry can come up with some better plans on the way it conducts its business, but clearly it has its own axe to grind. In an *Advertiser* report of 13 August 1994, which suggested that South Australia's litter stream would increase by more than 44 000 tonnes a year if CDL was removed, the Minister is reported to have said that he would not extend the legislation, that the Government's policy was to maintain CDL, but he would consider a voluntary scheme. What he means by that I do not know. Is he suggesting that CDL become a voluntary scheme?

It was interesting to look at a letter to the media, sent out by the Hon. Dale Baker, when he was Leader of the Opposition, if members can cast their minds back that far. This letter is about the environment and had been prepared, and I quote, 'in consultation with my shadow Minister for the Environment (Mr David Wotton) after discussion with a wide range of environmentalists and conservation groups'. He goes on to say:

> The existing deposit legislation, which is widely accepted by the public, should continue to operate in conjunction with kerbside collection.

So, back in 1991 the shadow Minister thought that the legislation should continue. So, what is all this talk now of a voluntary scheme? Presumably, with a change of leadership the policies are the same. The other area in which the Government is showing a lack of commitment to the environment concerns the Yumbarra National Park. In an article in the *Advertiser* of 8 April it was reported that:

> The Mines and Energy Minister, Mr Baker, said last night his department was preparing a Cabinet submission on whether or not to redesignate Yumbarra National Park.

That shows an interesting concept. Mr Wotton has written in a letter to a conservation group:

> If it is at all possible we need to work towards a position where areas of high natural value are recognised as such and any development is assessed in the context of that knowledge and recognition. Consequently, it may be appropriate to review mining access to some reserves when, in the light of good information, the arguments are sufficiently strong.

I am not quite sure what that statement means. He goes on to say in relation to Yumbarra:

> I am concerned that the conservation values are fully understood and considered by Government before any change is considered. Whilst discussions are taking place, a final position has not been reached.

That was in a letter from the Minister, the Hon. David Wotton, dated 28 April when, on 8 April, the Minister for Mines and Energy was reported as saying that he was taking a submission to Cabinet. The State Government is committed to mining in this park. I believe that the Minister for the Environment and Natural Resources has a sincere approach to the environment but that probably gets derailed by his Party room and Cabinet colleagues. But I understand that the Minister has made a statement—not a public statement, I admit, but one reported to me—that the Labor Party is all over the place on the issue of Yumbarra. I have news for the Minister: our Party conferences have been widely reported and, at a policy convention a few weeks ago, the Labor Party adopted a strategy for dealing with this issue. The resolution was carried *nem con* and there was no division on this issue. We want a proper wilderness assessment and a proper park management plan in place.

Unlike the Liberal Party, we do not have a 'dig it up and mine it at any cost' policy. We have a sensible approach and it is one that has been welcomed by conservation groups. I have received correspondence from such groups welcoming the decision adopted at the Labor Party convention held a few weeks ago. We are not disunited on this issue: we are united. I will make a few observations here about our conference and the unity of the Labor Party, compared with the bickering and dissent in the Liberal ranks. One thing we are very good at in our Party is working together when the chips are down, and it is quite accurate to say that the chips are down at the present time. We do work together well, particularly in the convention area, and we throw open our conventions, warts and all, to the public.

The Hon. R.I. Lucas: Tell us about Atkinson: he reckons that you lot are seriously under-employed.

The Hon. CAROLYN PICKLES: As I said, our convention was well organised and we were certainly working well together. We read a lot in the paper about the disunity of the Labor Party, but at this particular convention I think we were very united. We set down a number of issues on which we are united, one of which was the set of proposed rule changes—and those rule changes were all carried unanimously, unlike those of members opposite, who had a bit of a brawl between the Right wing and Left wing of their Party. I understand that Senator Nick Minchin, who used to be the Liberal Party Secretary—

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: Yes, he certainly voted with us on the rule changes. Senator Nick Minchin stated in an article in the *Advertiser* that he was very disappointed that a minority of State Council had prevented all members from voting in preselections. He went on to say that a fairly hysterical scare campaign had been mounted against the proposal which would have influenced a number of people. The article in the *Advertiser* of 15 August reads:

> 'It is my view that one day we will get a full plebiscite,' Senator Minchin said. 'It won't come before State Council again for some time, I think, although support for it will grow.'

The move for full plebiscites was supported by Mr Alexander Downer, Mr Legh Davis and a number of other places—

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: I am saying that we have sorted out our rule changes and members opposite cannot sort out theirs. Members opposite have absolute disunity in their Party and they cannot sort it out.

An article in the *Advertiser* of 13 August is headed 'New Libs brawl ends long week for Brown', and I can understand Mr Brown's having some reservations about the whole preselection system. Again, on Saturday 13 August, there was the headline 'Leave system alone: Brown.' Presumably, Mr Brown was happy with the present system.

Mr Steele Hall, who has indicated recently that he will be retiring from Federal politics, is in the Left of the Liberal Party, and he supported—

An honourable member: Left right out!

The Hon. CAROLYN PICKLES: Indeed, he is left right out. Presumably, he gave up his seat because he was so disgusted with what is going on in the Party. I would like to make a few complimentary comments about Mr Steele Hall, who was my Federal member for a number of years, although, since the last redistribution, I am no longer in the Boothby electorate.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: No, I never did vote for him. One of the things he did was help to give us a fair voting system, and for that I think the people of South Australia will remember Mr Steele Hall, even though he could not quite make up his mind which Party he wanted to be in, being in the Liberal Movement and then in the Liberal Party. Now there will be a bit of a mad scramble for his seat: it involves up to 15 people already, I understand. I know that the AMA is making a big bid for that seat, so it will be interesting to observe what happens. I do not know whether the Liberals have a Centre in their Party, but I understand it is the wets and the dries that would compare to our Right and Left.

I know also that at the Liberal Party conference they tried to get up a quota system to get more women into Parliament, but that failed. We did manage to achieve this. It was a big step in the right direction.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: That is not what the paper said.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: You read what I said. I personally think it should be seen as a first step and that we will move forward from a quota of 35 per cent. I need to explain to members, on both sides perhaps, that this is a minimum quota of 35 per cent of either gender with an ability, under that system, to reach 50 per cent. In other words, at the next round of preselections we could have 50 per cent of women being preselected for winnable seats in our Party. This is something that all Parties should strive for.

The Hon. Mr Lucas can make his cheap shots, but I understand that we had a unanimous view about getting more women into Parliament. The Hon. Ms Laidlaw has set up a committee of the Parliament which is looking at just that. I make no apology for continuing my fight for better representation of women in Parliament at all levels in the community. It is sad that the Liberals cannot enshrine this in their rules, but I wish the women in the Party better luck next time.

It is obvious that the Government has dissension in the ranks on shopping hours which it cannot even bring to the Parliament. The Government is so frightened of what its members in the other place might do that it cannot even bear to debate it before the Parliament. I understand it has cracked the whip. The Liberal Party prides itself on having a free vote on all issues, but not on this one. If it came before the Parliament, Government members would be a bit frightened about the number of members who would cross the floor.

The issue of MPs' pays has been a bit of a sore subject, and I understand that it is a bit of a touchy subject with members on both sides. I will not go into detail, but I understand that it is a touchier subject on the opposite side than it is on mine.

I understand that cars for Chairs of parliamentary committees has been another pressing issue in the Liberals' Party room, and whether or not to pay committee members was an issue that was raised by Ms Joan Hall. Clearly, at that stage she had not learnt the lesson that you never rock the boat.

Of course, we come to foot-in-the-mouth Mr Joe Rossi. Since his unfortunate remarks Mr Rossi has been silenced, one would hope, by his Party.

The Hon. T.G. Roberts: He is going to become caretaker of the West Lakes school.

The Hon. CAROLYN PICKLES: 'Caretaker of the West Lakes school,' the Hon. Mr Roberts says. He obviously knows something that I do not know. I do know that there is a little room upstairs in our new Party room, and some wit said to me the other day, 'That little room is Mr Rossi's.' Then some other Liberal Party wit said 'No, it's too big.' In fact, it is scarcely big enough for a telephone. That shows the opinion that some of his Party have of Mr Rossi. His remarks were indeed unfortunate, and one hopes that he has been counselled by wiser heads in the Liberal Party.

I would now like to turn to a rather sensitive issue, and I am sorry that the Attorney-General is not in the Chamber to hear this. It is a subject that I would like to take up with him, as it is something that we need to clarify. It is the issue of female genital mutilation or female circumcision, as some people may wish to call it. At a meeting of the Standing Committee of Attorneys-General in July this year, the Federal Attorney-General stated that the Federal Government would not be introducing any Federal legislation in this area but that he would be relying on the States to deal with the whole issue through their State legislation.

Mr Griffin came back from that meeting and made a public statement that he felt that our present laws in relation to indecent assault were sufficient to cover the circumstances of female genital mutilation. I am not sure whether they do, because on the same day he made that statement I sought an opinion from two lawyers—and of course it is surprising that you actually get the one view. However, it is something that we should look into, and I will be very happy to discuss that with the Attorney-General, if he agrees, to see whether we could come to some kind of unanimous view.

This is a sensitive issue, and I have received some correspondence which has been sent to the Attorney-General in relation to the law on rape that we passed recently in Parliament. Some people from Islamic groups do have a difficulty with that law as it stands. This is another issue that I would like to raise with the Attorney-General. I do not propose to canvass that matter any further, except to say that one hopes that we can work together on this issue. I think that there are some issues that members on both sides can work on, and perhaps we can on this one.

I noticed in my Women's Electoral Lobby newsletter that Ms Trish Worth, the Federal member for Adelaide, has, with

a number of other Federal women parliamentarians, called for support to outlaw female genital mutilation. This article has been superseded by the meetings of Attorneys-General, as I indicated. So, I do hope that the Attorney will take up my offer to discuss this matter in a bipartisan way.

There is another issue that I would like to raise in relation to something that I hope can be debated in a bipartisan way in the Federal Parliament—although I rather doubt it—and that is the issue on which the Federal Attorney-General (Hon. Michael Lavarch) announced yesterday he would be introducing a Human Rights Sexual Conduct Bill to ensure that the privacy of sexual conduct between consenting adults was protected from unreasonable, legal interference.

Mr Lavarch has indicated that he will be introducing the Bill in the spring sitting of Parliament. This is to overcome the recent findings of the United Nations Human Rights Committee that sections 122(a) and (c) and 123 of the Tasmanian Criminal Code are an unreasonable interference with privacy. These sections make sexual activities between consenting adults in private, and particularly between consenting adult men in private, a criminal offence. I point out that some of those laws relate to the issue of oral sex or anal sex between consenting heterosexuals, including between consenting homosexual men.

Clearly, it is not something that this State has anything to do with, but it is certainly something that we will be watching very carefully. Of course, the Federal Government has decided to take this action because it has tried on many occasions to get the Tasmanian Parliament to change its mind since it contravenes the United Nations Human Rights Declaration. However, the Tasmanian Government is rock solid in its opposition of getting into the latter half of the twentieth century. So, presumably, this debate will be supported at the Federal level by the Coalition.

However, according to some information that has been forwarded to me today the Federal Leader will not necessarily support this legislation because they are going to talk about States' rights and the need not to interfere in those rights. I understand that this article, written by Mark Seccombe, states:

> Now you see just how illiberal the Tasmanian Liberal Government is. But this reflects on the Federal Libs as well, in spite of the protestations of Alexander Downer and others that they do not agree with the policy of their Tasmanian colleagues.
>
> They weasel out by pleading States' rights, saying the Constitution gives States the responsibility for deciding criminal law. It seems a bit lame beside those pious pronouncements about the preeminence of the individual, this suggestion that States' rights are more important than human rights.

The article continues:

> But, so far, Downer and co. have stuck to this line, if only to appease the homophobes within the Coalition, particularly in the National Party, who believe that if you simply make homosexuality illegal it will go away. No doubt there is still a constituency in Australia which believes the same thing.

The article goes on to say:

> But the indication is that the Federal Government is about to play very clever politics on this one by shifting the focus of the debate away from sexual preference, *per se*, to the more universal area of privacy. The proposed legislation is called the Human Rights (Sexual Conduct) Bill. The words in brackets are 'sexual conduct' not 'homosexual conduct'.

The article continues:

> And if the Federal Libs oppose this one on the basis of States' rights, what they really will be advocating is the right of the State to peer in someone's window to check out whom they are. . .

I am sure this is an unparliamentary term, so I will delete that word—

> and what way they are doing it. So much for the Party of individual rights.

The word that I omitted was a slang word for 'sexual intercourse'. I would not wish to offend members by using terminology which I consider to be unparliamentary.

I will watch the passage of this legislation with interest as I will also watch the proposed racial vilification legislation, because I think these issues, although they are being dealt with in the Federal arena, are significant for States to look at. In this State, in particular, we have had recently some activities by National Action. In the last session of Parliament, members of this place supported a motion that I moved. Although it did not get debated in the Lower House, I am pleased that members supported that motion unanimously as, indeed, I am sure all free-thinking Australians would support any motion that condemns an act of racial violence. As I have said, although these matters are being dealt with by the Federal Parliament, they are issues which every State Parliamentarian and every person who lives in this State should take note of. We in this State have taken a more liberal attitude to the issue of homosexuality, an attitude which we adopted many years ago. The Hon. Mr Griffin may be able to correct my memory, but I think that homosexual law reform began at least 20 years ago.

The Hon. K.T. Griffin interjecting:

The Hon. CAROLYN PICKLES: It is quite some time, and it has not changed life on earth as we know it. We have adopted a much more free-thinking attitude towards people who have different ways of behaving, as long as those activities are between consenting adults and do not offend others—and I am quite sure that that is the case. We in this State have a great deal of tolerance, and I am pleased that we can take pride in what we have done regarding this issue, which is more than one can say for Tasmania. It is a dark day for Australia when a State is unable to drag itself, kicking, screaming and struggling, into the latter half of the twentieth century.

I look forward with interest to this session of Parliament. It will be a very heavy program. I note that part of the program will be the reintroduction by the Government of the Consent to Medical Treatment and Palliative Care Bill, which left this Council in a rather curious state during the last session. I am pleased that the Minister for Health has decided to reintroduce this legislation. It will be a conscience issue for members of both Parties. Hopefully, we can debate the issue in a sensible manner, as perhaps we will do later this afternoon.

Some new members in this Chamber were not here when the Bill was debated on the last occasion. Although the Minister has asked us to try to expedite the passage of this Bill—and we intend to do so because many of the views have been canvassed—I, personally, would like to listen to the views of new members, in particular, to gauge whether or not certain amendments that were put forward last time may or may not be successful this time. With those words I support the motion.

The Hon. J.C. IRWIN: I support the motion before us this afternoon. I thank Her Excellency for her address which opened the second session of this Forty-Eighth Parliament, and I again pledge my loyalty to Her Majesty the Queen of Australia. I join with Her Excellency the Governor in

acknowledging the deaths of former members of Parliament: Reg Groth; Keith Plunkett; Lloyd Hughes; and Joe Tiernan, who died only months after being elected to this Parliament. We have spoken about some of those people before, but I join with Her Excellency in expressing my sympathy to the relatives of those former members.

As the Commonwealth Games are being held at the moment, I would like to acknowledge and congratulate some South Australians who have been successful in winning gold medals. I do not have a full list, and there will be further South Australians who will win medals between now and the conclusion of the games, but I extend my congratulations to Kathy Watt, who has won two gold medals, Phil Rogers, who has won one gold medal, I think, and Sean Carlin, who won a gold medal this morning for the hammer throw. They are three of our athletes whom I would like to congratulate for their personal achievement and as representatives of South Australia and, indeed, of Australia. As I have said, it is not a complete list. I hope that someone else will help me out and fill in the list before the Address in Reply concludes.

Some members in their Address in Reply speech have mentioned the Constitution and the possibility of a republic and Mabo. Indeed, Her Excellency's address mentioned those topics. I do not intend to say much on either subject now as there will be ample opportunity to debate those issues during debate on relevant legislation and motions that are already on our agenda, but I wish to say something now with regard to the Constitution debate. I was delighted to read the communique from all Premiers and Chief Ministers following their meeting in Sydney on 29 July 1994. This document states:

Meeting of Premiers and Chief Ministers, 29 July 1994, Sydney—Australian Federation 2001. In 1901, the States created the Australian Federation. In the decade leading up to Federation, the Premiers at a series of conferences led the shaping of the constitutional structure of the new Australian nation. Now, in the decade leading up to the centenary of Federation, State and Territory leaders again commit themselves to the reshaping of a new Australian Federation by the year 2001. Changes in the economy, technology and legal interpretation have led to a need to define the roles and responsibilities of the various levels of Government. The need to re-establish the Federation arises irrespective of the continuing debate about constitutional reform by the year 2001 because of the positive and dynamic role the States play in the Federation, whether it is based on a constitutional monarchy or a republic.

Premiers and Chief Ministers of all the States and Territories commit themselves to building a new Australian Federation based on the following principles:

1. That the federation enables Governments to be closer to the people and responsive to local and regional needs.
2. That the federation enhances the cohesiveness of the Australian nation by being responsive to the needs of regional diversity rather than being dismissive of that diversity.
3. A federation in which the States are dedicated to the delivery of quality services to the Australian people.
4. A federation which delivers cost-effective services for our taxpayers and which removes duplication between the various levels of Government.
5. A federation that fosters the competitive national economy based on the fundamental principles of 'competitive Federalism'.
6. A federation in which there is a guaranteed revenue base for the States and Territories that matches their expenditure responsibilities.
7. A federation which continues to be accountable to the people through their parliaments.

That is the end of quote from the communique, which I note, as have others, was signed by all Premiers and chief Ministers.

Over the weekend, we all would have read that the COAG meeting in Darwin last Friday broke up without great progress on the Hilmer reforms. There is no doubt in my mind that the State's relationship with the Commonwealth Government right now is at a watershed. My plea to the States is that the principle of federalism is paramount (and the federation, of course, is the States coming together as a federation in 1901 to allow for the setting up of a Government of the Commonwealth with the State Parliaments still in place) over the lure and bribery of the mighty dollar. We let the mighty dollar win at our peril. I must say that I am slightly disappointed by the Business Council of Australia. I have in front of me the position paper of the Business Council of Australia which I have not fully read. But there is no doubt that it accepts the principles of Hilmer and is pushing all the State Governments to accept it in full.

While I have a personal position which tends to favour the acceptance of the Hilmer reforms, there are some qualifications to that, and I will not go into my reasons because now is probably not the right time. I can understand the Business Council's belief that, if the whole principles of the competitiveness of Hilmer are adopted (and the Hilmer reforms involve such instrumentalities as ETSA, EWS, the Pipelines Authority and other authorities of the State Government), it will reduce business costs. That is exactly what it is designed to do, and I have no doubt that it will do that. However, I cannot understand the Business Council's rather naive belief in relation to input costs; I believe they will be accompanied by an increase in Government charges.

This Commonwealth Government's appalling management of the economy has lead to increasing needs of welfare. There are so many reasons for that, and there are so many examples of that, without my having to give them one by one. The enormous welfare Bill, which is still increasing, with the number of people in poverty having doubled from roughly 1 000 082 to 2 000 000 10 years later, means that the Federal Government wants that rake-off from the positives of the Hilmer reforms in order to increase its payments for welfare. If the States accept the Hilmer reforms they want some guaranteed spinoff back to the States to compensate them in part for the amount that they are able to tax these instrumentalities in this State. If it is to go out of their hands to the Federal Government's taxation pool, then they are asking now that some of this come back to the States. They are having terrific trouble in getting the Prime Minister to the party at all on that.

A simple example in recent times of just how appalling this Commonwealth Government is at running anything is the latest exposure of the management of the Australian National Line, where we now have the duo of former Premier Wran and one of the legal advisers, whose name escapes me at the moment, as two new directors of the Australian National Line. On this morning's radio, the throw away comment was, 'Even if we gave the company away, we'd probably have to give them $70 million to compensate them for the awful mess they are taking over.' My uneducated advice to the Government would be, 'Why don't you just give the company away and get out of it, and it might save the loss of millions upon millions of dollars in future in trying to keep an appallingly run company going?'

The communique from which I quoted from the Premiers went on to agree on certain principles relating to competitive policy and the State's response to the Hilmer report regarding workers compensation and law and order. The clear message from the Premiers regarding law and order was that it is a State responsibility, and the Commonwealth role should be confined to a well defined area of Commonwealth security—a position on which I totally agree. When I was in

Queensland, it was rather interesting to see that, when that communique came out from the Premiers, the Brisbane *Courier Mail* carried, on its front page, the part of it relating to law and order and did not make one mention at all about the agreement on the federation.

Having listened to and read a great deal about the constitution over the past 12 to 18 months, I can say that there is no doubt about the direction of some people's thinking. On an ABC *Late Line* program a couple of weeks ago, that well known commentator Phillip Adams put the constitution and Mabo together, and put it together very neatly. He said quite clearly that any new constitution for the Commonwealth of Australia should embrace and weave into it the Mabo legislation. Of course, Mr Adams is a centralist and, despite the earnest disclaimer of most of the principal actors in the Australian reform process—themselves mainly centralists—there appears to be little doubt that the campaign is coming from the same centralist quarter which, having been defeated in the debate of the 1890s, has worked through this century to undo the federal compact. Their efforts in that regard have been redoubled in recent years. This is one reason why I am so delighted to see the States and Territories unified in their desire to strengthen the federal compact.

If the majority of the black and white Australians want to have a compact or if indeed the majority of people support a reconciliation process—whatever can be defined as a compact or a process of reconciliation—I will support that, and I will support whatever action is required to bring that about. Other than statements from the so-called leaders, I am not convinced yet about a particular form of reconciliation. However, I will not support a process which some people are trying to put in place now, which is badly flawed and which follows billions of dollars already spent, much of which seems to have been poorly directed and poorly spent. One example is the Mabo No. 2 decision, which has passed on now to be enshrined in federal legislation. This legislation may yet be found to be badly flawed. The thinking people of Australia, settled as they are now in six States and two Territories, will not just accept a basis for reconciliation which has a smell of manipulation about it. For instance, when the High Court was considering Mabo there was placed, quite properly, before it evidence as to facts concerning the Meriam people and the Murray Islands.

There was placed before the court no evidence whatsoever concerning mainland Australia, no evidence whatsoever as to Australian Aboriginal culture and ways. With no mainland issues, with no evidence as to the mainland, with no parties with any mainland issues, not even the Commonwealth Government, the High Court proceeded to destroy what Deane and Gaudron JJ described as 'a basis of the real property law of this country for more than 155 years', which is administered very seriously by each State. In their judgments on Mabo, Deane and Gaudron speak of 'the conflagration of oppression and conflict was, over the nineteenth century, to spread across the continent to dispossess, degrade and devastate the Aboriginal people and leave a national legacy of unutterable shame.' It further states:

> The acts and events by which the dispossession of the Aboriginal people of most of their traditional lands was carried into practical effect constitute the darkest aspects of the history of this nation. The nation as a whole must remain diminished unless and until there is an acknowledgment of, and retreat from, those past injustices.

As S.E.K. Hume said:

> Courts get their facts from two main sources. The first is the evidence of one kind or another actually put before the court. The other is via the doctrine of 'judicial notice'. In my view the statements of Deane and Gaudron JJ fail utterly to meet the requirements for being established by judicial notice, both are highly controversial and much controverted. They are the very kind of finding which cannot be made on the basis of judicial notice. When they function as judges and deliver findings of fact in the High Court they operate under the constraints of legal doctrine. I cannot avoid the view that they made the findings which had no basis in evidence properly before them.

The Hon. A.J. Redford interjecting:

The Hon. J.C. IRWIN: That's right. This Mabo decision is a far cry from what one of our greatest jurists, Sir Owen Dixon, advised at his swearing in as Chief Justice, and I quote:

> There is no other safeguard to judicial decisions in great conflicts than a strict and complete legalism.

We cannot today disregard what Australia's leading legal minds are saying, some of which I have quoted. The High Court of Australia, within the Constitution, is pivotal for our future. Lord Reid, one of the most respected English judges this century, said:

> We cannot say that the law until yesterday was one thing, from tomorrow it will be something different, that would indeed be legislating.

As I have said in this place before, if the High Court is legislating then you and I should not hesitate to criticise it for that as well as for its legislation possibly being wrong. I do not very often criticise the courts at all, and certainly not the High Court: it was very much a tenet of my upbringing that that area was beyond criticism. However, if it is now moving into areas in which I work then I believe that I should be able to criticise it, as long as the basis upon which the criticism is made is well founded. Further, I want to draw the attention of this Council to an extract from a paper prepared by Dr Geoffrey Partington entitled 'The Aetiology of Mabo'. 'Aetiology' is the study of causes, especially the causes of diseases. The paper states:

> I can only touch now on one strand in the pathogeny of the full-blown Mabo judgment of 1992, namely, the contribution made by Dr Henry Reynolds to the High Court of Australia's conscious rejection of Australia's history.
>
> On what grounds did Their Honours reject the Australian past as unutterably shameful? Judges Gaudron and Deane said that they had been 'assisted not only by material placed before us by the parties but by the researches of the many scholars who have written in the areas into which this judgment has necessarily ventured. We acknowledge our indebtedness to their writings and the fact that our own research has been largely directed to sources which they had already identified.' Who were the scholars? Very few historians are mentioned in Their Honours' footnotes, but we find there that they read *The Historical Records of Australia*, which are not interpretative, one book each by Ernest Scott and Sir Kenneth Roberts-Wray, who give no support to their position, an article by R.S. King, and Henry Reynolds' 1987 *The Law of the Land*. There can be no doubt that Their Honours were influenced particularly strongly by Reynolds. Indeed, several important passages of their judgment are virtual paraphrases of Reynolds. Justices Dawson and Toohey also cited Reynolds' *The Law of the Land* on pastoral leases in Queensland. Gordon Briscoe, a research scholar of Aboriginal descent critical of Mabo, claims:
>
> 'The weakness of the Mabo decision lies in the way that one historical idea raised by one historian, Henry Reynolds, and one ethnographic document made up the sole proof relied on by the court.'
>
> On the opposite side of the argument, Mr Noel Pearson of the Hope Valley Aboriginal Community—

now well-known to media watchers on this particular issue—

> holds that it was Reynolds who demonstrated 'that native title was recognised by the Imperial Government in the nineteenth century and respect for this title was supposed to govern colonial 'settlement' in

Australia. Reynolds shows how the colonists contrived to deny these rights.'

In the Law Book Company's 1993 *Essays on the Mabo Decision*, all of which were written in support of Mabo or demanding its further extension, several contributors acknowledged Reynolds' contribution to the struggle. Susan Burton Phillips attributed to Reynolds 'historical material reflecting the concerns of Australian colonial administrators that access to and use of lands be retained for the indigenous inhabitants'; Nonie Sharp referred readers to Reynolds for the meanings of *terra nullius*; Michael Mansell referred to Reynolds as a 'noted commentator' who favours a separate Aboriginal republic in Australia, which Reynolds may not in fact support; Garth Nettheim drew Reynolds' definition of 'the distinctive and unenviable contribution of Australian jurisprudence to the history of the relation between Europeans and the indigenous peoples of the non-European world' which is denial of 'the right, even the fact, of possession'.

Eddie Mabo himself was once Reynolds' research assistant at James Cook University. Reynolds relates that he and his colleague Noel Loos 'had the unpleasant task of explaining to him (Mabo) the doctrine of *terra nullius*. . . It was a shocking revelation and one that hardened his determination to fight for justice.' Reynolds added that the ingredients of the Mabo case came together 'at a land rights conference at the university in Townsville where he (Mabo) and several of his associates met some of the leading land rights lawyers and academics'. One must agree with Reynolds' own contention that:

'There can be little doubt that the History Department (of James Cook University) played a major role in the fundamental reinterpretation of Australia's past which found expression in the Mabo decision.'

As with many great discoveries, there is some dispute about influence and precedence. Mr Greg McIntyre, a Perth barrister, who was solicitor in the Milirrpum and Mabo cases, claimed that:

'The Mabo case was conceived as a test case arising from a meeting of Barbara Hocking (a Melbourne barrister), Eddie Mabo, Fr Dave Passi, Flo Kennedy (of Thursday Island), Nonie Sharp (of La Trobe University) and the writer, at a conference on Race Relations and Land Rights at James Cook University in 1981.'

However, despite his omission of Reynolds' name, Mr McIntyre acknowledged the importance of the role played by the James Cook University in the origins of Mabo.

I do not intend to go any more into the paper by Dr Partington—it is quite lengthy and does back up rather significantly the points that he makes. I guess I should make one other point that Dr Henry Reynolds is the husband of Senator Margaret Reynolds, the Queensland Labor Senator. I bring this one strand forward, and I have not used nearly enough of Dr Partington's work on Reynolds, to put down some more evidence relating to that Mabo decision. To me it is one more reason for me to be critical of the whole chain of events that led to the Commonwealth's Mabo legislation—clapped as it was in the gallery by the fawning media—the Mabo legislation which people of the ilk of Phillip Adams want to weave into the fabric of a brand-new Australian constitution.

It was my pleasant duty two weeks ago, when I thought I was going to make this contribution to the Address in Reply, to attend the 150th anniversary of the departure of Captain Charles Sturt and his party. They left Adelaide on 10 August 1844 on their famous expedition to see whether there was an inland sea in the centre of Australia. In this age of taking things for granted, it is worthwhile remembering that Sturt was a God-fearing man with a great desire to serve. His accomplishments leave a great legacy for the people of Adelaide and South Australia. He chose the site for the City of Adelaide—a fact which was acknowledged by Colonel Light. We tend not to remember Sturt as we remember Light, and I bring it up for that reason. I wonder how many people here actually knew that 10 August was the 150th anniversary of Sturt's trip north on that very influential expedition. His name lives on in many ways. I know that my colleague the Hon. Diana Laidlaw follows the football team of Sturt. For those who do not know where Sturt's statue is, it can be found on the northwest corner of Victoria square. It looks rather dusty at this stage; it is certainly one of those statues that needs some attention.

I am pleased to note the positive and energetic work of the Premier and his Ministers in addressing the problems of this State. Work has continued at a fair pace since I last spoke to the Address in Reply motion in March this year. I have observed how busy the Ministers are and how difficult it is to have much time with them. I realise that they are finding their way through their portfolio areas and making the serious decisions that need to be made. I congratulate them on the progress they are making, under the leadership of the Premier. In every portfolio I can see where decisions, mostly hard decisions, have been made, which collectively set the climate for the recovery of this State. I guess the budget this week will be another test of how this Government is going in relation to making those hard decisions.

In agricultural terms, the preparation for this State's recovery is much like a farmer preparing his or her cattle or sheep or cultivating the land in preparation for harvesting the grain, meat, fleece or whatever. In most years, the better the preparation the better the harvest. Regrettably the agricultural outlook for South Australia this year is not good. My observation, from reading and seeing a lot of the State, and quite a bit of the Eastern States as well, including up into Queensland, is that the position is not any better anywhere else. Let us hope for late rains, as there have been in the past two years, to give some sort of finish to winter, and the coming of spring and the crops.

In my opinion South Australia is due for a drought, and parts of South Australia are already considered to be in deep drought. If I were to take a punt—and one does not do much punting on this sort of thing; it is not much fun to punt on it—I would predict that South Australia will have a worse drought and a full drought next year. I hope, in a sense, that that comes back to haunt me, but every year we do not have that full drought brings us closer to the year when we will have it. What we have now and can reasonably expect next year will be an utter disaster for those remaining farmers in South Australia.

I acknowledge the initiatives that are being put in place by the Government and the Minister for Primary Industries in the following areas: eligibility for the young farmers' incentive scheme (which has been extended); stamp duty relief for inter-generational transfers of farms and for rolling over rural debt; financial support to marketing initiatives of the South Australian Farmers' Federation; and more than 250 Landcare groups have been formed in rural communities, and city-based groups are now working on Adelaide Hills catchments. Also, the results of an environmental impact analysis of dryland salinity in the Upper South-East will soon be available. The Government is now finalising a timetable for the important infrastructure required to resolve this problem (and it is one that I am reasonably close to).

The Department of Primary Industries is continuing to support the sustainable production of cereal and other crops with a variety of programs, including Right Rotations and the Nitrogen 600 System, which are both aimed at improving the quality of the wheat, barley and other crops. The aquaculture industry will continue its program of managed expansion, in particular the tuna farming and oyster industries. There has been good progress on the 'clean waters' program for a shellfish quality assurance program, which is essential to establishing South Australia as an exporter of high quality

oysters. Together with other Government input cost reduction measures, these initiatives are indeed tilling the ground for the future which, I hope, will be a bright future for rural South Australia. I support the Minister, Dale Baker, in his recent warning to the wine industry. The media release of 5 August this year, entitled 'Warning on Wine Industry Boom', states:

> A warning on the current wine boom was given at an industry seminar in the South-East today by the Minister for Primary Industries, Dale Baker. Mr Baker said the growth needed to be carefully managed by the whole industry, with both winemakers and growers working to link into current trends and market data. . . 'Without doubt, the Coonawarra is Australia's greatest wine region, with more than 1 300ha of vines to be planted in the region this year. The region's annual grape crush is expected to rise from 45 000 tonnes last year to 150 000 tonnes in the year 2000, making the State's wine exports at the turn of the century likely to be around $700 million, compared with the $289 million this year. . . But in the midst of all these booming figures, let me sound a warning. We must ensure that we have skilled vineyard management and the appropriate training programs so our people stay ahead of the game. We need to ensure that we maintain our clean and green image, our technical wine quality and flavour, our lower production costs and vine quality. Australia is currently cost competitive against France, California, Chile and South Africa, but to stay ahead we will need to be absolutely focused on the likely risks as well as the successes', Mr Baker said.

I do not believe that that is negative. I believe it is a refreshing warning by a Minister in this area. I have always had some concern about the ballooning popularity of the wine industry. The finished grape product of wine is not classified as a primary product; it is seen as a secondary industry product—that is, value added. Growing the grape is primary: making it into wine (or value adding) is a secondary industry part of it—and it is mainly seen as a secondary industry.

As a primary producer I am very wary, as are all other primary producers, about the pitfalls of primary production of any commodity. We are well aware of the boom and bust cycle. We are well aware of the weather patterns and the part played by nature. When we are dealing with nature and with the world and domestic free markets, we have to be cautious of unknown factors, most of them beyond our control. I often wonder why I lean heavily on the side of being conservative and being wary about taking various steps, but that sums it up. The number of factors that farmers have to look out for when they are producing crops and selling them makes them very conservative and wary about a lot of factors—and not only wary, but they have a great respect for nature and the power of nature. I am not convinced that investors fully understand those factors. If they were primary producers they would, but I feel that a lot of them are not and that they are just thinking, 'Here is a good industry to be in', and perhaps they will pour some money into it.

I see that with well-meaning 'Rundle Street' farmers who buy up properties around the State thinking that it is boom times and they have not factored this downturn into their thinking. We have seen it with the Australian economy and with a number of things where we have boom and bust. Although it is hurtful to be part of it, it is a good lesson to learn, and one might say that with the downturns in the Australian and South Australian economies good things are to be read into it because at least a few generations will be wary about the boom cycle and about fuelling it with their own hard-earned cash.

I can understand what Dale Baker is warning in his press release. We have the climate, product and technology to be the world's best with a great amount, although perhaps not all, of our wine. I am predicting that the tide will turn and that other countries, including the great countries of France and Germany, will not let their domains be dominated by the south for ever. It is easy to see that new technology in the wine industry is in front of the old countries of France and Germany, but when they tool up again they will be trying to keep the wine produced in Europe and not have it brought in from the south.

A number of household name South Australian wineries are exporting their best wine to Europe. They know that they are losing on every bottle that they sell overseas. People in that position cannot go on taking it up for ever. Their accountants are telling them that these are the figures. One may be a market leader in London. For example, a bottle of Jacob's Creek sells for about £5 a bottle in London, and that is about as low as you can get, and some of the Australian wineries trying to do that are not making a dollar out of it. You cannot go on seeding that market for ever. I hope that for everyone's sake, in particular the growers, that seeding of the market does not hurt them too much in dollar terms and eventually bears fruit for them in increased sales.

Some of us have clear memories of the vine pull schemes of recent years and the market moving from white wine to red wine and back again. These things happen as tastes change. We see a change from sparkling wines to still wines. We remember the debates in this Parliament on indicative wine prices and the ever present conflict between wineries growing their own grapes on an increasing scale and the independent growers who are striving for market stability, as they must sell their grapes to the crushers.

I certainly have confidence in the grape wine industry and do not want to scuttle that confidence. However, we need to be wary. I do not want there to be any doubt about my position if and when there is a cyclical downturn in the industry. I will be very reluctant to support such things as tariff barriers being put up or taxpayer-funded handouts to producers in the primary or secondary phases of the wine industry when times get tough. I am signalling my position now.

As a primary producer, I am accustomed to this sort of thing, and I do not believe anyone should be helped out to any great degree when the inevitable downturn comes. Dale Baker has tried to warn them and I am trying to give them a quiet warning.

The Hon. A.J. Redford interjecting:

The Hon. J.C. IRWIN: Yes, certain areas of South Australia grow magnificent wine grapes naturally. Some others grow a lot of bulk wine grapes better than others. The great wines of the world were grown on no irrigation at all. Maybe tastes change, but we ought to be able to concentrate on boutique wines or larger wines that are world leaders without trying to get too big. It is not my business, but I am saying that Governments should not have to pick them up if they make the wrong decision. If the big wineries want to get bigger, they ought to know the pitfalls and, if there is a downturn that affects their shareholders, I am saying 'Too bad.' If ever there was a classic example of a booming industry with presumably profit dollars flowing to various participants, the wine industry is it at the moment.

As shadow Minister for Primary Industries, I called, in speeches in this place, for excess profit dollars now made by individuals and companies to be set aside—in other words, conserved in dollars—for when the downturn comes so that they are self sufficient and taken off the booms and brought down to years when there is a bust. If Governments want to

help these people, this is the time to do it by encouraging industries to conserve their dollars without tax implications.

We make this plea with drought bonds and in the wine industry, where people who put down red wines for 20 years are taxed on them while they are down. However, they should be taxed on them when they are sold. It is crazy when there is no income to tax them while they are sitting in a rack, value adding with time. If I have a good year with wheat, wool or whatever, I should be able to put it away in a drought bond and have it taxed when it comes out to be used when there is a drought; it should not be taxed while it is sitting in a bank account.

The Hon. A.J. Redford interjecting:

The Hon. J.C. IRWIN: Governments can do a lot of things. The whole basis of rural industry is conservation. Whether it is growing or standing fodder which may have been maturing, in a hay bale or money in the bank, it is important that Governments encourage it.

Finally, I must say that I despair when I read media comment or when I hear television or radio news about emergency and correctional services. Everyone would agree that it is an area in which it is easy to have a cheap shot. It is not an easy area to administer. I believe that good things are happening in the area of emergency and correctional services, and I despair when the commentators take cheap shots at Ministers and the Government for a direction they are taking when, if they were more informed about why certain directions were being taken and if they took out the time to research the issue by looking at prisons and by asking people about the philosophical side (whether under a Liberal or Labor Government), they would see what we are trying to get out of the system.

The first is to take a prisoner on board and the punishment is meted out by the court. If one is imprisoned the punishment is being in prison behind razor or barbed wire with one's freedom removed. The argument should not be that a person should be punished every day that they are in that position. Some attempt should be made to rehabilitate them through education, acquired skills or community service so that the cost of $80 000 per annum to put someone through Yatala is not repeated with a 60 per cent recidivism rate. That $80 000 is perpetuated for ever.

If the people of South Australia want to go on funding that, that is their business, but I believe that, if they knew the facts, it would not be what they want. They would want the courts to give people in gaol a program for which they would be better, not worse, off when they came out. I am not naive enough to think that 100 per cent of all people in prisons are able to be rehabilitated; some are not. It is in fact a quandary, because some of the worst offenders may well never offend again, while some of those going in as first offenders will come out and reoffend. It is not an easy question. I want to put on the record in this Address in Reply debate a few points as to what is happening in the emergency service and correctional services areas.

Legislation to enable the private sector management of prisons and outsourcing of prison services will be introduced during the session. In fact, I think one Bill has already been introduced in the Assembly. Interstate and overseas experience demonstrates that savings of the order of 20 to 45 per cent are achievable, while at the same time delivering better education and rehabilitation programs. The new Mount Gambier prison is to be expanded, with Labor's cost-inefficient new $8.2 million, 56-bed prison to be expanded to 110 beds for an additional $2.5 million before it is commissioned. Work is scheduled to be completed by December this year. I am not quite sure about that finishing date, but there is that move to expand the Mount Gambier prison to almost double the size that was originally built. How anyone could even think of building a 56-bed prison nowadays is beyond my comprehension.

In Junee in New South Wales they have just built a prison with 600 beds, which is getting to be the most cost effective size. I am not saying we should do that here, but a 56-bed prison in Mount Gambier is totally stupid at this time and at the time it was put there, and even more stupid in the way it was designed, because those prisons should be designed for maximum security with the minimum number of people needed to do the securing.

The establishment of partnerships with the private sector will allow the establishment of industry in our prisons, thereby assisting in generating meaningful work and rehabilitation opportunities. I went to Junee with my wife through the winter break and had a very interesting day there. The new 600-bed prison has been operating for only a year, but it has been accredited after that first year of operation with a rating of about 96 per cent. Certainly, it has had some problems: they all do and all will; but it is a pretty good establishment.

The successful establishment of the Aldinga shopfront community police station will be followed by other similar stations at sites that will be progressively announced throughout the year. That is up and running. Although I have not seen it yet, it was an election promise that was honoured within six months of our coming to government. I support the shopfront community police station philosophy and hope that it works well.

The launch on 28 July of Task Force Pendulum, a joint operation between a police task force of 90 handpicked officers and Neighbourhood Watch groups, will target the high crime rate left by Labor. The task force will initially operate for three months. I told the Commissioner on Monday, when I saw him at the Convention Centre at the opening of the world seminar on criminology, that I could see what I perceived at last to be a higher plane of thinking in the way that we were looking at crime and trying to combat it, with so many education aids and electronic aids about now. I hope that Operation Pendulum works very well and goes off into many other areas where we really crack down on the petty crime that harasses local people as they try to go about their business. With that, I support the motion.

The Hon. BARBARA WIESE: I rise to support the motion for the adoption of the Address in Reply and, in doing so, express my gratitude to Her Excellency the Governor for officially opening the second session of this Parliament. I join with Her Excellency and other members in expressing my condolences to the families of former members of the House of Assembly: Mr Joe Tiernan, Mr Reg Groth, Mr Keith Plunkett and Mr Lloyd Hughes, who passed away during the past few months. It is a clear reminder of our own mortality, and perhaps also of our own advancing years, when the former members whose passing we acknowledge from time to time are people with whom we ourselves served or people we knew through other circumstances. For me that is true of three of the four members we remember today.

I did not know Joe Tiernan particularly well. He was elected to Parliament only in December of last year, but it is very sad that he was unable to make a significant contribution to parliamentary life before he passed away. I did, however, know Keith Plunkett, with whom I served, and also Reg

Groth, for whom I worked for about a year, starting in 1972. Both these men were from the Australian Workers Union and were old-style Labor men who believed passionately in the fundamental principles of equity and justice upon which the ALP and the trade union movement were based. I worked for Reg Groth here at Parliament House; he was one of a group of four ALP members for whom I provided a secretarial service. I remember him as a very kind man with a warm sense of humour.

Reg had a strong relationship with his wife, whom he called 'pardner'. He talked about his wife frequently, and often brought his then very small son Peter into Parliament House when he came to attend to his correspondence and other duties. Reg doted on Peter, who was a late arrival in the Groth family, and he was proud of his and the whole family's achievements. Reg was one of the first Labor MPs that I ever met, and his 'salt of the earth' characteristics impressed me and helped me to form my own view of what the ALP and ALP members of Parliament should be and stand for. I regret his and Keith's passing. They were both representatives of an era of values which, sadly, are being swallowed up in today's complicated world of politics.

Today I want to make some remarks about the Audit Commission and the directions that the Government is threatening to take in the housing area, but before I turn to that subject I want to say a few words more about the issue I raised today in Question Time concerning public transport fares. As members will recall, I indicated that a Cabinet submission signed by the Minister for Transport for presentation to Cabinet only four days ago sought to introduce a new public transport fare structure. I strongly suggest to members that this submission, if they look at it very carefully, is yet another example of the lack of political judgment that has been demonstrated on numerous occasions during this past six months by the Minister for Transport.

What she wanted to do with the presentation of this submission was introduce a distance based fare structure. She wanted to make significant alterations to the interpeak fare arrangements and, as part of the structure of the new system, the school card for public transport would be abolished. I suggest that in adopting these ideas the Minister has been well and truly conned by transport planners and theoreticians about what makes a good system. The theoreticians will tell you that it is the well off people who are benefiting from the current fare system.

I would ask anyone to go out to the electorates of Elizabeth, Napier or Reynell and ask those people who are currently using public transport whether they consider themselves to be well off. Go out there and ask the families who have sheets hanging at their windows and both husband and wife out in poorly-paid jobs just scraping to make ends meet, who are working strenuously just to buy a carpet and a lounge suite to furnish their houses, whether they are well off. Go and ask some of the pensioners who are living in those areas whether they are well off and whether they are in a position to pay $7 a week more for their public transport. I think that the sort of answer you will get is the sort of answer that we have always received when we have talked to people about public transport matters. It is simply poor judgment on the part of the Minister to accept these propositions that have been put by transport theoreticians and bureaucrats who are more interested in developing a tidy, neat system that is easy for them to administer, than to have a system which is actually fair and reasonable.

The Hon. K.T. Griffin: It might be better for the bus drivers, the train drivers and the passengers, too, to have something simpler.

The Hon. BARBARA WIESE: The system that is being proposed is not simpler. It is more complex and, more importantly, it is a great deal more expensive. That, at the end of the day, will be the crunch issue for many, many families in the outer suburbs. The honourable member may have been in discussion when I said this earlier, but what he should do is what I have done, and go out and talk to people in the seats of Reynell, Elizabeth, and Napier about whether they think that they are well off. That is what this argument presented by theoreticians is based on. It is an argument put up by people who are suggesting that it is the rich people out in the outlying suburbs who are the ones who are benefiting from low fares and that poor people are not doing as well. I dispute that, and I would suggest to the Minister that he go out there and ask the people who are actually using the public transport system whether they think that they are so well off that they can afford to pay 40 per cent more a week in public transport fares. You will get a resounding reply from those people because they can ill-afford additional expense of that sort. I know that these arguments are coming from theoreticians and bureaucrats because they are exactly the same sort of propositions that were put to us in Government by the same people in the bureaucracy year after year. And year after year we decided that what they wanted to do was ill-considered and, in fact, would create inequities for large numbers of people for whom such inequality was not something to be contemplated.

The Hon. A.J. Redford: Were the same bureaucrats leaking when you were there?

The Hon. BARBARA WIESE: I do not know; it would be very interesting to know. I will move on to the issue of bureaucrats and leaking a little later. One other disturbing feature of the argument that is being put by these people about the need for the changes that the Minister was proposing is that they are suggesting that we should be trying to do something about corralling people in their own local areas. They are saying that the people who live at Elizabeth really should not be encouraged to travel long distances, that they really should be encouraged to stay in their own area and get a job there. How realistic is that when we know how high the rates of unemployment are in some of those outer suburban areas?

We know that many people in those areas have to travel very long distances in order to find employment and that, indeed, is what they are doing. In fact, research undertaken by the State Transport Authority—now TransAdelaide—last year when I was Minister indicated that during the last 10 years the average distance travelled by people using the public transport system has increased 20 per cent. So there is a trend for people to travel longer not shorter distances. Surely this has been brought about by current employment opportunities. Who are we to suggest that people should not be given the opportunity to travel those distances in order to find employment and make provision for their families? I certainly would not suggest that, but apparently this Minister is quite happy to do so. In my opinion, that is just a further example of her poor judgment in these matters.

The second issue that I want to raise, which I think is very important, is that, on numerous occasions throughout this Cabinet submission, the Minister states that, in order to make her competitive tendering scheme work, it is essential that public transport fares be restructured and that there be these

increases. What an admission that is, and what a con it was when she presented this policy to the people last year. Not once did she suggest to people that they would have to endure massive price hikes, and not once did she go to the outer suburbs and say to those people, 'You will suffer when I introduce this new system.' She did not say those things, but now she comes forward with this information, that in order to make the system work there will have to be a hike in public transport fares. In other words, the poor people in the outer suburbs, pensioners and families, will have to pay these public transport price hikes so that the system will be attractive to private operators to whom the Minister wants to flog the bus routes. That is what she wants to do.

The Hon. A.J. Redford interjecting:

The Hon. BARBARA WIESE: That is what she has said: that her system won't work. If this submission does not proceed, the Minister is saying that her passenger transport policy will not work. I do not think that this Cabinet will reject the concept at all. The Minister herself has said that she has only withdrawn this Cabinet submission: it has not been rejected; it has been withdrawn. She is still considering—

The Hon. A.J. Redford interjecting:

The Hon. BARBARA WIESE: Well, apparently the Premier has changed the rules half way through the game, because the Minister says that it has been withdrawn. It does not matter whether it has been withdrawn or whether the Minister has been rolled; the fact is that she says there must be a change in the fare structure to make her system work. So, if it is so important, at some stage there will be such a change. If it is not to be made, that is an enormous admission of failure on the part of the Minister and the Government with respect to a major policy statement that they made during the course of the election.

The real question that needs to be asked with respect to this matter is why a document of this importance, which was signed only four days ago, was leaked to the Opposition. It is a major policy matter; and it is a very serious matter for a Cabinet submission to be leaked in this way. There is no doubt that this is an important financial issue as far as the Government is concerned because, not only is there $2.6 million in increased revenue that the Minister suggests will come about by this abominable fare structure that she wants to introduce, but about $3.5 million would be saved for the Government through the abolition of the school card, which is also mentioned in the submission. So, we are talking about $5 million of Government revenue.

Why would someone take the risk—and, indeed, it is a risk for anyone to leak any sort of document out of the Public Service or wherever it came from—and make a document of this sort available? The answer is that there is enormous dissatisfaction and growing disquiet about the performance of the Minister for Transport and her handling of her portfolio. These stories come to us from all sectors of her portfolio, not from just the transport area but from the arts and women's affairs areas. Whichever way you look, people are coming forward with the same sorts of stories. This cannot be because they are collaborating, because most of them would not even know the others involved who are saying these things very openly.

They are calling her now the Minister for Tantrums. She runs around shrieking abuse at people. She is arrogant; she demands action from people on issues that are quite unrealistic; and she shows absolutely no respect for the public servants who work for her, many of whom are professionals with enormous expertise in their field which has been developed over many years. They receive no acknowledgment for that and are shown no respect for the work they do. They are all dedicated public servants who would work for whichever Government was in power because they are professionals, and they are treated with a total lack of respect. In my opinion, it is not surprising that these people are now beginning to return the favour. Why should they respect their Minister if their Minister does not respect them? Why else would a Cabinet submission of the importance of this one fall off the back of a truck? A very strong view is emerging in the Public Service—I might say not only in the Public Service but amongst the industry groups with which the Minister works—that she simply does not understand the issues and that she is not coping.

I turn to another issue which demonstrates what I consider to be the same lack of judgment as the Minister has shown on this issue and which she has already shown on the Hindmarsh Island bridge issue, and that is the third arterial road. I believe that this demonstrates again an irresponsible and dishonest approach that was taken by the Minister prior to the last election in her endeavour to shore up votes for the Liberal Party. In the same way as she promised before the last election to stop the building of the Hindmarsh Island bridge when all along she knew that the State Government was contractually bound and that it would have to be built, she promised that the third arterial road would be commenced in 1995 and finished within four years without having any idea whatsoever where the money would come from. Now she is struggling with that folly. Two weeks ago in Parliament she indicated that she had employed yet another firm of consultants—under this Government, it is certainly a consultant-led recovery—to look at the best route options for the road. She indicated that the private sector is her preference for funding. Why it would be necessary to employ a firm of consultants to determine the route for a four-lane road is beyond me since there are perfectly able professional people within the Road Transport Department who could make such a determination. In fact, they had largely completed that task before we left Government last December. After all, how many choices can be made in an area of land which has become so built up in recent years? There are not too many huge stretches of land for four-lane highways.

As to the funding issue, I can think of nothing more irresponsible than to make a promise without being able to indicate how it will be funded. And this is no ordinary promise. In South Australian road making terms, it is a very large promise. It is a road worth $80 million, especially when you consider that for the past few years the road budget has been declining, largely due to Federal Government cutbacks. In a total budget of around $300 million, at least $200 million is committed to Federal Government projects, and of the remainder very little is free to be redirected at will without (a) breaking down the longstanding and responsible practice of devoting considerable resources to the maintenance to the existing road network or (b) stopping or slowing down work on projects already commenced.

When I had the Liberal Party's road promises costed last year, it became clear that they would be about $20 million a year short in delivering the promises that had been made, even including the extra $10 million per year full excise money that they intended to add to the budget. Now these rash promises are coming home to roost. The third arterial road, which was promised in four years, is now apparently less certain. In a recent interview with the *Messenger Press*

the Minister would not be drawn on the completion time for the road.

The Hon. Diana Laidlaw: It starts next June; you know that.

The Hon. BARBARA WIESE: Yes, that's what you've said; you keep saying it's going to start next year, but you would not be drawn on the completion date. You promised in your election policy that it would be four years but when you were interviewed two weeks ago you would not be drawn on when the completion time would be. In an astounding statement—

Members interjecting:

The Hon. BARBARA WIESE: Well, that's not true, either. It is an absolute disgrace! The Minister has now come into the debate, and she suggests that her Government keeps its promises. In only six months we have a list as long as your arm of the promises that you have already broken, and we have another 3½ years of this to go. We will see just how many promises are kept during that time, and how many important promises will not be met. In an astounding statement in reply to my question two weeks ago as to whether she would consider as an alternative the $52 million high occupancy vehicle reverse cycle two lane road proposed by the Road Transport Agency, the Minister implied that it may not be a suitable option because the private sector will only look at projects of a certain value. In other words, $52 million may not be expensive enough.

So, it would appear that the Minister is leading us down a path where the taxpayers will again be asked to foot the Bill for additional and unnecessary cost, just as they were with the Hindmarsh Island bridge, so that she can make some lame attempt to fulfil a promise that she was not in a position to make in the first place. So, there she goes, sitting around again on another issue and probably jacking up the price by millions of dollars—it is certainly something like that in relation to the Hindmarsh Island bridge. This is all brought about because of her lack of judgment and her inability to make responsible decisions.

I now turn to the issue of housing and, as I indicated earlier, I want to make some remarks about the Audit Commission and the directions in which it would suggest the Government should go, and indeed the directions, clear from statements made by members of the Government, it is considering. I refer to this matter because at the moment there is considerable disquiet amongst a large number of South Australian Housing Trust tenants about their future. They are concerned that the Government will impose an unfair burden on them in its efforts to reduce State debt in the fastest time possible.

Effective, equitable housing policy has always been a key plank of the Labor Party, and we have an admirable record of activity during our years in Government. As a result of Labor policies, South Australia has the most affordable, stable, secure and sustainable housing system in Australia. Under Labor, South Australians have enjoyed a range of housing options; for example, home ownership, public and private rental, and cooperative and community housing, to enable people to choose the best option to suit their needs. As a result of Labor policies, South Australia has the highest proportion of public rental stock in Australia, currently around 11 or 12 per cent, compared with the national average of around 6 per cent.

During our years in Government, the South Australian Housing Trust provided an additional 27 500 homes for public rental and provided homes for 8 000 new families each year. The Housing Trust accommodates approximately 6 200 invalid pensioners and 50 per cent of non-home owning recipients of war service pensions. We modified or specifically built 6 000 units for people with disabilities, accommodated 24 600 South Australians under 25 years of age, and provided accommodation for 7 000 single parents. Seventy-three per cent of all South Australians over the age of 65 are accommodated by the South Australian Housing Trust. In 1992-93, Labor invested an additional $27.5 million in a significant upgrading of public rental housing stock, on top of the regular maintenance expenditure of around $50 million per year.

The Housing Trust has a tradition of building quality housing and has won more civic awards for design than any other builder in South Australia. In addition, and in recognition that a majority of consumers favour home ownership, our Government provided substantial assistance to low and middle income earners to assist them to achieve home ownership. During the last four years under Labor, 14 000 households benefited from HomeStart loans, and around 2 500 additional jobs were created in the building industry as a result of the HomeStart program. Labor provided stamp duty exemptions for first home buyers, top-up loans for low income families, seniors' loans to enable older people to upgrade or modify their homes and, through the South Australian Urban Land Trust, was able to control the development and release of land thereby maintaining affordable land prices.

These are some of the human success stories of our years in Government. Therefore, it is disturbing to read the report of the Audit Commission which would divert the whole debate on housing policy away from the social justice objectives that have hitherto underpinned it to an economic rationalist debate about how to cut housing spending in South Australia to reduce it to the lowest common denominator standards applying elsewhere. Nowhere is there a congratulatory word about the fact that the Housing Trust, through its open access policy, over the years has contributed significantly to the higher than average standard and availability of affordable housing overall in South Australia as compared with other States, or that the median prices of housing in Adelaide remain lower than most other capital cities, even though other aspects of the lower cost structure such as wages for which South Australia strived have been eroded.

Instead of the social benefits being recognised and measured for the positive contribution that they have made within our community, the bean counter's approach is taken. We are told, and I quote from the Audit Commission report:

> Recourse to this approach is often necessary to determine what might be regarded as an adequate level of service provision.

The report acknowledges, though, that cost is not the only criterion on which judgment should be based. So the whole set of recommendations, which are based on cost factors and not taking into account all these other aspects to which I refer, is designed to reduce the cost of public housing in South Australia, to meet these national standards, which are not evaluated or graded on merit or outcome.

The recommendations range from structural reform to save money within the South Australian Housing Trust, to increasing rents to turn the Housing Trust into a welfare-only housing agency, to flogging off as many Housing Trust owned houses as possible, presumably to be achieved by making trust tenancy as expensive and/or as undesirable as possible for as large a number as possible, and also by driving

them out into the private sector housing market or into purchasing their rental homes. These are controversial proposals and, with rent increases of between $21 and $30 per week being threatened, there are many very distressed Housing Trust tenants.

We will learn later this week, with the presentation of the Government's budget, the extent to which the Housing Trust tenants will bear the brunt of the Liberal Party's irresponsible pre-election promises to reduce Government debt in super quick time. I wonder whether this Government is interested in learning from the mistakes of economic rationalist policies adopted in other parts of the world. One of the alarming trends now emerging from the United Kingdom, where the Thatcher Government encouraged and coerced public housing tenants to become home owners in the late 1980s, is that large numbers of those who took the leap have been unable to manage financially and are now losing their homes. Insufficient care was taken to ensure that those people for whom home ownership would be a financially marginal proposition were made fully aware of the dangers. The Government was driven by an ideological, economic rationalist approach and thousands of families are now paying the price, and no safety nets were built in to save them.

To assist willing, informed Housing Trust tenants with appropriate income and ability to repay loans into home ownership is one thing and quite acceptable, but coercion of the vulnerable, as was the practice in the United Kingdom, is unacceptable and we must ensure that it does not happen here. So, the Opposition will be looking very carefully at the budget this week and at the actions of the Government over the next 12 months or so in the housing area for some of the signs of the sort of activity that we know, from the actions in other countries, we want to avoid in South Australia.

One of the issues that I think it will be important to look at closely during this next 12 months is the extent to which the Government will take up the suggestion of the Audit Commission to accelerate the sale of Housing Trust houses. It would seem to me that it would be a very ill-informed action suddenly to flood the market with large numbers of Housing Trust properties, because at the moment the residential housing market is still somewhat depressed in South Australia. Therefore, the price to be realised clearly would be lower than it might be at some other time. However, more particularly, if there were this action to flood the market with large numbers of Housing Trust houses then it would most surely curtail the very delicate recovery that is taking place in the building industry in South Australia and make it virtually impossible for people in the building industry to continue to improve their position.

So, it seems to me that there is a large number of matters where the Audit Commission was short-sighted. I would hope that, with the time that has elapsed since the Audit Commission's report was brought down, the Government has had an opportunity to examine very carefully and critically some of these recommendations, and in fact will take the decision to shelve large parts of it and ensure that the future housing policy in our State preserves some of the very best features of housing policy, for which South Australia has become renowned.

The Hon. T. CROTHERS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. A.J. REDFORD: I rise to support the motion for the adoption of the Address in Reply and I would like to thank Her Excellency the Governor for her speech in opening the Second Session of the Forty-Eighth Parliament. We can all be proud of the way in which Her Excellency the Governor conducts herself and carries out her duties on behalf of the people of South Australia. She is a credit to the office and is certainly an inspiration to us all and to all those who come into contact with her.

In responding I would also like to express my regret at the deaths of Joe Tiernan, Reg Groth, Keith Plunkett and Lloyd Hughes. In extending my sympathy to their families, I also pay a tribute to Joe Tiernan and the amount of energy that he brought to this place in the short time that he was here. While I was not a personal acquaintance of any of the other former members, I was acquainted with the family of Lloyd Hughes. I have enjoyed their company on many occasions. Lloyd was a great example to us all. The success of his children in the various pursuits in which they have engaged, in both the public and private sectors, is a tribute to the way in which he brought them up and must be a tribute to the example that he set.

I propose to talk about two issues during my contribution. First, I will address some Liberal Government achievements over the past nine months, because I think it is important that they be documented. Secondly, I will address the increasing and disturbing trend towards the centralisation of decision making in this country. In listening to or reading the contributions made in this address by various members, I believe that the contribution made by this Government has been significant. I appreciate that we are all bracing ourselves for an exceedingly tough budget and I am confident that the ordinary South Australians will understand the demands and the need for the sorts of decisions that will have to be made by the Government and that they will generally support the initiatives.

It is clear that we now have a Government that is working for the people of South Australia in looking beyond short-term gaols. To that end, the Premier and the Cabinet are to be congratulated. In any political Party differences in priority and focus always arise. However, the Premier is to be congratulated on the single-minded drive and focus that he has brought to the Government of South Australia. It is pleasing to see a political leader who genuinely wants to create jobs and opportunities for my children and the children of other South Australians. For that he is to be congratulated.

I think it is important that I set out some of the more important achievements that this Government has made in the short term that it has had to date in office. They include:

1. An additional 17 500 jobs created between January and July this year.
2. A complete restructuring of SACON.
3. The formation of the Public Transport Board.
4. The formation of a new public WorkCover board.
5. WorkCover reforms, including a potential to reduce premiums to our already over-stressed employers.
6. An overhaul of the industrial relations system.
7. Reform of EWS and ETSA to allow them to better manage their functions.
8. Progressive implementation of casemix management in our hospitals to give extra funds for better health, ensure efficiency and ultimately reduce hospital waiting lists.
9. Introduction of new practices in forestry management.
10. Preparation for the sale of the State Bank, SGIC and the Pipelines Authority to private people.

11. Privatisation of facilities and management at Port Adelaide to produce a port which is the most cost efficient in Australia. It is pleasing to note that it now has the highest productivity and the speed of handling containers is the best in the country.

The former Minister of Transport (who is not in the Chamber at the moment) cannot boast any achievement such as that in the many years she had public transport under her control. Quite frankly, I think that to call the current Minister the Minister for tantrums, having regard to the former Minister's disgraceful record in public sector reform, is beyond the pale.

The Hon. Diana Laidlaw: No record!

The Hon. A.J. REDFORD: No record whatsoever. The twelfth point is tendering for the outsourcing of public sector information technology, and the last point is a strong initiative in the area of domestic violence and women's rights. In relation to jobs, the announcements of investment by Motorola, Australis Media, Gerard Industries, Wirrina and the wine industry are to be welcomed. That is stunning when one considers the announcements which actually achieved something and which were made in the 10 year period of the previous Government. These are not simply regurgitations of previous promises or hopes that seemed to be the cornerstone of the election platforms of the Bannon Government election after election.

It is pleasing to see that well over $100 million will be allocated to encourage industries to invest and create jobs in this State. I am pleased that, notwithstanding the challenges faced by the Government in bringing in a balanced budget, it has reaffirmed it commitment that there will be no new taxes and no increase in the rates of existing taxes. The Premier is to be congratulated for holding to that line in this difficult political climate. We have not done it by ourselves. Despite some of the protestations of members opposite and the squeaks from the members on our right (the Democrats), we have done it with the support of the Public Service, ordinary rank and file schoolteachers, ordinary rank and file health workers and, ultimately, the goodwill of the people.

I now turn to something that is of great concern to me and, I believe, having listened to the Hon. Jamie Irwin, of great concern to him, that is, the question of constitutional reform and structural constitutional change in this country. I believe that the most fundamental challenge now confronting this Government is the issue of constitutional reform. For some 100 years we have had a Constitution which has served us exceedingly well. The Constitution has been changed on very few occasions by way of referendum. However, quite substantial and significant changes have been made through the changing process of the High Court and also the sharing of responsibility by Australian Federal and State Governments through a cooperative process.

The Premiers of all States committed themselves recently in Sydney to building a new Australian federation based on the following principles: first, that the federation enables Government to be close to the people and responsive to local and regional needs; secondly, that the federation enhances the adhesiveness of the Australian nation by being responsive to the needs of regional diversity rather than being dismissive of that diversity; thirdly, that the federation is dedicated to the delivery of quality services to the Australian people; fourthly, a federation which delivers cost effective services for our taxpayers and which removes duplication between various levels of government; fifthly, a federation which fosters a competitive national economy based on the fundamental principle of competitive federalism; sixthly, a federation which has a guaranteed revenue base to the States; and, lastly, a federation which continues to be accountable to the people through their Parliaments.

These are all fine and well sounding goals. However, the attitude of the Federal Government, particularly since the election of the current Prime Minister, has been one of aggression towards the role of States and arrogance towards the decisions of locally elected Governments which are endeavouring to resolve local problems.

I remind members in this place of a quote of President Reagan, who is probably one of the most successful political leaders we have seen in the Western World in the post-war period.

The Hon. T. Crothers interjecting:

The Hon. A.J. REDFORD: That may well be the case. The Hon. Mr Crothers says that he hasn't got much to beat. But I suggest that President Reagan would probably still be President of the United States if there was not a constitutional bar to that fact. He said this:

> National problems should be solved by national Governments, State problems by State Governments and local problems by local governments. When national Governments seek to resolve the problems of States and local government, that very act has the potential to disfranchise the important right of people to be able to control their own destinies and their own lives.

Unfortunately, the current Federal Government does not appear to understand that process. How can one justify a Federal Government with a huge health budget running very few hospitals or a national Government with a huge education running few schools? One great example of that is something I have observed in my practice as a lawyer. In the past ten years there has been an extraordinary growth in the activities of Federal law enforcement officials. This can be seen through the activities of the Australian Federal Police, the NCA and various other bodies.

Notwithstanding that, the conviction rates as a result of these bodies is extraordinarily low, particularly when one looks at the economic resources that they have at their feet. It is also particularly noticeable when one compares it with the effectiveness of our State authorities. I will return to that topic in some detail a little later, particularly in the light of some of the statements made by the Prime Minister and the Minister for Health (or, as she described herself in today's paper, the Minister for the Status of Women).

There are very real challenges facing the State Government in the light of the extraordinary attack on the autonomy and independence of State Governments that has been unleashed by the current Keating Government. The use of the Hilmer report by the Federal Government to grab power and financial resources is stunning. There seems to be a belief on the part of the current Federal Government that it knows how to live the lives of ordinary Australians and administer the lives of ordinary Australians in their ordinary activities better than they themselves know. Mr Keating may well cloud that under the guise of leadership, but he runs a real risk of alienating ordinary Australians from the view that they have some basic freedoms in their lives to control their own destinies.

To date the Federal Government has been comforted by the support that the High Court has given to this gradual process of centralism. In that regard, one has only to look at the decision by the Commonwealth Attorney-General to enact laws on homosexuality giving adult homosexuals the right to consensual sex in private in Tasmania. I might say that I fully

support the sentiments of Mr Lavarch and do not in any way support the current laws in Tasmania. However, I do support Tasmania's right to make laws without interference from Canberra.

The approach of the Federal Labor Government is admission on the Federal Labor Government's part of its failure to embrace the political process at a local level. When one looks at local issues, both in local government and State Government, one sees a stunning failure by and a stunning absence of Labor Governments. I think it is time the Federal Government took notice of that.

Obviously Mr Lavarch, in the context of the Tasmanian dams case and the use of the external affairs power, has some sense of confidence in the process on which he is about to embark. Many State Governments have resiled from challenging the use of the foreign affairs power by the Federal Government to usurp the authority and autonomy of State Governments on various issues, including environmental issues. To date, State Governments have been cautious in bringing matters to the High Court seeking a limit to those powers.

On the other hand, the Federal Government has continuously taken powers from the States with the confidence that the High Court will continuously support the ongoing process of centralism. I sound a note of caution to Mr Lavarch, because I think his rubicon is about to come, and from the States' point of view I can see a light at the end of the tunnel.

Last night I was privileged to hear an address by Sir Daryl Dawson, a Justice of the High Court of Australia, to the Adelaide University Law Students Society. The paper he delivered was entitled, 'Do Judges Make Law? Too Much?' In his paper the judge conceded that judges quite clearly do make law. I believe he is right, and certainly judges in a common law system or indeed a civil law system do have some responsibility in this area.

However, the question is to what extent judges can make law. Justice Dawson stated that judicial law making is proper only within limits and, when those limits are exceeded, judges are making law too much. He recognised the limitations of the judges making law, as the High Court has often been accused, when he said the following:

> A court cannot function effectively in attempting to perform a legislative role. Departure from settled principle often leaves gaps which a court is ill equipped to fill. The fashioning of law to fill those gaps may require a choice as a matter of policy between competing alternatives, but a court is not able to carry out the investigations or inquire as necessary to make such a choice in an informed way. It cannot, for example, call for and examine submissions from groups and individuals who may be interested in the making of changes to the law in the same way as a Government or a law reform agency can do. Moreover, a court cannot lay down the law required to replace established principle in the detail which may be required. If it is to act as a Legislature, it can only do so in a confined way. It cannot enact a statute, even if a statute is what is required.

I think the Hon. Jamie Irwin made similar comments, and certainly those comments are directly pertinent to the Mabo issue. There Justice Dawson clearly recognises the limitations of a court and the extent to which a court can interfere with the normal legislative process. Indeed, one issue to which he does not refer is the fact that courts in this country are unelected and, generally speaking, not accountable directly to the people. He went on and countenanced a clear warning to the High Court that changes in well established principle can be dangerous and that aggressive law making by judges is tenuous. In that regard he states:

> The decision of a judge can only be law if it is regarded as such by judges in subsequent cases. A decision is only law if it will be followed as a matter of law. If a judge were free to disregard precedent, then others would also be free to disregard that judge's decisions. A judge whose decisions are not followed has not made law but merely decided cases.

That may all sound fine, and the response from the centralist may well be that the decisions, or the precedents set, are in the direction of centralism and that the control of certain aspects of power by the Commonwealth through the use of the external power out to be retained simply on the basis of existing precedent. They may say that the continued use of the external power is consistent with the adoption of precedent in 1994.

However, if the protagonists of centralism believe that the High Court, having set the pattern on the use of the external power, will now use the doctrine of precedent to maintain the status quo, they should be well warned and in that regard I believe Mr. Lavarch out to be well warned.

In that respect I draw this Council's attention to the following statement by Justice Dawson in the same speech last night:

> Nevertheless, under the influence of the engineers' case the court presided over a vast expansion of Commonwealth power in its construction of section 51 of the Constitution. Perhaps the view taken by a majority of the scope of the external affairs power was the acme of the literal approach resulting in a Constitution of that power which gave it the clear potential, as the minority pointed out, to obliterate all the other heads of a legislative power contained in section 51. It is probably too early to speak with confidence, but there are signs that the court is searching for some means of curbing the use of the external affairs power for purposes plainly inconsistent with the Federal compact.

Therefore, Justice Dawson is clearly sounding that this is not simply his personal view but his view that the court is searching for some way to curb the use of the external affairs power because it is currently attacking the very essence and the very basis of federalism as we know and understand it. Therefore, if Justice Dawson is to be seen as having some understanding of the direction of the High Court (and one would have to think that he must have, having regard to the fact that he is a member of that august body), then the Federal Government can be less confident that it will have the High Court support that it has had over the past 60 years.

Justice Dawson warns that judges who impose their own vision of a desirable result may ultimately be self- defeating, decreasing respect for the law and those who administer it. Certainly, the direction in which the High Court is headed in my view is leading the High Court to expose itself to that sort of accusation. Therefore, it is my view that it is time for the Federal Government to enter into some form of dialogue and use an approach adopted or suggested by the former Prime Minister, Mr Bob Hawke, which he described as consensus.

I believe that Australia is reaching a cross roads, where we need to reaffirm the principles of federalism. If we do not have a federalist State, the need for and power of the High Court is diminished. After all, if there are no States and no Commonwealth within which the division of power is to be divided, there is no role for the High Court to play in that regard.

Clearly the principles have been reaffirmed by all State Governments in this country. However, there appears to be little acknowledgment of that on the part of the Federal Government. It is to be hoped that the High Court will bring some sense of sanity back into the provision of responsibility and power in this country. Perhaps some terrific examples of that are the comments by the Prime Minister, Mr. Keating,

and those of his Health Minister, Carmen Lawrence, in today's papers concerning the criminal justice system. I cannot say that I have ever seen Mr. Keating or Carmen Lawrence being described in any way, shape or form as jurists of any note in this country. At the outset, I challenge the performance, abilities, and success rates of the various State prosecutorial authorities and police forces against the performance, abilities and success rates of the various Federal instrumentalities that have been established over the past 10 years. The progress of the NCA in cleaning up organised crime has been astounding in its lack of success, and its clumsy path has been littered by examples of failure. They have be well documented elsewhere. Notwithstanding the stunning failure of the Federal Police and the NCA, we see in today's paper some extraordinary comments, and I quote them. First, the Prime Minister said yesterday:

> If we are to reduce the chances of criminals escaping justice by exploiting technicalities in the law, if we are to ensure fairness and consistency, if we are to reduce legal costs, we need a uniform, simplified and reformed criminal law.

Well, thank God for Paul Keating! We have police forces, legal professions, and law reform commissions throughout the country that have been grappling with these sorts of problems, and along comes the Prime Minister and, in one sweeping statement, reckons we can fix all this up by having a uniform, simplified and reformed criminal law.

Not bad for a fellow who has been at the leadership of this country for well over 10 years! I must say that there has not be one example that I can see of a person avoiding the consequences of their actions or of their criminal conduct as a result of a failure to have a uniform justice system. Quite frankly, my greatest successes in the criminal law have been as a result of prosecution failures. The most spectacular of those stunning failures tend to come from federal authorities, the Federal Police and Federal Directors of Public Prosecution.

I remind members of the extraordinary process of prosecution adopted by the Director of Public Prosecutions in the Eustice and Allert case being an example of that. If Mr. Keating and Carmen Lawrence want to use those things as an example of avoiding the consequences of law by technicalities, they out get out of politics, go back to law school and understand how the real world operates.

We also have a Federal Health Minister stating that present laws have left many criminals free, including murderers. What a redneck statement! I am not entirely sure what she means by that, and I am not sure whether she can precisely identify those people, including the murderers, who have avoided justice through the use of technicalities. However, I will be writing to the Minister and asking her whether she could possibly identify those murderers who remain free because of the use of technicalities. I am sure, with her extensive knowledge as a jurist, as a person involved in the legal system, she will be able to identify the precise technicalities that have led to the mischief she claims. Is the Health Minister suggesting that Erica Kontinnen, who used the battered wife syndrome as a defence in a murder charge, avoided justice through some form of legal technicality? I would be delighted to know precisely what the Health Minister refers to when she talks about technicalities. We then get this from the Federal Health Minister: and this one is a beauty. She says:

> Perpetrators of domestic violence also seldom went to court and their victims faced great difficulties in claiming criminal compensation.

And she suggests that uniformity of laws will fix all this. This is fairytale stuff. Bring in the wand, bring in a bit of uniformity and all our problems are solved. This morning when I picked up the paper I could hear this enormous collective sigh of relief from every police officer, every lawyer and every judge that Paul Keating has decided to turn his attention to the criminal justice system, aided and abetted by that prominent jurist, the Health Minister, the former Premier from Western Australia, ducking and weaving a royal commission in which a preponderance of crime existed, going to Canberra to avoid it; I could hear the whole Australian legal society and all victims of crime heaving this huge sigh of relief because the collective abilities of those two inadequate jurists have been focused on the criminal justice system. I look forward to seeing the relief on the face of the Leader of the Opposition in this place that the whole criminal justice system is being fixed because of the intervention of Paul Keating and Carmen Lawrence.

The truth is that, if we had a fairer division of wealth in this country between the Commonwealth and the States, we would be able to establish a proper system of criminal injuries compensation; to lower the burden of proof; and to be able to assess damages so that the substantial number of victims of crime—and, in particular, women—would be properly compensated. However, the Federal Government in its grab for finance has left the States with few funds with which to administer their extraordinary responsibilities, including compensation for crime. Let us look at the centralist model. The total sum of the Federal Government's achievement in domestic violence is to create a niche industry for Ansett and Australian Airlines with the flying around of the bureaucracy from conference to conference. What single initiative has this Federal Government taken in relation to domestic violence? I believe it has provided funding for a 008 number. Quite frankly, if one looks at the facts—and one needs to look at the facts at the coalface, not in Canberra; not at 30 000 feet in some Australian or Ansett aeroplane travelling to a conference—the value of a 008 number is limited.

But we go back to the Prime Minister and the Federal Minister for Health, who caused this collective sigh of relief throughout Australia this morning, and I say this to them: how can they possibly say that uniform criminal laws will build a safer and more equitable Australia? It is really easy to point to differences between various States and say, 'See: there are the differences. If we get rid of them, that will solve the whole problem.' It is that sort of simplistic approach by the Federal Government that has led to the enormous problems and to the gradual decline of Australia as a country since the Labor Party took office in 1983. I also note that Mr Keating said there will be a major push to change the focus of crime fighting from punishment to prevention, and called for cooperation between Governments, law enforcement agencies and the community. Again, when I got up this morning and had picked up the paper and could see the comments from Paul Keating, I could hear the enormous collective sigh of relief that the Prime Minister had finally come to grips with the prevention of crime in this country.

Indeed, it is interesting to see—and I assume this is the case, given this newfound interest in this topic—that half the Prime Minister's department would probably be attending yet another conference, that is, the victims of crime conference less than a few hundred metres from where we sit. I would defy the Prime Minister and that prominent jurist the Minister for Health to justify a better performance on the part of the

NCA and the Federal Police as opposed to State authorities. The federal authorities have much to learn and, quite frankly, when one goes through that comparison, ought to hang their heads in shame.

Finally, I would like to take the opportunity of congratulating the Queensland Government on its announcement today. The initiative adopted by the Queensland Government in implementing a new code of criminal law in that State will be watched with great interest. I believe that the process of a single State Government adopting a code can be watched with interest by other State Governments, and I am sure that the overall process of the reform of criminal law will be hastened by the action of the Queensland Government. In my personal opinion, the previous model of law reform in the area of criminal law—by waiting for consensus on the uniformity by the Commonwealth and the various States—has taken an extraordinarily and inordinately long time. That approach of consensual adoption of uniform laws by various State Governments is a slow and arduous process, often leading to failure and, in the meantime, injustice is created by the delays.

That is the cost that we pay, and Keating would continue to have us pay, for the adoption of uniform laws. In closing I repeat: I congratulate the Queensland Government—and I know it is a Labor Government—on the proposals in the press this morning of implementing a criminal code in that State.

[Sitting suspended from 5.59 to 7.45 p.m.]

The Hon. M.J. ELLIOTT: I support the motion, and in so doing take the opportunity to cover a few subjects which are of interest to me. I suppose that Government performance is the prime issue, but I will raise other issues, such as the Hindmarsh Island bridge, shop trading hours, etc., during the course of my speech. A question I have been asked quite regularly over recent months is 'How is the Government going?' The kindest word that I have been able to give in relation to their performance so far is 'disappointing'. I was not, I might add, expecting a lot of the Government and, to be perfectly frank, I do not think the electorate was either. There is not much doubt that the major concern of the electorate at the time of the last election was to remove the previous Government, as long as people thought they had somebody in who was going to be half way responsible. The fact that people were persuaded at the time of the last election that the new Government, the then Opposition, would not be terribly radical—the insinuation was that it would be a steady as it goes Government—explains the significant support it received at that time. There is no doubt that the State has some significant difficulties which the Government inherited on coming to office, but I do not think that it really helps when those difficulties are overstated. I believe that the Audit Commission report, in effect, overstated the problems that this State has. For instance, in percentage terms the State debt against the State GDP is no greater now than it was in 1982, at the end of the last Liberal Government's term.

For some reason, the Government and its sponsors have decided that they need to get tough. We see that word crop up in the media from time to time, particularly in the *Advertiser*, which has been encouraging this Government to be tough. The problem is that being tough is not good enough, because it is just as possible to be tough and to be wrong as it is to be tough and be right. Unfortunately, too often the Government, whilst trying to be tough, has not got it right.

For instance, let us look at what the Government has attempted to do to the Public Service. The Government is rather pleased that at this stage it has managed to encourage 7 000 public servants to take voluntary separation packages. In fact, that is being trumpeted as a major victory. I argue that it is not a major victory and that it will not achieve the savings that the Government claims it will produce: in fact, quite a few negative consequences will come out of it. The way in which the Government encouraged people to take a separation package was as follows. Soon after Parliament rose at the end of the last session, the Government released an economic statement which quite clearly indicated that it intended to be tough in the ensuing months. The Government offered a separation package, and it said that at the end of a two-month period the value of the package would be halved. There was a very real threat that it would then seek to change the legislation so that the people who did not jump would be sacked and at the time they got sacked they would receive relatively little remuneration compared with what they would have received if they had taken a package.

The Government is probably quite pleased with itself because that appears to have worked: as I have said, it has managed to get 7 000 to jump ship. However, it is worth looking at who has jumped ship. I know, for instance, of a principal of a secondary school who was to retire in 18 months. He has now taken a separation package, which has given him two years' salary up front. That does not seem to be terribly bright. He is one of quite a few: I know it has happened with others in the teaching force. Teachers who have been on unpaid leave and who have taken up other jobs with no intention of returning to the Education Department have been given a gift of a separation package of two years' wages plus extras.

The Hon. R.I. Lucas: Can you provide details?

The Hon. M.J. ELLIOTT: Absolutely: it has been happening.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: I'm sorry, it's been going on. The next matter I will move on to is the question of what sort of people are likely to take a package. The Government when in Opposition was quite happy, on a number of occasions, to talk down the quality of the education system. The fact is that the overwhelming majority of teachers, as in virtually any profession, are extremely competent. Unfortunately, what is happening is that the most competent of those have abilities which are applicable in other occupations as well. Some of our very best teachers, because they have had enough of the way in which they have been treated and because they were extremely apprehensive about what the future held for them, have stepped forward, taken a package and left the department. That will not improve the overall quality of the education that is being provided to our students.

More generally, only two days ago, I spoke with people involved in the fishing industry. They are concerned about the current level of fisheries inspections. As I understand it, there are 18 inspectors around the coast of South Australia, nine of whom will now take a package. In the Port Lincoln area, I think there are only three officers left, and some of those are on Commonwealth funding. For instance, I think one officer is committed to the shark fishery. By the time you take away those who are committed to a particular fishery, there is only .35 of an officer available to look after the marine scale fishery and a number of other fisheries. It is absolutely

impossible for him to do the job that is necessary. The fishing industry is incredibly upset about the shortsightedness of this. One can go to department after department pointing out where officers who have an important role to play are taking a package.

My complaint is that the Government, on a department by department and section by section basis, has not determined which parts of the Government are inefficient and which parts are carrying too much fat: they have simply made available separation packages and essentially all the wrong people have taken them. No logical process whatsoever has been carried out to make sure that we do not lose people whom we can ill afford to lose.

The Hon. Sandra Kanck: No vision at all.

The Hon. M.J. ELLIOTT: Absolutely no vision. The Government's vision was: 'We want to remove X-thousand public servants.' End of story: nothing beyond that. As I understand it, there is only one researcher working in the area of stone fruit in South Australia. I understand that he has applied for a separation package. I do not know whether he has received it, but if he does the logical consequence of that will be the end of stone fruit research in South Australia. At the moment, stone fruit is not super trendy in South Australia and wine grapes are—I will come back to that subject later—but it is a crazy thing to do. Apricots are still a significant industry in South Australia. We are under constant pressure from imports from places such as Turkey, in particular. Some breeding with apricots was going on at the time to try to introduce some of the qualities of Turkish apricots into the Australian product, particularly the ease with which they can be stoned which makes it easier for them to be processed. That is important work, but that will not happen now if the research officer goes. I believe at last report it was likely that he would go. So the Government cannot get any kudos because, as I said, it will not improve the efficiency of the public sector if it removes people who have an important role to play. It will not improve the efficiency of the public sector if it gives some of its best public servants a package and encourages them to leave or if it gives a package to people who already had every intention of leaving. That is just not very bright at all.

The Government is now looking at amending the Government Management and Employment Act. At this stage, I have not seen the draft, but it is being circulated, so I hope I will see it within days. It is quite apparent that the Government has not yet finished with the public sector—a very demoralised public sector—and wants to continue the process. From the reports I am getting, the Government will, effectively, politicise the public sector in a way in which it never has been before. It is certainly true that, recently, senior public servants have been political appointees—that happened under the previous Government and the present Government—and that such appointments are becoming increasingly political, but that has not gone far down into the Public Service.

However, the sorts of processes that the Government looks like putting into place from the reports I am getting will be such that the potential for political interference at all levels of the public sector will be well beyond anything that we have ever before come across in South Australia. I will have the chance later to speak about other attacks that the Government has made on institutions in South Australia that we have previously taken for granted, but I think an independent public sector is an important part of the form of Government that we have in South Australia and Australia. When compared with a highly political public sector such as in the United States, most Australians would support the sort of public sector that we have now.

Nowhere in anything that I have said have I denied that there may be needs for improvements and refining of the public sector. Undoubtedly, there are inefficiencies in some areas and some redundancies. But the mindless attack on the public sector that has gone on so far is counterproductive and is giving us a public sector which will deliver less to South Australians, and certainly not more and, along the way, will not deliver the benefits as claimed by the Government.

Following that look at what the Government has done to the public sector, I believe it is worth looking at some of the unnecessary antagonism in which the Government has been involved, particularly with the union movement. I have no axe to grind for the unions. The Democrats have always taken the view that employers and employees must be given an equal and reasonable go and that it is important that the power relations of the two groups are recognised. But the unions do play an important role. They came about because of abuses of employees that occurred without unions, and they played an important role in ensuring that our society was fair and equitable. That does not mean that from time to time they have not abused their power, and I can think of any number of examples where unions have. That is true of any group that has power, whether it is government, the police or whatever; from time to time they tend to abuse their powers. But that does not justify, as I said before, the unnecessary antagonism that has occurred since the new Government has come in.

It is worth looking particularly at the silly things that Minister Ingerson has done so far—without entering into the politics of things that the Liberal Party promised at the last election. In late February, the Government announced that public servants had five weeks in which they had to sign up again as members of various unions or fee deductions could not continue. When you recognise there are 65 000 public servants, setting a five week time line was quite clearly an impossibility for them to meet, and one cannot put any other interpretation on that other than that he was just being very difficult and bloody-minded with that particular group for whom he had no personal regard. However, it was unnecessary antagonism and, at the end of the day, even he had to concede that and ultimately he gave an extra couple of months for that joining up process to occur.

It is in relation to the industrial relations and workers compensation packages that Ingerson deserves an even closer scrutiny. Quite clearly, before the election, the Government spelled out what its policies were with regard to industrial relations and workers compensation. As I said, it is not my intention to argue about what was within policy, and in fact largely but not totally the legislation which passed through this Parliament contained all the essential ingredients that the Liberals had promised before the election. Most of the amendments were putting policy back in. In some cases the legislation went directly against policy. Although the Industrial Relations Bill ended up with 154 amendments to the 240 clauses, at the end of the day the Minister had no cause to complain because, as I said, the policy with which the Government went to the election largely was implemented, with a few rough edges taken off.

In fact, the Minister has recently put out a pamphlet boasting about some parts of the legislation, which indeed he was not even responsible for and which were put in by both the Democrats and the Labor Party. As I said, I will not centre on the legislation and the attempt to break some

promises within that, although the attempt to break promises and some of the clauses in the Bill were just union bashing and nothing more or less than that, and unnecessarily provocative. However, I refer to his behaviour outside the Parliament, when he put direct pressure on commissioners and members of the court to resign. That is gross interference with bodies that are meant to be independent.

Then the he had the opportunity to make some appointments, which is something that Ministers get to do from time to time. The new position of Enterprise Agreement Commissioner had been created, so an appointment was to be made. I have met the person whom he chose, Peter Hampton, on a number of occasions and personally he seems to be a reasonable fellow. However, one cannot help but note that he was the chief lobbyist for the Employers' Chamber in relation to the Industrial Relations Bill and then, when the Industrial Relations Bill went through, the chief lobbyist for the Employers' Chamber is made the Enterprise Agreements Commissioner. If the Government is serious about encouraging enterprise agreements, which are about employers and employees getting together and coming to a mutual agreement, it should realise that the parties want to go into the process with confidence. Will the Minister have created absolute confidence in the process—

The Hon. Caroline Schaefer interjecting:

The Hon. M.J. ELLIOTT: Wait a second; let me finish. Will the Government create absolute confidence when the person who is making the first decision in relation to the enterprise agreements is a person who was the major lobbyist for the Employers' Chamber? Okay, so far, so good—although I am bitterly disappointed about that and, as I said, that is no reflection upon Peter himself.

Members interjecting:

The Hon. M.J. ELLIOTT: Just let me finish. Minister Ingerson did not succeed in persuading commissioners to resign, although he told some of them that I had agreed to a change in legislation, and I had not. He had not even spoken to me. In fact, he came to speak to me some weeks after he was telling me that I had agreed to a change in legislation. I am absolutely amazed that he should try that sort of prank but nevertheless he did. However, he did not get the Deputy Vice President of the commission or court to jump as he wanted them to. However, the President of the court and commission did take a package and leave.

The Hon. A.J. Redford: If you didn't offer the same thing to everybody, you'd be criticised for being unfair.

The Hon. M.J. ELLIOTT: Don't come in half way through something and start chiming off; you're too good at that. You should have heard what I had to say before so that you heard it in context.

The PRESIDENT: Order! I suggest that the honourable member keep his address to the present and not worry about the interjections.

The Hon. M.J. ELLIOTT: Well, the budgie came in and started squawking. Having succeeded at least in making the President of the court and commission jump, the reports in the media had it that he then approached Brian Noakes to become the President of the commission. Anyone who knows the Industrial Relations Act knows that if there are any appeals in relation to enterprise agreements, if people feel that what the Enterprise Agreement Commissioner has done is questionable, there is an appeal right and it goes to the Full Commission. But what the Minister would have achieved had he gone ahead with that appointment is that, instead of the old commission, which was an evenly balanced commission, he would have had a commission skewed 4:2—four former employer spokespeople to two former employee spokespeople. He was going to doctor the balance of the whole commission as well.

I had no particular beef about Peter Hampton or about Brian Noakes. However, if he was fair dinkum, why did he set about upsetting the balance of the commission? The commission had always been balanced in the past. It had always had equal representation of employer and employee, as far as they could represent anybody, and then other people at a higher level who, largely, came of the law and often were not seen to be so strongly linked. He actually went a step further and one of the new commissioner's former employer representatives went straight to becoming Vice President of the commission as well. I am told, though, that perhaps one of the ministerial advisers had some personal axes to grind that led that to that happening, rather than somebody else who was expected to get the job. But I will not enter into that at this stage.

The Hon. A.J. Redford: We are not going to actually name anybody, are we?

The Hon. M.J. ELLIOTT: Well, you would complain if I did name somebody. Does the honourable member really want me to start naming names?

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Well, just behave yourself then. Let us refer to the workers' compensation legislation. The Minister again had some appointments to make. When we were debating the composition of the workers' compensation corporation I had on file an amendment which suggested that the two employee representatives should be nominated by the UTLC.

The Minister in this place, acting on the advice of the ministerial adviser, put the argument forward that some employee associations were not in the UTLC and perhaps we should consider providing that employee associations make the nomination. There were big unions at the time, such as the SDA, which were outside the UTLC, although they have since come back in. I thought that that was a reasonably logical argument to put and I accepted it.

The Hon. R.R. Roberts: You got conned by logic.

The Hon. M.J. ELLIOTT: Yes, I got conned by logic and a little bit of trust. But what did the Minister do? He received a couple of nominations from the UTLC and accepted one of them. The other person he put on as an employee representative came from the AWU/FIMEE Amalgamated Union, which is a member of the UTLC. What particularly annoys me—and the Minister knew it would create some antagonism within the union movement itself—was that the UTLC clearly was an umbrella organisation representing the spread of unions beneath it. I would have found it acceptable if he had chosen a person from the UTLC and, on their nomination, perhaps someone from one of the major unions outside the UTLC at the time. However, he did not do that.

The Minister set out, I have no doubt, deliberately to aggravate and antagonise by plucking two people out of UTLC unions, although only one of them was nominated by the UTLC itself. Here is where it got even crazier and the Minister appeared to have broken the law. He also had to appoint three people to advisory committees: three on the advisory committee on workers' compensation and three on the occupational health and safety committee. One of the three people whom he appointed to the advisory committee on workers' compensation was not nominated by a union.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: That's right: he was nominated for the corporation but not for the advisory committee at all. So, the Minister appointed him to the advisory committee; it went to the Governor and it has all been put down in black and white. The Minister suddenly found out that he had actually breached the law. He thought he was playing games and being a bit clever. However, he has actually breached the law and now he is trying to work out how he can ask someone who could not be appointed in the first place to resign. He has gone to one meeting already telling people that this person had offered his resignation. However, this person has not offered his resignation.

Members interjecting:

The Hon. M.J. ELLIOTT: You are totally off the point again. The point is that the Minister again was off playing his silly games. He has been sprung on this one and is trying to work out how he will get out of it again. The most serious of all the things that concerns me, apart from the simple and unnecessary aggravation that has been going on, is that most people would say that the old employer-employee argument of 15 years ago should have been put to bed by now. I think that the unions and most employers understand that. Why on earth the Minister is trying to stir it up unnecessarily is beyond comprehension.

However, the worst of all the things he did was the pressure that he put on both judges and commissioners and telling them things that simply were not true in relation to legislation that was going to go through this place. He said that he had an agreement from me that it would go through, and that is absolutely scandalous. His willingness to fiddle around with the courts, both in legislation that was rejected and outside of this place, is absolutely scandalous.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: Well, if he wants me to come back and say anything more specific, I will. I have actually been fairly gentle on the lad. I will leave that for the time being and move on to the next theme that I want to touch on. It is important when a Government is trying to stimulate economic growth that it tries to pick some winners. It is also important in that process, as we seek to pick winners, that we seek to maximise the benefit that we can get for the State.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Well, once again, let me speak and you can have your chance later on. One of the winners the Government has picked is tourism, and I think it is right. However, for years people have been saying that tourism will be a winner in South Australia.

The major challenge is to work out exactly what this tourism model will look like. There is a very real danger that what we will see in South Australia is vertically integrated tourism. Now that we have one company owning the Wirrina resort, the *Sealink* ferry to Kangaroo Island and the buses, the potential is there for a person, having arrived at the airport, to jump onto the *Sealink* bus, to go to the resort that is owned by the same company, to get on the *Sealink* bus again to go down and get on the *Sealink* ferry and then to travel around the island and return. All it takes to complete the picture is the addition of perhaps Tandanya as part of the puzzle, and it really would be possible, from beginning to end, to arrive in Adelaide and be in the hands of one company totally.

Vertically integrated tourism gives nothing like the economic return to the State that tourism can give in other forms. It is still early days at this stage, but the Government has to be very careful that we do not go down that particular track. We are being told now that the Wirrina resort will go through significant expansion. Of course, we do not have all the plans on the table at this stage, but the question—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Intelligent debate is not being negative.

The Hon. R.I. Lucas: Have we done one good thing?

The Hon. R.R. Roberts: Certainly not.

The PRESIDENT: Order! There are not that many members in the Chamber, and they do not have to make all that noise.

The Hon. M.J. ELLIOTT: Thank you, Mr President. The point I was making—and there has been no opposition to Wirrina's being expanded—is that the major concern is that if Wirrina becomes a significant part of a vertically integrated tourism operation the relative returns to the State can be quite low. If they do, what happens in other places—

The Hon. A.J. Redford: It is better than nothing.

The Hon. M.J. ELLIOTT: You could argue that it is better than nothing if you liked. It is highly likely that the company will be putting a lot of retail operations on site. So, it will also be, if you like, the *Sealink* stores at which people will be shopping as well. Yes, there will be some jobs making beds and in the construction stage, and so on. However, in terms of the potential return to the State, it is nowhere near as great as that which other models of tourism can generate.

We need to get tourism that, as far as possible, will encourage people to go into South Australian stores, to stay at South Australian accommodation and where the dollars that are spent return in much greater percentage to the South Australian economy.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: Perhaps we can get Dr Wamsley to—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: The Government talks about ecotourism but does not quite understand what it is as yet. Ecotourists are unlikely to be the tourists who fly in for a week, have a round of golf and a quick pop into a couple of spots and then go again.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Again, you are showing your ignorance. I am talking about one extreme of ecotourism. The average backpacker will spend more in Australia than the average Japanese tourist. They do not spend very much per day, but they stay for an extended period. Thus, the total dollars they spend is large and where they spend their dollars is very different. They are far more likely to inject a dollar into the smaller stores and local concerns, where the dollars remain within the economy.

Members interjecting:

The Hon. M.J. ELLIOTT: You might not have an idea how potentially large that can be in itself. The Eastern States are killing us. If you go up the east coast of Australia you will find backpacker places in almost every town. South Australia, by comparison, is doing virtually nothing. You have to scratch around in Adelaide itself to find them.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Perhaps you would like to know about Wilpena. Let's take Wilpena, just to see how bright it was.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You raised the subject; I will keep going.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Mr President, you keep him in order and I won't be taken with these digressions.

The PRESIDENT: Order! I suggest that the honourable member keep addressing his remarks to the Chair. Do not take any notice of the interjections.

The Hon. M.J. ELLIOTT: I shouldn't, because they are inane. Wilpena, for example, is exactly what you do not do in ecotourism. You could compare it with what has been done at Uluru. When the development occurred, it was made quite plain that it would be out of the line of sight of Uluru itself. So, people who went there could look around and get what is essentially a wilderness experience. That is part of what ecotourism is about. The site they chose for the Wilpena resort was on the ABC range.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: If you do not know the geography then you do not know the place, and you do not know what you're talking about. It was on the ABC range and it was facing in a generally westerly direction, such that if you climbed Saint Mary's peak, as at least 50 per cent of the tourists who go there do, your view was of the resort spread out in front of you—the exact opposite of what the Uluru resort strove to do.

The problems with the Wilpena development were largely locational. They chose the wrong spot. That was not the fault of the developers in the first place: that was the fault of the previous Government, which kept on encouraging them to persist with that site. That is where the difficulty arose.

The Hon. A.J. Redford: It was outside the national park.

The Hon. M.J. ELLIOTT: That is totally irrelevant. People who go to the Flinders Ranges do not go there to climb a mountain and look at resorts. They climb the mountain because they like looking around at what is more or less—and we have to say more or less—a natural view. If you want to climb a mountain and look at buildings you can do it at Mount Lofty. If you go to the Flinders Ranges or the Gawler Ranges to climb a hill, you do not climb it so that you can look at buildings. If you do not understand that you are not on the right track at all.

They might not spend a lot of money whilst they are on top of the hill but they spend the money at the resort (or whatever the accommodation) they stay at. But, you are not going to go to the accommodation if it does not give you a quality experience, and the quality experience is not just how good the bar is and what they are serving. You do not spend a day travelling up north to stay at a place at which you could have stayed in Adelaide and from which you got the same experience. It is as simple as that.

As a person who has lived in the Riverland for eight years, I have been paying very careful attention to the wine grape industry, as I do with the other horticultural industries. However, I have been watching the wine grape industry particularly of late because of the projections that are currently being made about how successful it could be for the State. I want to see the industry succeed. People coming back from overseas are telling me that in England they are seeing increasing amounts of Australian wine.

Someone to whom I was speaking only two days ago had just been in France, and the recognition of Australian wine in France is clearly evident, as is probably even a little bit of fear and trepidation. So, the wine industry looks quite exciting for us in South Australia. There are a couple of dangers associated with the hype. Some are indirect in terms of the other industries that we are neglecting at this stage, and I will focus on those in a moment.

My major concern is for the independent grapegrowers, particularly those in the Riverland but also in the Southern Vales, Clare, and the Barossa to a lesser extent. Only a couple of years ago—perhaps three years ago—prices were below the cost of production, and we were debating legislation in this place about pricing. At that time international markets started picking up, and since then prices have been reasonable and, as a consequence, a lot more grapes are going into the ground. We need to keep our feet on the ground while we are looking at the wine industry.

It is worth going back to November 1991, when the Australian wine industry held a conference which was called 'Focused on the Needs for Export Success' and which was held at the Ramada Grand at Glenelg. The essential message was not to get involved in exporting unless you can guarantee supply, quality and knowledge of the market. That is good, commonsense text book marketing advice. The collective thought of the industry at that meeting was that, if it could maintain a 10 per cent to 15 per cent growth compounding, we could have exports from Australia of around $650 million to $750 million by 1996-97, five years on. Add a couple of years at the same rate and, by the year 2000, that figure could be $1 billion.

Any good business sets itself goals. It puts them in place and then puts in place the means of achieving them. It is important that you set yourself achievable goals. I have been given information which raises questions about how that figure was derived and explores that a bit, but it is not my intention to refer to that here tonight other than to simply note that the validity of that $1 billion figure has been brought into question by several people I have spoken with. I noticed that Robert Mayne, in an article in the *Bulletin* a couple of weeks ago, posed some questions as well.

I understand that the export sales of wines in June this year was lower than those for June last year. The major reason for the drop was that South African and Chilean wines are now going into the markets into which we have been going. I suppose there is some question as to the stability of South Africa and whether or not it will remain a competitor, but Chile will continue to expand. People who have recently returned from Europe say that the European scene in this respect is expanding. In Southern France there are massive plantings of vines, and those vines are being planted and wineries set up using the same technologies as those used in Australia. In fact, Australian winemakers are working in those wineries.

The point I am making is that the Europeans, and not only France but Eastern Europe, have been out here looking at what we are doing, and are very busy learning from us and rising to the challenge. Meanwhile, other competitor countries, in particular South Africa and Chile, are expanding quite rapidly.

The major hope for us is that we maintain supply, quality and keep knowledge of the market. The major concern for me is in relation to the small wine grape grower. Large wine makers at present are increasing their plantings. Not long ago about 20 per cent of the wine they made came from their own grape production. I understand that they are aiming for about 50 per cent of their own grapes. If there is any glitch in the markets (and it is hard to see many years into the future), obviously the wine makers will use their own grape production first and will simply top up with what is being grown by the smaller independent growers. The independent growers

could then easily find themselves in exactly the same position as they found themselves only three years ago. They need to be made aware and there needs to be some honesty about what the long-term price for grapes is likely to be.

I have heard some figures. While some growers are being paid up to $700 a tonne for certain varieties, in the long term I understand that the wine industry is hoping that even premium varieties will be costing them no more than $250 a tonne. I met only three years ago with a senior executive at South Corp who at that stage was suggesting that they were looking for a price from growers of $110 or $120 a tonne. Even allowing for inflation, it will probably be not much more than $150 a tonne now—maybe something less. Growers need to know what long-term price they might be facing. We cannot afford for them to be putting in the grapes, which is an expensive operation with the cost of trellising and the vines themselves, waiting years for the vines to come into production, and so on. Many vineyards going in now will start production when some of the glitches, of which I am fearful, occur in the market. Again the small independent wine grape grower will cop the lot.

I have expressed my view previously about pricing of grapes generally and I will not pursue that subject now. However, it is important that a clear message is put out to grape growers, namely, do not plant your grapes unless you are prepared long term to get a far lower price than you are receiving at this stage. The big wine makers need to put on the table now the sort of prices they are anticipating paying in future years.

There is a danger that, while one focuses on the wine industry, which is portrayed as a major winner in this State, we may miss the boat with some others. To take one example, I refer to the dairy industry. We do not hear anybody talking up the dairy industry in South Australia. It is interesting to look at some figures. In 1990 the dairy industry in South Australia produced 356 million litres of milk and generated about $400 million for the State economy. In 1993 it produced some 436 million litres of milk, worth about $550 million to the economy. So, we are looking, in that short three-year period, at an increase in production of about 17 per cent. So, it is growing at about 6 per cent to 7 per cent a year over those three years, which is significant. The income growth has been slightly larger. They are the figures for South Australia. We need to realise that the dairy industry generally in Australia has been growing even more rapidly. We see significant growth in the export markets into South-East Asia. South Australia at present has 6 per cent of the Australian herd and production. Potentially it could house many more cows and produce more milk, but before that is to happen the State Government needs to acknowledge that the potential exists and ask what it can do to help.

The present Minister for Primary Industries, Dale Baker, tends to take the attitude that if you stand back and leave industry alone it will be fine. With regard to stimulating the dairy industry, that is not necessarily the case. The major area for potential growth in the dairy industry is in the South-East of the State. A large number of dairy farmers in the Mount Lofty Ranges have been down in the South-East looking at properties and are quite keen to shift down there. They find at this stage that they face similar dilemmas to those which they have faced in the Mount Lofty Ranges. One reason for their wanting to leave the Mount Lofty Ranges relates to problems with effluent, which was highlighted during the Mount Lofty Ranges review process.

If they go to the South-East, while there are not streams to contaminate, there is the whole underground water supply, which is potentially capable of being contaminated and already getting high loads of nitrates—a matter I have mentioned a number of times in this place. We have inadequate knowledge of what is causing those nitrate levels to increase: it is likely to be predominantly leguminous pastures, but also relates to animals themselves. The big question that has to be asked, if we want the dairy industry to go down there, is what it means as far as increasing the contamination of the ground water. It does not matter in the Mount Lofty Ranges in one sense in that the stream flushes itself every year, but the ground water is there for hundreds, if not thousands, of years in some places, so the build up continues while the previous year's contamination remains.

We need to know what sort of pastures we can run down there. We need to know that if we set up a dairy what sort of techniques we will use to control the effluent coming from the dairy itself. It will not be fair on the producers, as is being asked right now, to spend up to $30 000 putting in a scheme to handle the effluent, if they are to be told later that the system does not work and that they need to spend another $40 000 or $50 000 to put in something different. A fear and lack of knowledge exists and is a significant hindrance to dairy expansion in the South-East.

The Government should be willing to pay the initial money to carry out the research in relation to the ground water and the cause of contamination and spend money on research to see what systems of animal management, pasture management and management of the dairies themselves is necessary to minimise the problems. It might be necessary to come up with a zoning system. For example, if you place dairies south of Mount Gambier with the ground water moving away from Mount Gambier towards the sea, nitrate contamination of the upper aquifer probably would not be a significant problem. I say 'probably'; we need to leave it to the experts. It may be partly a zoning problem, but it requires the Government to spend initial dollars and acknowledge that it sees the dairy industry as a potential winner in South Australia. It must state that it is prepared to spend the early dollars to lay the ground rules.

I point out that horticulture also has great potential in the South-East. In the *Border Watch* a few days ago I read of an experimental planting of two acres of walnuts, growers putting in apples at Kalangadoo, a major grower of cherries close to Mount Gambier itself and much other individual innovative work going on.

I made the comment earlier that we have only one stone fruit researcher in South Australia—and I am not quite sure that he has not taken a separation package. Again, a little bit of money on research up front identifying the best areas in the South-East for particular forms of fruits, the varieties that will grow there best, would all be sensible things for the Government to spend a bit of money on now. Of course, we should not neglect the Riverland, which forever has had a piecemeal approach taken to it. The piecemeal approach continues. We now have the small fruit growers going into wine grapes and probably just putting their head into another noose. It is long overdue for us to take a much larger overview of the Riverland and decide how we will solve some of the problems there, but the question of the Riverland would take another couple of hours so I will not start on that right now.

It is a great pity that the budgie has gone: he was asking questions about South Australia's image for development and I guess, by way of interjection, implying that there are

developments we need to get up in South Australia, and I have to agree. It is a theme I have touched on in this place on a number of occasions when I have argued that the development assessment process in South Australia is totally inadequate. I want briefly to congratulate the Government. It is probably the only time it will happen during this contribution, but I will do it. It is only one case, and it is provisional at this stage. The major difficulty with the development process has always been that developers have been encouraged to spend a lot of money up front. They carry out the EIS, etc., and then the public has its first opportunity to make comments upon it.

That is where the people at Wilpena got into trouble. As I said, the major problem with that development was location. I do not mean the location of the Flinders Ranges; I mean the particular location chosen within those ranges. The major problem with Tandanya was locational. In fact, you had to shift only about 400 metres and most of the objections would have been removed. Four hundred metres was all it took but, the way the process worked, that message never got through although, once again, I believe the Government might be looking at that as well, so at some other time it might get some other kudos. But we will wait and see. As long as it does not sell it to Sealink MBf.

Recognising those sorts of difficulties, the Government has now decided, with the Mount Lofty development, that before actually drawing up a concrete proposal there would be general discussion with groups that are likely to react. The Mount Lofty site is obviously likely to be a sensitive one—which is also one reason why developers want it. It is interesting that the most sensitive areas are some of the areas the developers want the most. But if the developers have a chance to speak with conservation groups beforehand, the conservation groups will clearly say, 'Look: there are particular kinds of things that you do that are likely not to be supported and other things will not cause a problem. For instance, if you come up with a peabrained idea like running a cable car through the middle of a national park and having to clear trees for 100 metres either side, we are likely to react negatively to that (that is exactly what the last development for Mount Lofty proposed). If you want to put up an enormous tower with a revolving restaurant half way up it, again you are likely to meet some resistance. But if you put a development on the site that largely melds into the site while still giving spectacular views—which it would—there are unlikely to be difficulties.'

It seems pretty logical, but the previous Government did not recognise it. In relation to the Mount Lofty development the present Government is, I understand, undertaking it as a trial—

The Hon. T.G. Roberts: They'll talk to people and then ignore them.

The Hon. M.J. ELLIOTT: That is the danger. So, I will not criticise the Government yet unless it actually does it, but its record on conservation is no better than that of the previous Government. The Hindmarsh Island bridge debacle is something that was created by the previous Government, so the issues I will raise actually relate to what happened when the previous Government was in office. It is worth going back to around the early 1990s, when a company called Wellington Cove Pty Limited was an applicant seeking approval from the Government of South Australia and the Murray Bridge council, the local council authority, for an upmarket residential resort and marina development in the township of Wellington, South Australia. The location of the development was on a significant promontory which divided the Murray River from Lake Alexandrina.

Wellington was also the location for another residential development, which was located on the opposite bank of the Murray River, at Wellington East, named Wellington Waters, approximately 500 metres upstream from the proposed Wellington Cove development. The Wellington Waters development is now owned by the Chapmans—or, perhaps, by their receivers. The ownership or purchase of the Wellington Waters development formed part of an overall scheme concluded with Beneficial Finance Limited, part of the State Bank of South Australia, and the State Government. Beneficial Finance was mortgagee in possession of the Wellington Waters marina complex, which was only partly developed, and with little or no hope of recovering a $3 million debt from the previous owners. There is a history behind that Wellington Waters project that I will not go into now, but the very fact that it ever got up is very dubious.

In the financial deal struck with the Chapmans and the obtaining of approvals to their Goolwa marina development and the building of a bridge to Hindmarsh Island, and also including the financing or refinancing of the Goolwa project, the Chapmans were obliged to take up the Wellington Waters loan outstanding to Beneficial Finance, thereby taking over the Wellington Waters project. From the beginning, the Wellington Waters project was based on very poor commercial decisions. It was literally doomed from the very start. Some of the poor decisions were: it was on the wrong side of the river; it had bad land access; it had little or no aesthetic value; the design plan was totally inadequate, leaving residential allotments and boat moorings with little defence to the strong south-westerly winds prevalent in the area; and the soil conditions were unsuitable for development purposes.

The buying public rejected the project from the beginning, even though it was strongly marketed. Even now, I believe there are only 14 houses on that site. In relation to Wellington Cove Pty Limited itself, guidelines were set up by the Government as to how the project was to proceed. The company had sought only the highest calibre of professional people to prepare the submission. The company lodged its application early in 1988 for assessment and in April 1988 received a reply from the then Minister for Environment and Planning (Hon. Don Hopgood) that the proposal had major social, economic and environmental importance. He therefore requested that the company prepare a draft environmental impact statement and, if accepted, was to prepare a supplementary development plan.

The draft EIS was submitted to the Government in December 1988. The cost of preparing the EIS, the SDP and related supporting information and evidence exceeded $1 million. In June 1990, after being fully assessed, the company received a letter from the then Minister of Environment and Planning (Hon. Susan Lenehan) stating that the Government had adopted both the draft EIS and the Government's own assessment report. It must be noted that the Wellington Waters project, the competitor, was not required to submit an EIS. In fact, I understand that they may even have started work on it before any planning approvals were granted. About March 1989 the Chapmans had begun negotiations over the purchase of the Wellington Waters development. It has been suggested that these negotiations eventually involved the funding for the Goolwa marina developments.

Soon after the Government had adopted the draft EIS and assessment report, a reversal of support for the Wellington Cove application became most apparent. The company's

town planning consultant, Mr Neil Wallman, was experiencing increasing hostility from the Department of Environment and Planning. Senior assessment officers were replaced by lower grade officers, despite the fact that the Government had described the project as having major significance, and finally the approval was denied.

The Murray Bridge Council later revoked its original approval, on advice from the council's consultant planner, Bill Wallace. Mr Bill Wallace was also the planner for Binalong Pty Ltd—the Chapmans. Of course, that raises some questions of potential and significant conflict of interest. The Wellington Cove project, unlike the Wellington Waters project, had received overwhelming public response. Eighty-five expressions of interest had been received—contracts could not legally be entered into at this stage—within three months, leaving only 55 allotments for future sale in stage one of the development. A further seven stages had been planned, releasing more than another 200 allotments.

The Boating Association of South Australia had advised that it wished to build its headquarters at Wellington Cove. The Wellington Cove developers had received strong inquiries for boat building, motel, shopping and restaurant facilities. It became public knowledge that the Wellington Cove development was now adversely affecting the viability of the Goolwa development of the Chapmans. Wellington Cove Pty Ltd had sought approval for its proposed development after a lengthy consultative process with State Government departments and the Murray Bridge Council. The company had received high levels of enthusiasm and support for the project from both State and local government representatives. The tourist and boating industries were both extremely supportive of the project.

Yet, despite that overwhelming support, the Murray Bridge Council went back on previous undertakings; the State Government went back on previous undertakings and, despite the acceptance of the EIS, rejected the Wellington Cove development. The question has been put to me that there may in fact be sufficient evidence to suggest a conspiracy and that all those involved, including the Government, should be brought to account. It is an issue which the present Government needs to take up. It has not been adequately explained. Here we have a developer who has done all the right things. The development has been through an EIS, which has been approved by the Government; it is prepared for an SDP; and it is in competition with another development which has had no EIS and which apparently had started working even before it had approvals. It has been an abject failure. The other one was likely to be a success.

We have a planning consultant who worked for both the Chapmans and the Murray Bridge Council—a very clear conflict of interest. The Chapmans become involved in the Wellington Waters project. They eventually are promised a bridge to Hindmarsh Island. Most people would tend to suggest that further questions are raised. Indeed, many allegations have been made to me, which I am not going to make at this stage. But I would hope that the Government would take it up and, in fact, I would wonder why they would not, although I have been so confused by the somersaults they have done on this issue of Hindmarsh Island. Before the election at public meetings Premier Brown was making comments about the bridge which gave the impression to people at that meeting that perhaps he was not supportive of it and he was talking about exploring the legal possibilities, etc. Finally, when he is given a way out, he complains most bitterly. Of course, the Minister for Transport has done somersaults, with a very high degree of difficulty, which probably would have given us an extra couple of gold medals if only we could have got her over to Victoria in time.

The Hon. T.G. Roberts: I don't know what in.

The Hon. M.J. ELLIOTT: High diving, trampoline, on the floor—I do not know. It is no wonder that developers in South Australia are getting browned off. What I find particularly annoying is that it is the conservation movement which is being blamed for all of this, and yet with the Wellington Cove development it was quite clearly related to the Government itself. There was never one voice of concern raised from conservation groups about the Wellington Cove development. It looked like a mighty good development project—probably the best of the marinas in South Australia—and it did not get up. On the other hand, we had the Hindmarsh Island bridge, which did have strong opposition in the past. The environmental impact assessment was an absolute farce, an assessment process where even the chief wildlife officer of National Parks was not invited to tender any evidence on that subject, and yet it was in an area of international importance. Such a dubious EIS goes straight through the process with no problems whatsoever.

I am not at all surprised that the legitimate Aboriginal concerns were not picked up, because I do not think that the whole assessment process was ever meant to be a proper process. As I said, that is an issue on which I have focused on many occasions. I applaud the Government for the first time because, in relation to the Mount Lofty development, it tried at the beginning to identify the problems rather than waiting for the developers to spend a large number of dollars before being met with an insurmountable problem. In many cases, earlier in the project it might not have been insurmountable. Often, the problems concerned the size, the form or the location of the project, and with enough warning those problems could have been overcome.

I believe that in its handling of many of these projects the previous Government showed contempt for members of the public. It was willing to run environmental assessment processes that largely were farcical. It would appear that treating the people with contempt is something that the present Government has picked up in other ways. A classic example of that is the shop trading hours issue, which is the last issue I will touch on tonight. Before the election, interestingly enough, Minister Ingerson on the steps of Parliament House and a public meeting at the Town Hall, and after the election at other meetings, gave the impression to small business and people in general that while he was Minister there would be no change in trading hours. However, if you read what the Liberal Party has put out in print, especially the fine print and the last couple of sentences, you find that the Minister often qualified his statements. It is clear that the Minister set out to mislead but, whilst he qualified what he said in writing, what he said on the platform was not qualified on many occasions.

After the election, the Minister set up an independent inquiry—some people doubted the independence of it—which carried out its own survey. It discovered that 70 per cent of people wanted no change in shop trading hours; 20 per cent wanted an increase in hours; and 10 per cent wanted a decrease. If you like to play with numbers, you could say that twice as many people favoured extending the hours as those who favoured shortening them; that is, if you ignore the other 70 per cent who wanted no change at all. The reality is that 80 per cent of people wanted either no change or a

reduction in trading hours. So, public support was not there. But you do not let what the public thinks get in your road: you persist.

Minister Ingerson clearly intended to come to the Parliament with legislation. That was what he promised in the Governor's speech. It was not about changing shop trading hours for butchers. You do not say in the Governor's speech that you will allow butchers to trade for extra hours, but as far as I am aware there is no debate about the fact that butchers should be given the same hours as others. Quite clearly, the Governor's speech referred to the need for legislation. In this case, legislation clearly was needed. Section 5 was clearly meant to be used to grant exemptions to individual shops, but that question will now go before the Supreme Court and the Minister will find himself with egg on his face.

Who will be the beneficiaries of this extension? Coles-Myer, Woolworths, whoever owns John Martins these days—I have not kept up with that—and Westfield will be the beneficiaries of this change in shop trading hours. Coles-Myer has done its research and believes it can increase its market share by between 3 per cent and 5 per cent with extended trading hours. On a recent basket survey of 50 goods, at present South Australia is the cheapest capital city in respect of 23 of them. The two most likely explanations for this are: first, our trading hours are conducive to lower prices; and, secondly, and as important, in South Australia we have more competition than in other States. We have more competition because there is not as much market domination by a small number of traders. There is adequate data to show the degree of domination in other States compared with South Australia. While we have competition in South Australia we will have good prices, but with extended trading hours and based on Coles-Myer's figures we will be on a downhill slide.

I do not understand why a Government that claims to champion small business wants to help its major competitors in the way it will with extended trading. Australia has a greater degree of oligopoly than any other western country. The level of market share held by the Coles-Myer chain, is, I think, 24 per cent or 25 per cent of every retail dollar that goes through one of its stores. In a comparable chain in the United States the market share is about 4 per cent. The biggest three chains in Australia have a majority control of the market share, which is absolutely unheard of anywhere else in the western world.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You have come in part way through again. You cannot look at one issue in isolation. You cannot talk about shop trading hours without recognising that they have an impact upon other matters as well. One thing they impact upon is the market share, and the market share has its own impact as well. We are passing ourselves over to powerful shop owning groups by simply extending trading hours without any other protection being in place. I have concerns about Sunday trading for a host of other reasons which have been raised on many occasions by other people.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: I include that. The right of people to have their Sunday is important. The right of people simply to have a family day is important. There are probably almost as many people involved in retailing as there are people who said they wanted to be able to shop on Sundays; yet, the people who are involved in retailing are told that they will work on Sundays for this small minority group. Take the question further: if you are going to open shops why do we not open banks, post offices and Parliaments, why not open everything?

The Hon. R.I. Lucas interjecting:

The ACTING PRESIDENT (Hon. J.C. Irwin): Order!

The Hon. M.J. ELLIOTT: Of course. The point you missed is that I was not arguing for it, I was arguing against it. I said that once you start arguing for shopping, someone can say, 'For convenience, I want my member of Parliament to open his office on Sunday, and I want my bank and the post office to open, etc.' It makes a nonsense of it. I suppose we would have seven day a week schools as well and more efficient use of school resources. It is probably fair to say that it is incredibly difficult to wind the clock back, but what we find at the moment is that the vast majority of stores have the right now to open on a Sunday.

The Hon. R.I. Lucas: Yes, 94.4 per cent.

The Hon. M.J. ELLIOTT: That is right, but they do not because the real market demand is not there. They will open on Sundays when the big stores open because, once the big stores open, while there is only a relatively small market on Sundays, the big stores will start taking it. The little stores will have no choice but to follow. But for those people who argue that the demand is there, the fact is that, if the tourists were looking for something to buy in Rundle Mall right now, if there were hordes of tourists just waiting to be served, then those shops would be open in exactly the same way as the Jetty Road stores are open every Sunday now, and as every store in Hahndorf is open on a Sunday.

The fact is that they would open to genuine market demand, but it is not market demand that will force them to open on Sunday: they will be forced to open on Sunday ultimately because the big competitors, given a chance to open, will do so. They are capable of ticking over on relatively low staffing levels, and they can cope with Sundays quite adequately.

The Hon. R.I. Lucas: So, where's your seven day argument there, then?

The Hon. M.J. ELLIOTT: At this stage, what I am saying is that the vast majority of people have a choice; that is where my argument is.

The Hon. R.I. Lucas: If the boss says he is going to open the hardware store, you've got to come to work. Where is your argument then?

The Hon. M.J. ELLIOTT: You're saying that two wrongs basically make a right. I am not happy with people being asked to work there, and I am certainly not happy asking for more and more stores effectively to be forced to be open, and that is what will happen at the end of the day. As I said, that will not be to anyone's benefit, and it is interesting that even in the major retail stores, if you talk to the managers of the departments, etc., you find that they do not want to be open, because they will be asked to work Sundays, as will everybody else: it is not just the workers on the shop floor.

The only people who want it are the directors of the stores. As I said, quite clearly directors of stores are about market share. That is understandable; that is what free enterprise is about; but free enterprise is allowed to have rules. We are allowed to decide that there are rules within which it can act. I personally believe that, as far as possible, we should give people choices actually to have their Sunday for the family, for religious purposes, and whatever else. Saying they have the choice to open their shops once the big stores are open is actually a nonsense, and it is not a reflection of reality.

The Hon. R.I. Lucas: Do you go to seven day supermarkets on Sundays? Do you go to hardware stores?

The Hon. M.J. ELLIOTT: Yes, I do, actually.

The Hon. R.I. Lucas: It is convenient, isn't it?

The Hon. M.J. ELLIOTT: Yes, that's right. Absolutely! But the point you are missing there is that I would go to these small stores, even though they are marginally more expensive, perhaps once every six or seven weeks, whereas I do my shopping on a Saturday, every week. Occasionally, I will have forgotten something, and I will go to a convenience store. However, the fact is that, in the whole of the area in which I live, the Blackwood/Belair area, there are perhaps two convenience stores that at any one stage might employ four people. If Woolworths, Coles and all these others were open as well, then you would be talking about a lot more people all having to work on a Sunday. So, the point is that, even as a consumer, if I need anything desperately, I am capable of getting it, but I am capable of getting it at this stage, and it requires a small number of people to work. Before Sundays were allowed for shopping, I was quite happy to do my shopping on Saturday. People just used to be a little organised once. The fact is that you can pull something else out of the freezer. However, because you know the convenience store is open, you will sometimes duck down to grab something. But it is nothing more or less than that—a convenience. However, your convenience is not being inflicted on a large number of retail workers and retail owners forcing them all to open, because you might just happen to want to shop on a Sunday.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: The principle is important.

The Hon. R.I. Lucas: You've just said it's not.

The Hon. M.J. ELLIOTT: I said to you that I was quite happy for stores not to be open on a Sunday. I didn't ask for them to be open on a Sunday. But if they happened to be open on a Sunday that does not mean that you therefore say, 'I'm not going to use them,' because the stores are already operating.

The Hon. R.I. Lucas: Well, you've got a Bill coming in: are you going to close down the other ones on Sunday?

The Hon. M.J. ELLIOTT: No; not at all.

The Hon. R.I. Lucas: Well, that's your position; that's your principle.

The Hon. M.J. ELLIOTT: What I am saying is that at this stage I am simply seeking to return to the *status quo*.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: It is a matter of realising what is achievable. What is achievable is probably a return to the *status quo,* and to ask for more than that would mean that some members who might otherwise support it would then oppose it.

Those are the subjects I wish to cover. I do not think that the Government has scored particularly well so far. As I said, it does get some praise in relation to the Mount Lofty development and the way it appears to be handling it so far. Many things that it had as policy last time it could have achieved in a very straightforward way in this place without some of the aggravation it created. The way it is handling the whole public sector, etc., is a matter of grave concern. It is a troglodyte reaction. It is trying to generate arguments that are out of date, and it is not creating efficiency in the Public Service. In fact, it is creating a smaller, inefficient public sector just for the sake of saving some dollars and not giving something to South Australia for which they will be thankful in the future. I support the motion.

The Hon. G. WEATHERILL: I support the motion. I did not think I would do so tonight after 1½ hours of the honourable member's speech, but I finally made it. I just had this silly feeling that his speech was going to last for about 15 or 20 minutes: I did not realise that the honourable member put an hour before it. It has been really nice to listen to the honourable member. We have been around the world—well, around Australia, anyway. I want to turn my attention to some of the things that surprised me prior to my coming into and since I have been in this place. I would like to be able to stand here and blame it all on this Government, but unfortunately I cannot do that. Prior to coming to this place, I used to work for the Australian Government Workers' Union, and then we amalgamated with the Miscellaneous Workers' Union. In both those areas, as officials of those unions, we were supplied with secretaries, research officers and all the latest equipment that we required. Even though we used to work really long hours, it was made much easier by having that equipment, staff and so on. I came into Parliament, and the first thing I looked for was my secretary. It was a stupid thing to do, I suppose, on reflection. But I thought, 'Well I'll go and find out who is my secretary in this place.' To my surprise, there was no such person.

I did share an office with the Hon. Terry Roberts. While searching around to find out what happened in this place, because not too many people volunteered to explain things to me, I spoke to the Hon. Trevor Griffin. I said, 'Trevor, could you tell me about this staff business in this place—about secretaries and things like that?' He said, 'Well, it's like this: you wouldn't give us any staff, so we're not going to give you any.' This has been going on in this place for quite a number of years. My first reaction to that was that, if my children had carried on like that, they would probably be rushed off to bed, and probably wouldn't get—

An honourable member interjecting:

The Hon. G. WEATHERILL: And they might have got that as well, yes, because to me it was so childish. When I finally did find my third of a secretary whom three people were sharing, we found that they had a typewriter. Marvellous! It was an electric typewriter. There were a few other typewriters around (and by the way this is going back only eight years) that came down with the Ark.

The Hon. R.R. Roberts: I've got a kerosene one now!

The Hon. G. WEATHERILL: That would be right. The electric typewriters were there and in about 1993 we got glass-top typewriters with a screen. Where did we get these from? We got them from the State Government departments because the people in those departments no longer required them; they were not good enough to do their work. So they transferred them to Parliament House for our secretaries. I am telling a lie: we had one computer also, between three secretaries. So, then—

The Hon. M.J. Elliott: Twenty keys each.

The Hon. G. WEATHERILL: Yes, something like that. This place is just unbelievable when it comes to equipment. Then, in late 1993 we got four computers.

The Hon. R.I. Lucas: That was just before the election.

The Hon. G. WEATHERILL: Prior to the election; you are right.

Members interjecting:

The Hon. R.R. Roberts: We knew what we would get from you.

The Hon. R.I. Lucas interjecting:

The Hon. R.R. Roberts: Exactly.

The Hon. G. WEATHERILL: About the same as we gave. So, in 1993 we got these—

The Hon. R.I. Lucas: Three days before the election.

The Hon. G. WEATHERILL: I do not know when it was, but we really appreciated it. We now have four computers and three laser printers on three of those computers. But we also have one secretary, because that is our allocation, who does not have a laser printer, and she still looks after the same number of people. Three out of the four secretaries have laser printers. My particular third of a secretary ran off something for me just recently—

The Hon. M.J. Elliott: Which bit do you have?

The Hon. G. WEATHERILL: I have one-third, but I do not know which part. When I went to sign the document that my secretary had run off the ink actually ran on the paper. We are not in 1994! We still have no research officer. The Labor Government was very generous to the Democrats: it gave those members enough staff to do their work. I do not begrudge them that, because as members of Parliament we should have the staff and equipment to do the job. We have never had that in this place. It is a disgrace.

This does not reflect only on the Government today: previous Governments are also to blame. It is totally unacceptable. No wonder the electronic media and the *Advertiser* treat us like a joke in this place, because we are a joke. You can go to any State Government department and see what equipment they have. On the other hand, the members of Parliament sitting in this place, elected by the State, cannot get the equipment to do their job. It is totally ridiculous.

The Hon. R.R. Roberts: Outrageous!

The Hon. G. WEATHERILL: It is outrageous and totally unacceptable. I think I have said enough on that, because I believe—

The Hon. R.I. Lucas interjecting:

The Hon. G. WEATHERILL: All I am doing is carrying on from what Legh Davis has been doing for the past eight years that I have been here. I am complaining about exactly the same thing, but I do not think I will get any further than he did.

I will turn my attention now to the EWS Department, which I know a little about as I worked there for quite a number of years. In the 1960s the people employed by the department were primarily new Australians—Greeks, Italians and so on. Their pay was extremely low. However, over the years they picked up some fantastic skills—as good as those of any tradesmen who worked in a particular area.

They stuck with the department, in spite of the low wages. They have could have got jobs with General Motors-Holden, which paid much higher wages, including over-award and service pay. In fact, GMH was the first company to introduce that in South Australia. These people stayed with the department because they knew they had a secure job and a regular income, even though it was very small in comparison with that paid by other organisations.

Over the years the department took on a huge number of people. In 1979, when the work started to slow down a bit and the Tonkin Government was elected, the Hon. Dean Brown, who was then the Minister of Labour, gave packages to 1 185 daily-paid employees. The people who left were primarily those working in the construction gangs—very few maintenance people left the department. Then, in the late 1970s the Corcoran Government agreed with the unions that if work did peak in the department it would bring in contractors to cope with that situation and maintain the daily-paid work force.

In 1994, this new Government has decided to get rid of the EWS; there is no doubt about that. Everyone will get a package; some will get it later than others. The Government has kept on the people it needs to run the department at the present time until it finds the contractors to run it. I honestly do not think that the Government has done the right thing, even by itself, in relation to the EWS, because it has not really looked into it. People involved in water and sewerage and who perform work that is normally carried out by plumbers and the like do not have licences. However, because they work in a State Government department, they can do plumbing work. I am sure that the Government has not really looked into this matter, because the cost of a plumber doing the work, as opposed to daily-paid employees doing the same type of work, will be four to five times greater.

I have asked questions in the Parliament recently about whether the department will continue to lay service mains to home boundaries free of charge to the consumer. I believe the Government wants to see the charges at least treble. I believe that the charges will go up by four or five times the present amount that is levied, and the consumer will have to pick up this bill—something that concerns me greatly.

I do not think the Government has gone into it properly, and this applies to several departments. The Government has not really looked at the unskilled workers who carry out skilled jobs within some departments. They are able to carry out those tasks only because they work for a State Government department. I look forward in the future to seeing what the Government will do about these issues.

The Hon. R.R. ROBERTS: As have previous speakers, I thank Her Excellency the Governor for the address with which she opened the Parliament. I extend my condolences to the families of those members of Parliament who passed away during the last recess. In the life of everyone in politics there arises an issue with which you become associated. One will never forget the extended contributions of the President of this place with regard to country roads. We heard him wax on *ad nauseam*, almost. The Hon. Legh Davis would appreciate the point I am about to make because of his contributions on Scrimber. My burden it seems—

The Hon. R.I. Lucas: Is prawns.

The Hon. R.R. ROBERTS:—and as the Hon. Mr Lucas interjects, is prawns. There is a long history to the Gulf St Vincent prawn fishery. It has been the subject of three inquiries and, in 1990, a select committee which looked at the aspects and controversy that was still surrounding the fishery. That committee brought down a report which contained a number of factors, which I will touch on briefly.

The committee said that before the fishery was opened again there ought to be a harvesting strategy. One should bear in mind that in 1991 it did recommend the closure of the fishery for two years or until such time as it could recover. The committee said that a harvesting strategy, decisions as to total catch, lines of demarcation of the fishery and target size should be determined by the management committee at the commencement of each season; and that once individual quotas had been obtained fishing by all licence holders should cease for the reminder of the season.

The committee also laid down the criterion that a total catch strategy be implemented so that the danger of overfishing could be reduced in the future. It said that total catch strategies must be set at the opening of the season and that the management committee should ensure that such targets are reached, that fishing ceases for the duration of the season and

that, in special circumstances, re-evaluation of quota limits during the season be at the direction of the management committee. Also, quotas must be granted equally to all licence holders and must not be exceeded by the individual licence holder. Managed harvesting to date has not achieved significant increases in catch due to the continued decline of the catch strategy. The committee went on to talk about licence fees and surcharges and said that a licence fee should be set each year. Because the closure was to take place, the committee said that it was proper that licence fees be suspended during the period of the closure, which I fully support and think was a wise decision. It also made some comments about the buy-back scheme that was introduced in 1987 to reduce the number of fishermen in the fishery. It suggested that the fleet size should be reduced and that catch quotas ought to be made very clear before fishing started, the point being that once those quotas had been reached fishing should stop.

In 1991 that decision was taken after a vast decline which contradicted the predictions of the researchers who were continually saying that recruitment of prawn numbers in the fishery year by year were increasing in an ever ascending line on a graph. However, when one looks at the research and graphs with respect to catches, one sees that they were in fact in decline to the point that where, in 1991 prior to fishing, only 134 tonnes of prawns had been taken from the fishery.

In November last year, as a result of information provided by SARDI researchers to the Gulf St Vincent Prawn Management Committee, a decision was taken by the previous Minister for Primary Industries in the Arnold Government (Terry Groom), based on the advice and research criteria, to close that fishery again this season because the research data showed that the fishery was still in decline. He made that decision in early November. I believe it was the right decision. In line with the recommendations of the select committee that the fishery be closed, obviously he set no licence fee.

Mr President, you would recall that an election took place on 11 December, and on 19 December the fishery was opened. There was some controversy, I point out, with respect to that matter. In fact, the fishery was opened illegally in that the Fisheries Act quite clearly stated that before fishing could commence it had to be gazetted. It is arguable that at least one night's fishing was illegal, but that is a technicality. One needs to look at the differences that have taken place since Terry Groom made the decision to close the fishery. To do that, one needs to look at the technical data and survey results which were supplied at the time and put aside that the only other difference was that there had been an election. I do not want to address for too long the assertions that have been made to me that guarantees were given by certain people during the election campaign that if the Liberal Party was to attain Government fishing would be approved.

However, it is strange that five days after the election boats which were on the blocks with no radios in them were ripped off the blocks and people were directed out to catch as many fish as they could. All this was done under the guise of an extended survey. If one has had any interest in this matter one would realise that surveys are done under some scientific basis. This operation was conducted on the basis of 'Go out and catch as many prawns as you can.' There was obviously no connection between the fact it was Christmas and prawns were at a premium price, and some fishermen and their bankers had had discussions and had urged very strongly that the fishery be opened to allow fishermen—and this is an important point—to get some income. We have to remember that for two years they had received no income on the basis of the recommendations.

The November survey results are significant. The researchers and the Gulf St Vincent Prawn Management Committee had recommended to the Minister in November that the fishery was in such a parlous state that it should not be reopened.

The Hon. R.D. Lawson: The survey disproved that.

The Hon. R.R. ROBERTS: The survey did not disprove that. I am glad the shrimps are about, Mr President, because they have just delivered themselves into the net. There were differences between the November 1991 survey and the November 1993 survey. That is important because you can get different survey results in different months, and you must compare like with like. So the November 1991 survey, in the right phase of the moon, and the November 1993 survey under the same circumstances, gives you a fairly true picture of the situation. Over the three blocks which are the three blocks that are most commonly fished—blocks one, two and five—we find that the mean catch in 1991 was 4.8 pounds per minute of trawling time but that in 1993, under the same circumstances and within the same parameters of phase of the moon, etc., the catch rate was 1.9—half what it was in 1991. One should bear in mind that there had been no fishing in the fishery for two years and that the 1991 survey was double what it was in 1993, when they took 134 tonnes out of the fishery. With no fishing for two years, the catch rate was half. That was consistent.

Those figures compare with 2.1 pounds for 1991 for block 2 with 1.2 pounds in 1993 and in block 5 it was 2.9 pounds per minute of trawling time and November 1993 it was 1.3 pounds. When this was pointed out to me I expressed some alarm and asked a series of questions about this matter. In fact, I was told that it was a survey and not a fishing exercise, despite the fact that all criteria ever used in any other survey was discounted. The saga went on.

The Hon. R.I. Lucas: What happened to the prawns?

The Hon. R.R. ROBERTS: About 13 tonnes of prawns were caught in December and sold and the profits were kept by the fishermen. It is important to note that those 13 tonne of fish were in fact large fish. One would say that they have caught large prawns and one would feel quite comfortable about that and thereby show their ignorance about the life cycle of prawns because most people with any comprehension of prawns would know that in December, January and February the prawns in the Gulf St Vincent fishery are in their spawning phase. These people have gone out when the big prawns have come in to spawn in December and taken 13 tonne of maximum breeding capacity prawns out of the fishery. They tried to justify it later, but when one looks back at the history and goes through the minutes of the Gulf St Vincent Prawn Management Committee one notes that the Hon. Ted Chapman put in the minutes to the fishing representative on the Gulf St Vincent Prawn Council the question, 'When should fishing start?', it was clearly stated that fishing should not take place in that fishery until at least the end of February, probably March. I agree with that.

Most fishing commentators and people experienced in the fishery agree with that also because it allows those prawns to spawn and be harvested. If you have the right target size, which is a large prawn, there is a mortality rate in the fishery that has been the subject of a great deal of argument and for many years fisheries said that it was 10 per cent per month, which has been disputed and disproved by fishing experts

over the years. If once thinks about a 10 per cent mortality per month over 12 months, there would be no prawns at the end of 12 months unless spawning was to take place.

The Hon. R.D. Lawson: Dr Morgan was satisfied with the process.

The Hon. R.R. ROBERTS: I am glad that you raised that, because I have something to say about him also.

The Hon. R.I. Lucas: If it is not 10 per cent, what is the correct figure?

The Hon. R.R. ROBERTS: It is less than 5 per cent—it is about 3 per cent, and that is arguable also. For many years experts were saying that prawns only live for 18 months. The fishermen who have been in the fishery have stated for the past 20 years that the life cycle of the Gulf St Vincent prawn, as opposed to the same species in a warm water fishery, for some peculiar reason is four years, that is, three years in the fishery and 12 months in a hatchery. That has now been proved and finally accepted by the Department of Fisheries as fact.

The saga went on and on 4 March this year it was determined, despite these damning figures from the researchers (which Dr Morgan later commented were competently put together and professionally analysed), another decision was made by the Gulf St Vincent Prawn Management Committee and a notice to licence holders in the Gulf St Vincent Prawn Fishery was issued by Mr David Hall and signed by him on 4 March. It stated that fishing could take place and the target size of those prawns ought to be 22 prawns to the kilogram.

I do not want to bore the Chamber with great detail, but with some provocation I will go into all the details. With regard to the target size of prawns he stated:

> The industry agreed that the size should be less than 22 prawns to the kilogram and, if sampling indicated that more than 10 per cent per bucket were smaller than 22 to the kilogram, fishing would not take place.

In the circumstances, that was quite a reasonable criterion. If one looks at the survey results taken the week before, one finds that it was impossible to meet that criteria. In fact, the survey showed that in one area the biomass—the combination of all the prawns, regardless of size—in one block was double what it was in block two. However, in block two the survey showed that only 40 per cent of the prawns would have met that criteria. Where did the fishermen go? They went into the hatchery areas where they would get the maximum catch. Dr Morgan talks about it in his report and states that a committee at sea was set up. When they got out to sea the fishermen, who had not been fishing for two years, were understandably anxious and willing to fish. However, a blue took place because it was impossible to meet the criteria as laid down by the director. In fact, a quick re-arrangement was made. The Chairman of the Gulf St Vincent Prawn Fishery and Mr Rob Lewis attended a meeting on the wharf and decided to change the criteria to 22 to the kilogram average. We are talking about a fishery that had been closed for almost three years. What we could expect and what we found in fact was some very large prawns which had survived the closure for three years. In fact, many of the prawns averaged 10 to the kilogram. So, we had a ridiculous situation of getting a bucket of prawns with so many huge prawns that a handful of recruits or very small prawns would be thrown in to average out to 22 to the kilogram.

I asked the Minister for Primary Industries to supply me with the data from the processors because they do not go on the average size of the prawn but will tell you exactly what was caught in the sizes of small, medium and large. With a premium price for large prawns and lower price for medium and small prawns, the processor obviously does not want to pay premium price for small prawns, and the fishermen, being as trusting as they are, normally stand alongside them to ensure that the sheets come out. Those figures have not been provided.

During this sorry saga I asked a number of questions. I went to the Minister privately and pointed out the criteria laid down by the select committee with respect to quotas, total catch quotas and individual quotas and said that no licence fee was set and therefore no surcharge was applicable on the licence fee to pay off some of the public debt that the taxpayers of South Australia had been carrying. Indeed, over $2 million has been written off. I pointed out that to allow fishing without this was to deny the taxpayers of South Australia the right to have some of the money come back out of the fishery. I did that with the spirit of co-operation for which I am renowned, in the confines of the Minister's office. The next day I was listening to the radio and was getting big buckets from great heights about my innocence and how I am misled in the industry with assertions that the previous Minister for Primary Industries, Terry Groom, had not made a decision and did not set a licence fee and that therefore we could not put a surcharge on a non-existent licence fee.

What absolute rot! You will never convince me or anyone else that you cannot add something to nought. It is very difficult to take it away, but a surcharge could have been placed on it. I point out that, under the rules of this fishery, it is very easy for the Minister for Primary Industries to introduce a regulation. In fact, he had no problems introducing regulations on fish processors, putting up their fees by 300 per cent and dodging through this loophole of section 10AA(2) of the Subordinate Legislation Act, where he says that it must come in on the day the regulation goes through, because it is proper or desirable that it occurred. It did not occur to the Minister for Primary Industries that he ought to put on the licence fee and a surcharge. What he was interested in was cheap politics and cheer chasing, in collusion with the President of the Gulf St Vincent prawn fishermen, who was undoubtedly the author of the responses that were coming back to the various commentators within the media.

Instead of doing the responsible thing, he ran around making silly noises and acting irresponsibly by not getting back some of the taxpayers' money. All the time this was taking place, I was being told that there was no need for another survey: 'We do not need another survey,' they were saying, 'because we have already had three.' The fishermen had been expressing concern since February that they should not have been out there fishing, but they were virtually starving because they had had no income for two years. When I pointed out to them that these things were not occurring, they said 'We do not need another survey. Mr Roberts is trying to put in scare tactics etc., we do not need another survey; he does not know what he is talking about.'

However, as time went on and this overfishing took place, the fishermen themselves said, 'Enough is enough' and, lo and behold, after all these loud noises and this bravado about not needing another survey, the Minister announced another survey. But he did not say that we would look at the whole circumstance of the opening of this fishery. What he said was, 'We will have them look at the research results.' Dr Gary Morgan came out here, accepted the commission, and in fact looked at the research. It is interesting to read the report and, despite the calls from the Opposition to read all this into the *Hansard*, I will resist the temptation and precis

it for the benefit of the Council. What the terms of reference say is very interesting. They say, 'The agreed terms of reference.' Agreed by whom, is a fairly obvious question.

While this process was taking place, the Minister for Primary Industries engaged in the practice for which he is now becoming quite renowned, in softening up the media. You, Mr President, will probably remember from your involvement with the rural industries that he did it with the rural industries poverty report. For about five or six weeks, at every speaking engagement he had he dropped a little bit out and said, 'Really it is not too bad; everything is really quite good out there. If it was one farm in South Australia, we would be in a really good position.' Well, if my aunty had been a male, she would have been my uncle!

The reality is that it had nothing to do with it. But he has introduced this theme. He started to drop out that the fishery was, in fact, in good hands. He started saying, for about four or five days before the report came out, that there did not appear to be any immediate concern regarding the health of the Gulf St Vincent prawn fishery in 1994. The other selective quote he would make was that the work undertaken by SARDI scientists and used as the basis for decisions related to the 1993-94 fishing scene had, in the opinion of the consultant, been confidently performed and accurately and appropriately analysed. He quoted those on a couple of occasions, no doubt trying to delude the commentators into thinking that everything was hunky-dory.

I have received a copy of the Gulf St Vincent prawn fishery review. It is not the original that Gary Morgan handed over, which I have requested, but I have a document that says 'A review of the Gulf St Vincent prawn fishery.' It has a summary on the front and a report by Dr Morgan. When you analyse those selected quotes, you find at the end of those sentences a couple of very important 'howevers'. The 'however' with respect to the analysing of the survey data was a very important one. What he said was, 'However, the relevance of it is questionable,' and he names a whole range of things that are anomalous. In fact, if you read the whole report and not just the selected quotes, you will find that the report is a damning one.

The recommendations of the report quite clearly state that what the fishermen have been claiming for some time has proved in the long run to be correct. Dr Morgan has said that there should be no more research funded until major things have been done: that all research data ought to be collected, ought to be transparent and ought to be able to be reviewed by independent researchers and people such as Dr Prince and Mr Kesteven, who was the Head of Fisheries in the CSIRO for about 15 years, an eminent person in his field. He is working in a number of fisheries all round Australia, engaged by all Governments and overseas agencies, and he has made the claim that, in his opinion, based on all the survey figures, the fishery is in no better state in 1993—and this is before we took out the 230 tonnes—than it was in 1991.

I now turn to the report and its contents, but I will make one comment about the state of the fishery when I close. The report from Gary Morgan came about as a result of an extraordinary situation in June, whereby the majority of the Gulf St Vincent prawn fishery licence holders opposed the continuation of fishing because they believed that the fishery had already been overfished in some areas and that the prawns being taken were next year's catch. The SARDI biologists and the remaining members of the patently defunct Gulf St Vincent Prawn Management Committee had another opinion. One member of that committee is elected and one is appointed, but their positions ran out last August, yet this is the body quoted as being the authority—it was not even quorate. The only person who was quorate was Mr Ted Chapman. However, with the effluxion of time he is also no longer around because his term has expired and so the $20 000 a year is going to be cut off.

Mr Lewis, the head of SARDI, and Mr Chapman wanted the fishing to continue. What is extraordinary is the usual scenario of fishermen demanding more fishing time against the wishes of the biologists who they believe are ultra conservative. Considering that the fishery opened only three months earlier after a closure of almost three years that was brought about by over-fishing, it is surprising that the people in authority did not welcome the opportunity to play safe and end the fishing season.

The Minister, faced with this unusual situation and obviously uncertain of the advice he was receiving, without consultation with the licence holders and in his usual shoot-from-the-hip style, engaged Dr Gary Morgan to analyse the state of the fishery with the terms of reference as set out in the report. It was an impossible task for Dr Gary Morgan, with all respect to him, to thoroughly complete in the five days available to him, particularly when his report indicates that he found that SARDI data, with which he had to work, was unconvincing.

Consequently, he has been able to produce only a superficial appraisal of the problems. The appraisal is contradictory in parts and raises more questions than it answers, with not one of the points of controversy being resolved. Dr Morgan spent only 3½ hours in total with industry members. This was a grossly inadequate amount of time for them to present the industry's case. They were obliged to meet with him at short notice, not even knowing what the terms of reference were. You consult with them, but you do not tell them what the terms of reference are until you get there. On the other hand, Dr Morgan spent 17½ hours with fisheries and SARDI officials, who had all their data on tap and he even had three hours with Mr Ted Chapman. Dr Morgan has obviously written the report in such a way so as not to offend his fellow biologists, describing their work as 'competent and professional' but, in various places, he gives reasons for judging otherwise.

The report states that an urgent requirement is the coalition of all data relating to the fishery and a comprehensive assessment of the fishery utilising all available data. That is the emphasis by Dr Morgan, and that includes industry data. Such an assessment should involve a competent prawn population dynamics experts and should cover, at least, catch and effective fishing effort analysis, analysis of tagging data and size composition data for growth and perhaps mortality estimation, analysis of size composition data to determine past recruitment, biomass and spawning stock abundance, the relationship between spawning stock and recruitment and, most importantly, modelling of the fishery under various management scenarios and, 'until such an analysis is completed, it would seem premature to embark on further management orientated research', in the words of Dr Morgan.

The need for such a detailed assessment after Government biologists have had 25 years to investigate the fishery speaks for itself about the quality of the research data and the lack of positive results. In making this recommendation, Dr Morgan exhibits a lack of faith in the data and plainly rejects his own description of the biologists' work as 'competent, accurate and appropriate'. He also shows doubt as to whether the SARDI biologists' findings would go unchallenged in the

wider scientific community. He comments that, although there has been a long history of research on the Gulf St Vincent prawn fishery, little has been published in scientific journals and, consequently, the research has not been subject to peer review and external evaluation. He expresses the opinion that some publication is urgently needed. Dr Morgan's most damning indictment of the SARDI research relates to the surveys. He reports that large scale surveys of the fishery have been carried out since 1984, and that the data from them, measuring important parameters of the fishery, has been the basis of management since then and the basis of advice provided to the Gulf St Vincent Prawn Management Committee. But he questions the relevance and accuracy of the survey data and whether the data in isolation is useful for making management decisions in regard to the fishery.

He points out that one of the prime objectives of the survey is to measure the recruitment of young prawns for the fishery, but indications are that survey results do not reflect the actual recruitment of the fishery. He also questions the precision with which surveys measure spawning biomass, pointing out that examination of the size composition of the commercial catch, and that from surveys during the same month, indicated significant differences between the two for the larger mature prawns. He states that urgent re-examination of the survey technique and its relevance to providing management advice to industry on recruitment and spawning levels is needed as soon as possible.

However, after finding that the surveys do not reflect actual recruitment to the fishery, Dr Morgan then contradicts himself by using the 1994 recruitment figures from the surveys to support his assessment that there does not appear to be any immediate concern regarding the health of this fishery. What Dr Morgan overlooked was that in 1994 a catch of 230 tonnes is the result of the accumulation of prawns over nearly three years of closure, signifying an annual catch of less than 100 tonnes. It must be remembered that we had to close it when the catch was 134 tonnes. The fishery, therefore, is in the same (or worse) condition as it was when it was closed in 1991.

This is confirmed by survey results which show, when properly interpreted, that the catch rates at the survey sites in June 1994 were similar to those in June 1991. Dr Morgan's assessment of the fishery's state is based mainly on catch and effort figures which he has mistakenly calculated. He recognised that SARDI data was faulty because it did not take into account the tremendous increase in fishing effort over the years. He attempted to calculate this increase, but not being in possession of all the facts he has made some glaring errors.

It is important to note here that in his report Dr Morgan pointed out that catch rates during fishing were 40 kilograms to the hour, which were similar to those catch rates that were attained in the early establishment stages of the fishery. Obviously what Dr Morgan was not aware of, or did not have explained clearly to him, was that in the early stage of the fishery we had boats of about 110 horsepower dragging one net. Today we have boats of 250 horsepower capacity dragging three nets and it has been conservatively quoted that, under those circumstances, those boats used earlier are about five times more efficient. So, to say that the catch rates with three nets in a 250 horsepower boat are good is an indication that this person has been misled.

Figure 1 in the report shows that Dr Morgan has taken into account the effort increase which the three net system introduced in 1982 has had over the single net used prior to then, but there are many other factors that, in total, probably amount to equal effort increase brought about by the three net system. However, one of the most glaring mistakes that has been made is that he has only calculated the Gulf St Vincent catch and effort figures when the fishery also includes Investigator Strait. Any calculations made on Gulf St Vincent alone are meaningless. Had Dr Morgan taken the other factors and the Investigator Strait catch and effort figures into account, he could only have reached the conclusion that the fishery is, after the 1994 fishing period, in a position similar to that of 1991 and, therefore, still in trouble.

This is in accord with the written opinion in November last year by Dr Jeremy Prince, a well respected fisheries consultant, which stated that the stock level was probably less than 10 per cent of its original biomass. A copy of this report was forwarded to all Parliamentarians. In the report Dr Prince pointed out, as Dr Morgan has, that Gulf St Vincent prawns are unique, in that they are surviving near the extremities of the environmental range for that species and that this results in stock having special characteristics which are not shared with other stocks of the same species. Gulf St Vincent prawns have a life span of four years, in contrast to the 12 to 18 months of tropical prawn stocks, and both their growth rate and mortality rate are extremely low. They spawn only once a year, in contrast to the tropical prawn species, which spawn more or less continuously throughout the year. Dr Prince contended that the fishery's depleted state resulted from the fact that SARDI biologists had not taken into account the longer than usual lifespan and the low mortality rates and this had resulted in prawns being taken that were far too small, with the consequence that the breeding stock, particularly the large prawns—that is, the greatest egg producing prawns—had been seriously depleted.

He also contended that management was directed towards obtaining the best economic yield from the fishery when, in view of the fishery's environmentally ill-situated position and the single spawning each year, it should be directed towards ensuring the maximum reproductive yield of prawns and thereby the fishery's sustainability. Dr Prince's opinion was supported by Dr Geoffrey Kesteven, a world recognised fisheries authority, and they both warned that the fishery should not be reopened until significant levels of juvenile prawns were observed entering the fishery. Dr Prince's view was that this was not likely to occur until the small prawns that were left at the time of the closure grew into large prawns and hence large egg producers.

Dr Morgan's report confirms that the SARDI biologist's objective is to maximise the annual catch and this means operating at lower levels of spawning biomass. His time frame did not allow a thorough examination but his view was that, in light of the circumstantial evidence that indicated an extended period of poor recruitment when effort levels were high, a conservative approach should be adopted and spawning biomass levels should be maximised by adopting a larger rather than smaller target size. Dr Morgan's view accords with that of experienced fishermen who have maintained for years that the target sales should be 22 prawns to the kilogram, but this has been rigidly opposed by the SARDI biologists who have insisted upon 27 to the kilogram, even though prawn numbers have consistently declined under this size criterion (I point out again to such an extent that the fishery had to be closed for three years).

When one looks at the way the fishery has been managed, it is little wonder that it is in its present deplorable state. The SARDI reports all through the closure show that, contrary to the biologist's evidence to the 1990 and 1991 inquiries that

stock numbers had increased by three to four times, prawn numbers were decreasing as a result of natural mortality and a severe drop in the number of juvenile prawns entering the fishery. The minutes of the Gulf St Vincent Prawn Fisheries Management Committee on 12 October 1993 show the industry representative saying that he did not think that the fishery should be opened in November, December or January, to protect the spawning stock. The then Minister publicly stated in November 1993 that the scientific advice did not justify reopening the fishery. I point out that that was, as I said earlier, the Hon. Terry Groom.

However, within a few days of taking office, this present Minister authorised fishing right at the peak of the spawning period for large prawns, the greatest egg producers, and nearly 13 tonnes of these large females, heavy in spawn, were removed from the fishery. A survey in February indicated that the prawns had grown into larger sizes, and there had been an improvement, although still an unsatisfactory amount of recruitment was taking place. This was in accord with Dr Prince's opinion that the improvement in stock numbers would only occur after the prawns grew bigger and became large egg producers. Obviously the fishery should have remained closed to allow the slight recovery to gain momentum, but the fishery was reopened on 7 March when 20 to 30 per cent of the prawns were still in spawn.

The size criterion was set at 22 to the kilogram and larger, as I explained earlier, with a 10 per cent margin for smaller prawns. Within four days the authorities had capitulated to the demands of some fishermen and lowered the size criterion to 22 prawns to the kilogram average. Because there were very large prawns among the stock as a result of the closure, as I have explained, many small prawns could be taken and still average 22 to the kilogram.

In March and April this year, I quoted fish buyers' dockets showing that at least 50 per cent of the prawns that were taken in that month were in the small to medium range, and I questioned the wisdom of allowing this to continue because they were obviously next year's prawn breeding stock, but I was told that I was badly informed and did not know what I was talking about. It is now evident that this excess of fishing before the fishery had substantially recovered has caused any gains made by the three years closure to be lost.

In effect, the Morgan report gives support to the complaints of fishermen of long experience about the management of the fishery because what really emerges is the strong suggestion that SARDI data is in error and that wrong assessments were being made of recruitment numbers and the spawning biomass.

This is a matter of serious concern because it is upon that data and assessments that biologists have relied on when giving advice about the fishery. This has had far reaching consequences because important decisions have been taken based on that advice. In 1987, when the Government was considering implementing the buy-back, the biologists advised that the very least that could be expected was an increase in the catch to 400 tonnes per year within three to five years. In fact, the catch declined to 134 tonnes, causing the buy-back to become a financial disaster. At both the 1990 and 1991 inquiries, the biologists insisted that there had been three to four times the improvement in stock numbers, and recommendations were made on that basis. It now seems that the whole matter needs to be looked at afresh.

Having put that on the record, I conclude my contribution by pointing out to you, Sir, and to members opposite the major concern regarding the state of this fishery. To refresh members' memories, in 1991 we closed the fishery after 134 tonnes had been caught. A survey was conducted in 1991 and again in 1993. So, given the criterion that I laid down of comparing like with like, the June survey must be compared only with other June surveys and April with other April surveys, one can see that the survey in June 1991, after the 134 tonnes of prawns had been caught, showed that the catch rate was 1.24 pounds per minute of trawling time. In 1993, it was 1.4 pounds per minute; that is, after a closure of almost two years, the catch rate had increased by only .16 pounds per minute of trawling time.

The Minister in another place has relied upon a selective statement taken from the report that the fishery was in a healthy state. I can inform the Council that, based on extensive survey results, in June 1994 when Gary Morgan claimed that the fishery was healthy, the catch rate was 1.19 pounds per minute. So, in fact the survey results belie the claims that are being made that the fishery was in a healthy state, because it is quite plain to see that the catch rates that are being achieved there now are worse than they were in 1991 when the fishery was closed. One cannot but lament what the future of this fishery will be.

I am conscious of the extended amount of inquiry that has taken place regarding this particular fishery. However, I think it would be a slight on those people in the fishery who, for years, have insisted that there was a problem, as well as on the fishermen themselves who, for the past two years, have not had any income whatsoever. They have agreed to a buy-back. I have been assured—and I am confident this is true—that the fishermen would be only too willing to meet their responsibilities with respect to the buy-back if the assurances that were given to them in 1987 when the buy-back was introduced were correct; that is, that based on this evidence (which now must be declared suspect) the fishery would recover and they would reasonably expect to be able to catch 300 to 400 tonnes of prawns each year. This would allow them to make a decent living, upgrade their equipment and meet their commitments to the taxpayers of South Australia, who have made an enormous contribution by way of write-off fees. They would be only too pleased to meet those commitments.

We are faced with the situation that, if these results which Gary Morgan has said are accurate and correct and the SARDI scientists who put them together are professional and competent, we must accept, on their own figures, that this fishery is in a more parlous state than it was in 1991, and we must consider what action needs to be taken. Do we tell these fishermen that we will close the fishery for another two years, and do they sit on the wharf for another two years to re-establish the position? Will we have a fishery that fishes only once every three years, or will we have to go to the expensive and extensive process of another inquiry? This vexing dilemma exercises my mind, and I give notice that I am having further discussions. I have Dr Kesteven's opinion and I am expecting one from Dr Jeremy Prince.

Within the next few days, we must map out for the future a path which ensures that fishermen within the fishery are able to have a sustainable income, maintain their equipment and meet their buy-back considerations. We need a position where the taxpayers of South Australia get some relief from the contribution they have made; we need some relief from this continuing debate which has been raging for years and years. We must have a conclusion. Most importantly, the fishery itself must be secured for the future of all South

Australians, and the income that can properly be derived from that fishery must benefit all South Australians.

I give notice that in the next fortnight I will put some propositions to my colleagues with respect to this fishery. However, I point out to the Council that I have the responsibility within the shadow Cabinet in this area. I am prepared to sit down with all the principal players within this fishery and do what I can to assist in establishing a future path for it that provides equity within the fishery and sustainability of the fish stocks and the industry for South Australia. I support the motion.

The Hon. L.H. DAVIS: I thank Her Excellency for the speech she delivered when opening the 1994-95 parliamentary session. I join with my colleagues in expressing my condolences to the families of deceased members who have been mentioned in previous contributions during this Address in Reply.

One of the matters which I want to raise tonight has been the subject of much public interest in recent times, namely, the awareness that, if Australia is to be more than a clever country in competing in the world and delivering export dollars, we must be competitive in areas in which traditionally perhaps we have not been strong.

Looking at the Australian Bureau of Statistics data of recent times, it is interesting to see how South Australian exports have developed in terms of their growth and also in terms of their direction. I seek leave to have incorporated in *Hansard* a table purely of a statistical nature which sets out the movement in South Australian exports in the period 1989-90 through to 1993-94.

Leave granted.

SOUTH AUSTRALIAN EXPORTS

	1993-94 $m	Ranking	1989-90 $m	Ranking	Percentage increase 1989-90-1993-94
Metals and metal manufacturers	454	1	371	2	+22.4
Cereals	435	2	724	1	-39.9
Road vehicles, parts and accessories	350	3	162	6	+116.0
Meat	323	4	244	4	+32.4
Wool and sheep skins	289	5	286	3	+1.0
Petroleum and petroleum products	273	6	188	5	+45.2
Wine	237	7	73	9	+224.7
Machinery	223	8	112	7	+99.1
Fish	186	9	112	7	+66.1
TOTAL OF ALL EXPORTS	3.873 billion		2.828 billion		+37.0

The Hon. L.H. DAVIS: I note that in this table, which sets out the top nine export earning products in South Australia, there has been some interesting movement in the past four or five years. It is unfortunate that we cannot make direct comparisons before 1989-90, because the method of collection and classification has changed quite dramatically. But it is very encouraging to see that, in the four year period 1989-90 through to 1993-94, there was a 37 per cent increase in the value of South Australian exports to other countries. The number one earner in 1993-94 was metals and metal manufacturers; followed by cereals; then road vehicles, parts and accessories; meat; wool and sheep skins; petroleum and petroleum products; wine; machinery; and fish.

If one looks at where those various commodities and products were back in 1989-90, one can see that there is some dramatic movement. In 1989-90, cereals were by far the greatest export earner in South Australia, with $724 million earned in the 1989-90 period. There was a rather dramatic 40 per cent drop in export earnings from cereals in that four year period, and that was attributable to the fact that 1989-90 was a bumper crop, and 1993-94 was a fair crop but certainly nowhere near as prolific as 1989-90.

The one figure that does stand out in the South Australian export success story over that four year period has been the growth of nearly 225 per cent in wine exports, from just $73 million in 1989-90 through to a staggering $237 million in 1993-94. That catapulted wine exports from ninth place four years ago to seventh place in the financial year just ended. Indeed, the projections are for Australian wine exports to close on the figure of $1 billion by the end of the century. With South Australia providing 65 to 70 per cent of Australian wine exports, if that figure is achieved, wine exports may become the dominant export earner for South Australia over the next five years. That is an extraordinary statistic given that, if one looks back to 1982-83, virtually nothing was earned from wine exports.

The other encouraging feature has been the very sharp growth in road vehicles, parts and accessories. A 116 per cent increase in export earnings from that category has occurred, more than doubling from $162 million to $350 million in the past four years. That shows a very clear focus on the part of some of the South Australian vehicle parts manufacturers who have targeted Japan, the United States and other countries in a bid to win those valuable export dollars, with some success. The third highest growth area was in machinery, with nearly a 100 per cent increase in that area. Coming in fourth was fish, with a 66 per cent increase.

Overall, our total exports in those four years have grown by 37 per cent. That is an impressive figure when one looks at the low inflation rate that characterised those four years. I guess that inflation compounded over that period would have been no more than 15 per cent or 16 per cent. Therefore, our total exports over the past four years have grown at probably 2½ times the rate of inflation or 2½ times in real terms. This information, which does not get a lot of publicity generally, is an important indicator of the strength and direction of the South Australian economy. To add to that data, Mr President, I seek leave to have incorporated in *Hansard* another table, again purely of a statistical nature, which sets out South Australian exports by destination.

Leave granted.

SOUTH AUSTRALIAN EXPORTS

	1993-94 Destinations $m	Ranking	1990-91 Destinations $m	Ranking	Per cent Income 1990-91 -1993-94
Japan	622	1	439	1	+41.7
ASEAN	526	2	403	2	+30.5
USA	392	3	321	4	+22.1
Other East Asia	356	4	215	6	+65.6
New Zealand	312	5	179	8	+74.3
Middle East	280	6	325	3	-13.8
European Community (other than U.K.)	277	7	271	5	+2.2
U.K.	259	8	186	7	+39.2
China	219	9	146	9	+50.0
Hong Kong	164	10	81	10	+102.5

The Hon. L.H. DAVIS: Again, this table looks at the destination of South Australian exports from 1990-91 to 1993-94. Japan is the top ranking country by destination, followed by the ASEAN countries, which include Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand. The United States comes third, other East Asian countries fourth, New Zealand fifth, the Middle East sixth, the European Community, excluding the United Kingdom, is seventh, the United Kingdom is in eighth place, China ninth and Hong Kong tenth. When I was at school, more years ago than I care to remember, the dominant country for exports out of Australia was the United Kingdom. Now the United Kingdom is in eighth place.

It is interesting to look at the rankings for 1990-91 to see that really there have not been many moves in that area, except that the European Community and the Middle East have tended to fall behind in terms of export earnings. The very big movements over the past three years for South Australian exports have been a 102 per cent increase to Hong Kong with exports burgeoning from $81 million to $164 million in those three years. The second largest increase was New Zealand with a 74 per cent increase, and coming in third place were the other east Asian countries at 65.6 per cent. I take it that would include countries such as Korea, Thailand and Taiwan. It is interesting to see that the strength and direction of exports out of South Australia over the past four years have been positive reflecting the increasing links that we have with Asia. We say that we are attached to the Pacific rim of Asia. That is certainly true, and it is reflected in the tremendous growth in our export earnings from that region.

I read with great interest and optimism that Joan Kirner, who has been asked by the Prime Minister to put down projects for the year 2000, has, amongst other things, recommended the clean-up of the Murray River-Darling Basin as a project of national importance, and the second project was the Alice Springs-Darwin rail link. The Alice Springs-Darwin rail link was a promise made in 1911 as part of South Australia's giving up the Northern Territory. Eighty-three years later that promise remains unfulfilled.

For many years people have believed that the Darwin to Alice Springs rail link has been a dream, a fantasy, rather than an economic necessity. However, my view is very strongly that increasingly the justification for the Darwin to Alice Springs rail link will be seen not only in terms of the transport of conventional goods, whether they be motor parts, horticultural produce or mining goods from South Australia. I think the economic justification will hopefully be recognised in the Wran committee report, which is scheduled for public tabling in October.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: One State—what do you mean?

The Hon. T.G. Roberts: Make it one State?

The Hon. L.H. DAVIS: The Hon. Terry Roberts asks whether we should wipe out the border between the Northern Territory and South Australia, making them just one State. That is naked self interest on the honourable member's part. Quite clearly he has seen, as I have, the new Parliament House in the Northern Territory. It cost a lazy $110 million and caters for 25 members. He is aware of the vast discrepancy that exists between the facilities in the modest South Australian House—which was built in two stages 50 years apart because the State could afford only half a Parliament at a time—and the Taj Mahal of the Northern Territory. I will not buy into that argument, except to say that parochialism will always win out in a debate such as that which the honourable member is foreshadowing.

Over a period of time we will see that not only can we justify the transport of goods on a north-south axis through a rail link from Adelaide to Darwin for the conventional goods that have always been talked about, but also, increasingly, because of the potential that exists for mining in South Australia.

One of the few good things that the Bannon-Arnold Labor Government did in its 11 years in power was to commission aeromagnetic and radio-magnetic surveys of the State of South Australia. South Australia, which for a long time has not been on the mineral explorers' map, will benefit from the former Government's program. Of course, that program had bipartisan support. Already, a lot of interest has been expressed in the potential of South Australia for mining. When we see the magnitude of the deposit at Roxby Downs—the second largest underground copper mine in the world—about to expand from 85 000 tonnes of copper to a scheduled 150 000 tonnes over the next few years to make it one of the great copper mines in the world, along with its uranium and gold riches, we can appreciate how important that can be to an economy. In fact, it will mean that there will be a further expansion of 300 jobs, a work force of 1 050 people and a town approaching 3 500 to 4 000 people.

If one takes into account an Alice Springs to Darwin rail link and the fact that perhaps it will shorten sailing time by

some 10 days through the Port of Darwin—which itself is being upgraded in a fairly dramatic fashion—one can see the economic advantages that will flow from it.

It also has to be said that in Australia we are experiencing a major shift, not only in population but also in economic matters.

Queensland's population growth is running at five times the rate of growth in South Australia and five times the rate of growth in Victoria. Sydney is the undisputed international capital of Australia. The spotlight will undoubtedly focus on Sydney with the Olympic Games of the year 2000. A natural axis is developing in economic matters between Queensland and New South Wales. I believe that it is in South Australia's interest to form an alliance with Victoria. These two so-called 'rust belt' States (and I do not like that term, which I think is a disparaging term, but this is how they have been styled in the Eastern States' press) that have been struggling economically could work together in areas of common interest, for example, manufacturing, and perhaps work together to develop the Alice Springs to Darwin rail link.

There is a lot of economic sense in that argument, and I would like to see that occur in the future. I await with interest the Wran report into the Alice Springs to Darwin rail link. In these times when we have a low interest rate regime, which hopefully will continue for a couple of years, there is every prospect that with some seed finance from the Commonwealth, and with support which has already been pledged from the South Australian and Northern Territory Governments, the private sector could weigh in and finance the Alice Springs to Darwin rail link.

It is also true to say that the Northern Territory is a great tourism attraction and an Alice Springs to Darwin rail link would also be a welcome addition on the visitor route. As an old trainy who was a conductor on the East West express and the Ghan rail for many years—

The Hon. T.G. Roberts: You were a good time steward.

The Hon. L.H. DAVIS:—and as a sometime member of the AWU I would welcome the opportunity to travel the Alice Springs to Darwin rail link. That could open up opportunities for South Australia, which are far greater than we appreciate not only in terms of tourism and trade but in terms of a reappraisal of South Australia's position on the Australian economic map.

I turn now to an old chestnut, and it is something which longstanding members, such as the Hon. Terry Roberts, would be familiar with and that is the City of Adelaide. Adelaide, as the capital of South Australia, is the focus for most visitors. Almost all the visitors who come to South Australia will spend sometime in Adelaide. If Adelaide is to attract visitor interest and visitor commendation it needs to be up to scratch with the other capital cities of Australia.

It is interesting to see how Melbourne, under Jeff Kennett, has rediscovered itself after the long, dark decade of Cain, who was not very able, and Joan Kirner. Victoria has rediscovered the Yarra. An intensive program of development is focussed around the river with the concert hall and the art gallery well established; with the very successful Flinders tennis centre; with the Casino; with the most successful Southgate development, which incorporates a shopping centre and a hotel—

The Hon. T.G. Roberts: All developed under Labor.

The Hon. L.H. DAVIS: Some of those developments were private sector initiatives under the Labor Government. It was by accident rather than design that the Labor Party was there at the time. Premier Kennett has also announced that he will knock down the ugly twin Gas and Fuel Corporation towers opposite the Spencer Street station and landscape the whole area. That has given Melbourne a sense of focus, a sense of confidence in itself after many years of self-doubt about where Melbourne's planning was going.

If we look at Brisbane, we see the extraordinary growth that has occurred in its central business district. We can also note Brisbane's 'style', and that is a word that could not have been used to describe Brisbane 20 years ago. It has pizzazz; it has energy; it has focus; and it is a great attraction for visitors. The same can be said of Perth, although it is perhaps a rather less personal city than Brisbane and Melbourne, because the entrepreneurs of the 1980s razed many of the heritage buildings to the ground and left huge new buildings, which admittedly are attractively designed. However, in gaining the nice new glitzy buildings Perth lost a bit of soul. Nevertheless, it is a very attractive city. Then of course there is Sydney which, with the advantage of its hills and its harbour, is an exciting city, which I think many would rank as one of the 10 great cities of the world, visually at least.

So Adelaide has to be realistic. That is the competition on mainland Australia. What dispirits me about Adelaide at the moment is to see the two central focuses of Adelaide neglected—the Rundle Mall and North Terrace. These have been the subject of debate for many years. We must recognise that Rundle Mall, as the premier retailing strip in Adelaide and South Australia, is of importance both to us as citizens of South Australia and as a point of interest to visitors to our State. It is also important that North Terrace, which is the premier cultural precinct in Adelaide and South Australia, be seen in positive terms.

How often have all of us been to a city or a region, come back and said to our friends and relatives, 'I have just been somewhere which was fantastic; it really was good and you must go there.' And quite often we will visit a place on the recommendation of a friend or a relative, or perhaps because a travel writer or a television program presents something in favourable terms. Where we go is determined by all those things. It is important for all of us to step back and ask, 'How would people see North Terrace? How would people see the Rundle Mall if they were coming to our State for the first time?' Will they run back and say to their friends and relatives, 'Hey, I was blown away by Rundle Mall; it was just amazing.' Is that what they would say?

Let me first refer to North Terrace. I must say, unashamedly, that it is a hobby horse of mine. In February this year Ron Radford, Chris Anderson and Frances Awcock who are the directors respectively of the Art Gallery of South Australia, the South Australian Museum and the State Library of South Australia put the issue in perspective when, in a letter to the Editor of the *Advertiser* they said:

> We have been following the North Terrace urban design project with great interest and enthusiasm since its inception more than 18 months ago. As our main cultural precinct, North Terrace is of vital importance to South Australians and also to interstate and overseas visitors. However, this importance is compromised by its present tired and shabby condition. We fully endorse the council's action in commissioning a concept plan for the upgrading of the Terrace.

They go on to say:

> This project offers Adelaide the opportunity to build on the existing qualities of North Terrace to create a streetscape of national and, we believe, international stature.

They conclude:

> This is a most exciting and important concept and we urge all South Australians to support it. The North Terrace project will be a crucial factor in reinvesting Adelaide with a sense of pride, assurance and identity.

For 10 years South Australia has been grappling with what is not altogether a complex problem of refocussing, reworking and upgrading North Terrace so that it is a boulevard of national, if not international, stature.

As I said in my Address in Reply contribution in February, whereas Sydney has managed to erect a tunnel under Sydney Harbour, has created a whole new visitor attraction in Darling Harbour and has done many other things such as upgrading The Rocks, in all that time we have not been able to get North Terrace right. I was in Sydney a few days ago and I travelled under the harbour for the first time. It has made a dramatic difference to Sydney. Everyone talks about the tunnel as though it has been there forever. I made a trip to Darling Harbour and visited the fantastic Powerhouse Museum and other attractions around the wharf, including the Sydney fish market.

I was recently in Melbourne and saw what the developments there have done not only visually to the city but also what they have meant to the people of Melbourne. They talk in positive terms, with pride, recognising that Melbourne has regained an identity that it had lost for many years. Yet we have not been able to do this. That letter, written passionately by three very fine leaders—Ron Radford, Chris Anderson and Frances Awcock—has unfortunately not received the result that it deserved. Certainly there has been the encouraging and long overdue upgrade of the Art Gallery.

The Hon. T.G. Roberts: That would have cheered up Ron.

The Hon. L.H. DAVIS: Yes, it would have cheered up Ron, and he deserves cheering, because the Art Gallery of South Australia, which holds arguably the most comprehensive collection of Australian art, has been able to put on display less of its art than has any other State gallery in Australia because the hanging space has been so limited. Sadly, it was announced that the proposed $16 million facelift on North Terrace has been shelved this financial year because of the inability of the Adelaide City Council to fund it. There are, of course, terrific constraints on the State budget and we all know the reasons for that—the State Bank and SGIC to give just two good reasons. It is a five year project and, hopefully, it can proceed later.

In terms of upgrading North Terrace, we are talking of greening the northern side, upgrading the footpaths, putting in a plaza near Bonython Hall and providing for cafes on the southern side. I was disappointed to read that Henry Ninio, the Lord Mayor, plays down the urgency of upgrading when he says that North Terrace is fine as it is, that it needs some major changes which have to be made but that, like everything else, it is a matter of priorities. The Land Systems EBC, which developed the plans for the project, said that it was bitterly disappointed and stated:

> We are disappointed after the exhaustive public consultation which stretched over 18 months that nothing is happening.

It took eight years to replace incorrect signs on North Terrace. The only visible improvement on North Terrace are the signs. We have all seen green signs at street level, which are certainly attractive, but that is the only visible improvement we have seen on our premier boulevard, yet we rate tourism as one of the big export earners for South Australia.

To put tourism in perspective, we should recognise that, if we include all goods and services amongst Australia's export earners, tourism ranks first, more than $9 million being earned in the past financial year from tourism in Australia.

Coal comes second, with $7.5 billion, and gold comes third with $6 billion—facts not widely known. Tourism, a service industry, ranks first.

South Australia's share of that tourism market has continued to shrink, because under Labor we had no marketing plan. There were lots of nice photos of the then Minister for Tourism, Barbara Wiese. There were lots of nice words and lots of nice cocktail parties, but there were not too many visitors to South Australia, under former Tourism Minister Wiese.

The ACTING PRESIDENT (Hon. J.C. Irwin): Lots of reviews.

The Hon. L.H. DAVIS: And lots of reviews by Tourism Minister Wiese.

The Hon. R.I. Lucas: No coaching from the Chair!

The Hon. L.H. DAVIS: It was very good coaching. I welcome it; it is always good to have some assistance from the impartial Chair. Tourism in South Australia has been an ugly duckling for too long. We do not take it seriously enough. We do not recognise the perception that people have walking along North Terrace. Let me give you two examples given to me first hand. I have some friends from Germany who are relatively sophisticated and who have travelled the world. They had been in Adelaide within the past 12 months and came back. We had dinner recently, within the past few weeks. Their first words when we met in the restaurant, and they had only been in Adelaide for 12 hours having flown straight in from Germany, were 'Adelaide is looking very tired, don't you think?' I said, 'What do you mean?' and they said, 'It's down at heel.' I said, 'Well, why do you say that?' They said, 'Well, it is just the way it looks; that is our feeling about it.' I was in Sydney last week talking to business people—

The Hon. T. Crothers: I bet they got a shock!

The Hon. L.H. DAVIS: They got a shock that someone from South Australia could talk?

The Hon. T. Crothers: That you could read.

The Hon. L.H. DAVIS: I was not attempting to read, I was just talking. I would never attempt to read. I am not that literate. That was again the perception by these people who come to South Australia occasionally. They thought the city reflected the way the State was: that it was doing it hard. That is not surprising because we have been through 11 years of excruciatingly 'hard Labor'. As I have said in this Council before, I cannot think of a State or country which has absorbed a $3.1 billion loss. In relative terms, without labouring the point, that $3.1 billion in the State Bank is the biggest loss that any country or any State has suffered in the world, on a comparative basis. I defy anyone to dispute that fact.

The Hon. T.G. Roberts: Savings & Loans?

The Hon. L.H. DAVIS: Even including Savings & Loans in America. That would probably give it a run but I do not think so.

The Hon. T.G. Roberts: They are still counting that one.

The Hon. L.H. DAVIS: Well, we are still counting here, too. We threw in a lazy $15 million the other day in the form of a fifth bail-out. We are still counting here my friend.

Tourism is about perceptions: something which has pizzazz and lively, energetic looking people walking around with pride and confidence. That image spills over to the people who are visiting us for the first time or revisiting us.

It is time to do away with the rusting telegraph poles of North Terrace. It is time to do away with the tired streetscaping of North Terrace. It is time to add some vitality and

energy to North Terrace. If we are serious about tourism, about investing in the State's future and about injecting some pride into this State, it is time to give priority to projects such as North Terrace.

I now move on to Rundle Mall which, I suppose, in many ways is the second leg of the Adelaide quinella, because Rundle Mall, running side by side with North Terrace, is an equally important ingredient. It is interesting to note that Rundle Mall has a greater percentage of retail sales for the State of South Australia than any other capital city of Australia. That includes Hobart so, of the six States of Australia, Adelaide, with 16 per cent of the total retail sales for the State, has a far greater percentage than any other capital city. That percentage has been falling inexorably over recent years. In 1985-86, Adelaide accounted for about 19.2 per cent of total metropolitan area sales. According to the latest figures available, that figure had fallen to 15.7 per cent of metropolitan area sales by 1991-92, quite a dramatic fall, which meant that, in that six year period, there was a fall of about 17 per cent in the share of metropolitan sales in the Adelaide retail sector.

The reasons for this I think are: first, the construction of the Myer Centre. The building activity there lost a lot of business in the city, and there is no doubt about that. Of course, that Myer Centre opened in 1991, and the fact that it introduced so many more shops into the city put a lot of pressure on Rundle Mall and created vacancies for the first time in our lifetime. Rundle Mall always had the reputation of being the most expensive retail space in Australia, because it was a gold mine until the Remm Centre was built. Of course, the recession had a fairly dramatic impact, with people being more conscious of dollars and more likely to perhaps not come into the city but to rely on regional centres. Moreover, there is an overriding long-term trend down, because the construction of major regional centres has meant that more and more people are able to shop for everything they need at a Marion Westfield centre or a Tea Tree Plaza.

Sunday trading will be a big opportunity for Adelaide retail. It is very important to the city, and the central business district retailing centre must be vibrant and must respond to this opportunity for Sunday trading, which will commence in November this year. But Rundle Mall, like North Terrace, has been put on the blocks. There is not the immediate development and refurbishment of Rundle Mall taking place that many people had hoped for. The mall manager, Karen Tamm, was quoted in the *Advertiser* as saying about Rundle Mall:

> We need a better presence for visitors. Research shows one of the big needs is floral beautification, the trees, the flowers, that are part of not being at Tea Tree Plaza.

That is a point that I have made on many occasions: that you can go to Sydney, to many places in America and to Europe and you will see a city made attractive, beautiful, and a place of great pleasure for visitors because not only is it a place with greenery, with trees, it also has flowers. I have raised this issue on many occasions and Adelaide has stoically decided not to have flowers—flower baskets or flower arrangements hanging from light poles, or window boxes with flowers. These simple things do not cost much money but they do make a dramatic difference. Obviously, Rundle Mall, North Terrace and King William Street could be enhanced dramatically by these floral decorations. With its mediterranean climate, Adelaide is perfect for this. We need go only to a city such as Bath in England or Portland in America to see how such simple things can make a difference.

Visitors also notice the quality of the sign-posting. In Sydney the signs for all the streets are beautifully done in green with the city signature emblem on each, and the streets are named in white: they are very visible, stylish and absolutely perfect. In a big city such as Sydney they can get it right, yet in Adelaide we fail to get that sort of detail right. That is an important aspect about which we have been slothful. Again, it is something that we should examine seriously.

When Bill Hayes, who was the Lord Mayor of Adelaide at the time the Rundle Mall concept was first thought about, says that Rundle Mall is dirty and shabby and needs a revamp, as he was quoted in the *Advertiser* of 25 June 1994, we are entitled to sit up and take notice. Mr Hayes said that the Mall needs more eating areas, restaurants, seating and better safety measures. I absolutely agree with him when he said:

> You have to go for quality and style in a mall in the heart of the city. There are fewer and fewer people coming to the Mall partly due to regional shopping centres, partly due to the expansion of the city, so we need to work harder to attract people.

It was good to see in the plans for the revamp of the Mall, which was announced by the Hon. Greg Crafter in 1993, that many ideas were incorporated in the initiative of the State Government and endorsed by the State Development Policy Advisory Committee and the Rundle Mall Committee. There was talk of doing away with the escalator, which acts as a visual block along Rundle Mall between the Renaissance Centre and the Richmond Hotel. There was talk of new paving for the entire Mall, a covered area at the intersection of the Mall and Gawler Place, a permanent public information centre, more outdoor restaurants, artworks at strategic locations, moving the fountain from Gawler Place to in front of Adelaide Arcade and upgraded lighting.

All those things are commendable, but again nothing is happening. Brisbane has a similar mall: in fact, it is said that Brisbane's mall is based on Rundle Mall and that people from Brisbane came to see our Mall, which was state of the art when it was opened by Don Dunstan at a cost of $1.2 million in 1976—18 years ago. We must look at the comparison between the promotional budget of Brisbane, a city of not dissimilar size to Adelaide, and that of Adelaide. Brisbane spends $1.7 million on promoting its mall, yet the Rundle Mall advertising and promotions budget for 1994-95 is $360 000. In other words, Brisbane is spending four to five times as much on its mall promotion than is Adelaide. That is an enormous difference and obviously a significant one.

It is important to recognise that the Mall is overdue for a revamp and that something should be done about it. Last year Jones, Lang Wootton undertook an encouraging survey which showed that the 63 000 workers in the city accounted for 14 per cent of total retail spending, that tourists spent $60 million in the Mall and that there are an incredible 800 retail establishments in the Mall precinct. But the survey also found that there were negative features about the Mall: the lack of shelter, the lack of sheltered seating, the slippery and uneven paving, and the safety problem, which has received so much publicity. The Adelaide City Council, which had set aside $1.5 million in its 1994-95 budget for stage 1 of the upgrading of the Rundle Mall, wanted the State Government to consider coming in with the council on a 50-50 basis because, as the Lord Mayor, Henry Ninio, said, the council by itself could not afford it. That comes to the heart of the problem: this State is strapped for funds.

Not long ago the Minister for Housing, Urban Development and Local Government Relations, Mr Oswald, warned against promises about the Rundle Mall development, saying the Government would make its decision on the project when putting together the capital works program as part of the budget. So we have to wait until Thursday to see whether there is money for the Rundle Mall project.

I would hope that, if there is not money in this budget, work on the Rundle Mall rejuvenation could start shortly. It is important to recognise the dual importance of North Terrace and Rundle Mall, not only for the local people, not only for South Australians in terms of State pride, but, more importantly, as visitor attractions for people who come to Adelaide and who see that the quality of living in Adelaide is reinforced by a top class cultural precinct in North Terrace and a very fine shopping centre in Rundle Mall. Most certainly, with the introduction of Sunday trading in November, Rundle Mall will have much more use, and a revamp of Rundle Mall would certainly benefit Sunday trading.

One of the most significant developments that we will see in our time is the Rundle Street East development. We have already seen the explosion of cafe life in Rundle Street East between Frome Street and East Terrace and, of course, we are waiting with excitement to see the development of that complex by Mancorp and Max Liberman in the area bounded by Rundle Street, East Terrace and Grenfell Street, which will provide studio apartments, one and two bedroom units, shopping and modest office accommodation in that very historic East End market precinct. Those people will add weight to buying power in Rundle Mall and they will add a welcome presence in that general area. It is important and incumbent on both the Adelaide City Council and the State Government to recognise the importance of the Rundle Mall precinct and North Terrace in the interests of this State and its future prosperity.

The Hon. R.I. LUCAS secured the adjournment of the debate.

FINANCIAL AGREEMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

As it is the same as that given in another place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill approves a new Financial Agreement—the *Financial Agreement Between the Commonwealth, States and Territories*.

The new Agreement was signed by the respective Heads of Government at the 25 February 1994 meeting of the Council of Australian Governments.

The Bill approves the new Financial Agreement which provides for the continued existence of the Australian Loan Council with broadly specified role and powers, sets out certain obligations in respect of past Financial Agreement borrowings, and provides for formal membership of Loan Council for the Australian Capital Territory and the Northern Territory.

The original *Financial Agreement Between the Commonwealth and the States* was made in 1927. The Agreement established the Loan Council and required the Commonwealth and each State to submit an annual borrowing program for Loan Council approval. The Agreement was last amended in 1976 and many of its provisions are now obsolete. In particular, Loan Council scrutiny of public sector borrowings has for many years taken place under voluntarily agreed arrangements rather than the provisions of the Agreement. On this occasion it is proposed that the existing Agreement, as varied since 1927, be rescinded, as provided for under the Constitution.

The Bill establishes simplified debt redemption arrangements, through the Debt Retirement Reserve Trust Account. This will replace existing arrangements handled through the National Debt Sinking Fund.

The new Agreement would remove the requirement for future Commonwealth and State borrowings to be approved under the provisions of the Agreement. This would reflect the reality that for many years only the Commonwealth's annual borrowing program has been formally approved under the Financial Agreement because only the Commonwealth undertakes budget sector borrowings directly rather than through a central borrowing authority outside the Agreement. From 1993-94, Commonwealth, State and Territory borrowings have been subject to Loan Council monitoring under arrangements agreed by Loan Council at its meetings in December 1992 and July 1993. These new arrangements, which superseded the Global Approach Resolution, reflect the common interest of the Commonwealth and States in ensuring that overall public sector borrowing in Australia is consistent with sound macroeconomic policy and that borrowings by each government are consistent with a sustainable fiscal strategy. The emphasis in the new arrangements is on credible budgetary processes, ensuring a high level of public understanding of public sector financing, and facilitating increased financial market scrutiny.

The new Agreement would also remove the Commonwealth's explicit power to borrow on behalf of the States. Reflecting the States' own borrowing activities outside the provisions of the Agreement, the Commonwealth has undertaken no new money borrowings on behalf of the States since 1987-88. Loan Council decided in 1990 that the States would progressively take over responsibility for debt previously issued on their behalf under the Financial Agreement. These arrangements place full responsibility on the States for financing and managing their own debt, thus subjecting their fiscal and debt management strategies to greater community and financial market scrutiny.

In addition, the new Agreement would abolish the restriction on States borrowing by the issue of securities in their own names in domestic and overseas markets. This would again recognise that the States conduct extensive borrowing activities through their central borrowing authorities outside the provisions of the Agreement. These borrowings are regarded by the financial markets effectively as sovereign issues and rated accordingly.

As noted, the proposed Agreement was signed by all Heads of Government at the Council of Australian Governments meeting on 25 February 1994. To become effective, the Agreement requires the passage of complementary legislation in the Commonwealth and all State and Territory Parliaments.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

Clause 3 is an interpretative provision.

Clause 4: Approval of the 1994 Financial Agreement

Clause 4 provides for the approval by Parliament of the Agreement—see clause 1(1)*(b)* of the Agreement.

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

GAMING MACHINES (PROHIBITION OF CROSS HOLDINGS, PROFIT SHARING, ETC.) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

As the second reading is the same as that in another place, I seek leave to have the explanation inserted in *Hansard* without my reading it.

Leave granted.

This is a Bill to amend the Gaming Machines Act, 1992 to prohibit certain profit sharing arrangements, to prohibit the holders of gaming machine dealer's licences or their associates from holding gaming machine licences in this State, and to restrict the eligibility of the holders of general facility licences to hold gaming machine licences.

The Gaming Machines Act prohibits unlicensed persons from sharing in the proceeds of gaming. However, certain schemes have emerged whereby the holders of gaming machine licences structure themselves in such a manner as to distribute profits or a disproportionate share of the proceeds of gaming to a party who is to all intents and purposes simply an investor with no commitment to the hotel or club industries.

One such scheme involved the establishment of a unit trust with capital units, hotel income units which entitle the unit holder to the income from the hotel operation and gaming income units which entitle the unit holder to the income from gaming operations. The effect of this was to give the incoming investor the gaming revenue while the existing licensee was limited to profits from the hotel's other operations. The Liquor Licensing Commissioner refused the application but in doing so stated that he was not confident of the outcome of an appeal.

Schemes such as this are a blatant abuse of the philosophy of the Gaming Machines Act which was agreed to as a means of revitalising the hotel and club industries. These schemes which are designed simply to enable wealthy investors to profit from gaming without being genuine licensees must be prohibited. The Hotel and Hospitality Industry Association and the Licensed Clubs' Association support the amendment.

Applications for gaming machine licences have also been received from the holders of gaming machine dealer's licences. Other dealers have made application to be approved as persons in a position of authority in companies holding gaming machine licences in this State.

The Gaming Machines Act currently prohibits the holder of the gaming machine monitor licence from holding any other licence under the Act. It also prevents the Commissioner from approving a person to act as an agent of the State Supply Board in its capacity as the holder of either the gaming machine supply licence or gaming machine service licence if that person holds or is associated with the holder of a gaming machine licence or a gaming machine dealer's licence.

The clear intention of these provisions is that persons in a position of special influence, knowledge or access to the industry should not hold gaming machine licences. This should be extended to the holders of gaming machine dealer's licences or their associates.

This matter is of such importance to the industry that this amendment has been made retrospective with a transitional provision to ensure that a decision of the Liquor Licensing Commissioner made prior to the Parliamentary Statement of 19 April 1994 not be affected. The Hotel and Hospitality Industry Association supports this amendment.

The Gaming Machines Act provides that the holders of hotel licences, club licences or general facility licences are eligible to hold a gaming machine licence.

The original justification for the introduction of gaming machines into this State was based on the need to improve the financial viability and stability of the club and hotel industries. The general facility licence category was only included because there were many premises which to all intents and purposes were hotels which had had their hotel licence converted to a general facility licence.

In an attempt to limit the range of general facility licences which would qualify, the Act provides that a gaming machine licence will not be granted unless the Commissioner is satisfied that the conduct of the proposed gaming operations would not detract unduly from the character of the premises, the nature of the undertaking carried out on the premises or the enjoyment of persons ordinarily using the premises.

Of the seventeen applications for a gaming machine licence from the holders of general facility licences all but two relate to premises which previously held a hotel licence and which operate basically as hotels. The two exceptions being Football Park and an Adelaide Restaurant.

The grant of a gaming licence to Football Park is consistent with the philosophy of including the club industry because Football Park is recognised as the State headquarters for football. The proposed amendment recognises this and retains eligibility for the holder of a general facility licence where in the opinion of the Commissioner the premises are recognised as the State headquarters for a particular sporting code or are major sporting venues and in the Commissioner's opinion the operation is similar to that of a club.

The second of the exceptions is quite a different matter. The premises in question can best be described as a cafeteria-cum-restaurant which has qualified for a general facility licence because of its tourist location. The grant of this application has the potential to open a "Pandora's Box" unless corrective action is taken. Accordingly, the amendment will restrict the eligibility of the holders of general facility licences to apply for a gaming machine licence to those premises which previously held either a hotel or club licence. The Hotel and Hospitality Industry Association and the Licensed Clubs' Association support the amendment.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause backdates the operation of all clauses of the Bill (except for clause 3) to the day on which the *Gaming Machines Act* came into operation. Clause 3 (which narrows the eligibility of the holders of general facility licences to obtain gaming machine licences) is backdated to 1 August 1994.

Clause 3: Amendment of s. 15—Eligibility criteria

This clause provides that a gaming machine licence cannot be granted to the holder of a general facility licence under the *Liquor Licensing Act* unless the general facility licence was converted under that Act from a hotel licence or a club licence and the nature of the operation is still largely that of a hotel or club, or unless the premises are a major sporting venue or state headquarters for a sporting code and the nature of the operation is substantially similar to that of a licensed club.

Clause 4: Amendment of s. 37—Commissioner may approve managers and employees

This clause provides that a person who is employed by a gaming machine dealer cannot be approved as a gaming machine manager or employee. The Commissioner can also refuse to give such an approval to a person who provides services under contract to a gaming machine dealer.

Clause 5: Insertion of Part 4A

This clause prohibits a wide range of relationships between gaming machine dealers and other licensees under the Act. Virtually any person who could be in a position to influence the affairs of a licensee is prohibited from holding a dealers licence or from being closely involved with the holder of a dealers licence, and vice versa. New section 44A(4)*(c)*(v) is a "catch all" provision that gives the Commissioner a discretion to determine that any relationship or connection other than those expressly referred to is too close, in that it could prejudice the proper operation of the Act or of the undertaking under any licence under the Act. (A decision of the Commissioner to refuse, revoke or suspend a licence or approval on this ground would, of course, be appealable).

Clause 6: Amendment of s. 68—Certain profit sharing, etc., is prohibited

This clause prohibits the profits from a licensed gaming machine venue from being distributed differentially to those arising from the liquor licence undertaking. A person who participates in such an arrangement is guilty of an offence, and the arrangement itself is null and void, whether it was made before or after the commencement of the Act.

Clause 7: Statute law revision amendments

This clause refers to the small list of statute law revision amendments contained in the schedule.

Clause 8: Transitional provisions

This clause makes provision for several transitional matters. Firstly, it is made clear that the prohibition of the links between dealers and other licensees does not invalidate any decision that the Commissioner may have made before 19 April 1994. Furthermore, the Commissioner is not prevented from approving an application that would otherwise contravene new section 44A, if the applicant can satisfy the Commissioner that, prior to 19 April 1994, the applicant was granted approval under the *Liquor Licensing Act* to assume a position of authority in a company that held a liquor licence and that, acting on the assumption that a similar approval would be granted in respect of the gaming machine licence, he or she (or some other person) incurred substantial costs or expenses that would not be recoverable in the event of the application being refused.

SCHEDULE

Statute Law Revision Amendments

The schedule deletes all references to a gaming machine technician's licence that were inadvertently left in the Act in the final stages of the passing of the Act in 1992. The technician's licence was replaced by the service licence (held by State Supply). The references therefore have no effect and should be removed from the Act.

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

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

As the second reading is the same as that in another place, I seek leave to have the explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill seeks to permanently close to new entrants, the lump sum schemes established under the *Superannuation Act 1988* and the *Police Superannuation Act 1990.*

At the present time these superannuation schemes are only temporarily closed.

As stated in the Parliament earlier this year, a considerable saving will be made for the taxpayers of this State by the closure of the present lump sum schemes for government employees and the establishment of a new scheme.

A Bill seeking to establish a new contributory superannuation scheme for public servants, teachers, health sector employees and police officers has been introduced into another place.

This Bill also provides that employees who are unable to currently join a contributory scheme will be able to join the closed lump sum schemes on an interim basis. When the new scheme commences on 1 July 1995 those members covered on an interim basis by the existing lump sum schemes will be transferred to the new scheme.

It is on the basis of the details of the proposed new scheme being announced and legislation actually being introduced into the Parliament that this Bill seeks to confirm the closure of the main State lump sum scheme and the police lump sum scheme.

The Audit Commission recommended the action being taken under this Bill.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 brings the Act into operation on 30 September 1994. This is the last day before the existing Part 4 of the principal Act comes into operation and re-opens the State scheme and Police Superannuation Scheme.

Clause 3: Substitution of Part 4

Clause 3 repeals Part 4 of the principal Act and replaces it with a new Part that amends both the *Superannuation Act 1988* and the *Police Superannuation Act 1990*. The amendment of the *Superannuation Act 1988* will enable an employee who could not otherwise join the State scheme to apply for acceptance on the basis that he or she will change over to the Southern State Superannuation Scheme when that scheme commences on 1 July 1995. This will enable employees to make contributions from October 1994 onwards. The clause also amends the *Police Superannuation Act 1990* in a similar manner. It also adds (see new subsection (1)*(d)* of section 16) a new category of persons who will become members of the Police Superannuation Scheme, namely, former State Transport Authority transit officers who have trained as police officers and entered the Police Force before 1 April 1995.

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

SHOP TRADING HOURS (EXEMPTIONS) AMENDMENT BILL

The Hon. R.R. ROBERTS obtained leave and introduced a Bill for an Act to amend the Shop Trading Hours Act 1977. Read a first time.

The Hon. R.R. ROBERTS: I move:

That this Bill be now read a second time.

The amendments put forward in this Bill by the Opposition with respect to amending the Shop Trading Hours Act overcome the cowardly and disgraceful exhibition of the present Government in granting a certificate of exemption to any business which applies for it with respect to trading on Sundays within the central business district effective from 1 November 1994. The amendments do not take away the Minister's power to grant certificates of exemption; they simply ensure that this power cannot be abused and that any certificate that is issued is done as a regulation which lies before both Houses of this Parliament and which would be subject to disallowance. In this way, Parliament and not the Minister of the day has the final say with respect to extending shopping hours.

These amendments are necessary because the present Liberal Government cannot be trusted on this or, for that matter, any other issue. Notwithstanding its pre-election promises in the lead-up to the 1993 State election, this Government, and in particular the Minister for Industrial Affairs, has shown complete disregard for the commitments made solemnly to the community prior to the last State election. On 14 July 1993, at a meeting organised by the Small Retailers' Association at the Adelaide Town Hall, the present Minister for Industrial Affairs and then Opposition spokesman for Industrial Relations (Hon. Graham Ingerson) promised that there would be no extension of existing shopping hours for the life of the next Liberal Government. That was quite clear.

On 8 December 1993, just three days prior to the State election, the same person (that is, Hon. Graham Ingerson) at a rally on the steps of Parliament House gave an unequivocal commitment to a rally of small retailers that there would be no extension of shopping hours whilst he was the Minister for Industrial Affairs.

The Hon. T.G. Roberts: He should resign.

The Hon. R.R. ROBERTS: I think he should resign, probably before 1 November. In a media release issued by the then shadow Minister of Industrial Relations dated 26 October 1993 and headed 'Longer supermarket trading hours—hundreds of small business jobs to go', Mr Ingerson said the following:

> For a start, the Shop Trading Hours Act requires the Government to consult with shopkeepers affected by this move before there is any extension (section 13). . . Unless the Government is about to ignore the Act, there can be no immediate introduction of extended hours.

Mr Ingerson said in October 1993 that the extension of trading hours for supermarkets (Monday to Friday) would cost the industry hundreds of jobs, yet he asserted that granting a certificate of exemption for businesses operating in the central business district for Sunday trading and an extra night of late trading in the suburbs would create thousands of new jobs. Obviously, Mr Ingerson has again contradicted himself.

This whole fiasco has been created by Mr Ingerson because whilst in Opposition he made too many different promises to too many different groups. To the small retailers he promised no extension of trading hours, but to the big end

of town (that is, the major retailers in the boardrooms) he promised that there would be open slather once the Liberals were elected. The election was held just over six months ago. Prior to that election, publicly at least, the Minister could not have been clearer in his intentions regarding this issue.

The other promise he made before becoming Minister was to set up an inquiry into trading hours. There were to be four members of the committee: an independent Chairperson; a representative of small retailers; a representative of large retailers; and a representative of consumers. Despite the fact that there are 60 000 shop workers in this State, there were not to be any representatives of those employees. This is from a Government that talks about consultation and worker participation and asks for commitment by workers to the firms for which they work. When elected with the support of many of those people who believed his promises, the Minister duly set up his committee.

The SDA went to him and said that he could not ignore the workers in the industry on this committee. To its surprise, he agreed to put its representative on the committee. Just to make sure, he put two more retailers on the committee to guarantee the result he wanted. When the committee was announced in January, it was headed by Mr Glen Wheatley. Members will recall that Mr Wheatley was the manager of the South Australian Brewery when it was lost to the New Zealand company Lion Nathan. Small business was supposedly represented by Paul Pilkington, from Foodland, the biggest supermarket trader in the State. This is the fellow who is representing small business. Woolworths and Coles Myer were also represented. However, Mr John Boag, the former secretary, was the SDA representative and from the outset he had an uphill battle against Sunday trading. In its wisdom the committee called for public comment. The SDA took the opportunity and sent a detailed submission opposing total deregulation, opposing Sunday trading and calling for an opening time as well as a closing time to be introduced into the Act.

It is important to realise that the SDA submissions were in line with the overwhelming majority of submissions from shop assistants and small retailers. You could count the supporters of deregulation and Sunday trading on one hand: Coles-Myer, Woolworths and Westfield. It is also interesting to note that, during that consultation and call for submissions, the Tourism Commission, of which Mr Ingerson is also the Minister, made no submissions to the committee at all—not a dicky-bird. The Chairman, I am told, went on taxpayer funded junkets to Sydney and Brisbane to look at their shop trading hours. The committee also conducted a survey on public attitudes to extended hours which has come back to haunt it. The survey showed that almost 70 per cent of Adelaide's population opposed Sunday trading, and a further 10 per cent of those surveyed actually wanted trading hours reduced, not extended. Therefore, only 20 per cent of all those people surveyed supported Sunday trading. A subsequent *Advertiser* poll also, interestingly, largely confirmed those results.

When the majority of the committee's report was leaked, it proposed a phasing in of the total deregulation of trading hours, 24 hours a day, 7 days a week. When its own polling figures were revealed, Mr Wheatley said that the views of the 20 per cent in support should override the views of the 80 per cent who oppose Sunday trading. It is little wonder that we lost our brewery to the New Zealanders! All hell broke loose when the report became public. The Government, it seemed, had secretly let the RTA and the SRA see the report even before it had gone to Cabinet. The SDA managed to spring the Government and embarrass it into allowing it to see the report as well. Here was a Government which before the election proposed to restrict trading hours, yet after the election it proposed total deregulation. You could not get further extremes. Having wasted $44 000 of taxpayers' money to get the answer, the Government moved quickly to distance itself from the committee's report.

Mr Ingerson admitted that on the basis of the evidence before it he could not understand how the committee could support total deregulation. This man is all over the track. It looked as though the Government might drop the whole thing, but then the big retailers came out of the woodwork. The sharks started to school up. They formed the mysterious Freedom to Shop Association and started to work on the already wobbly Mr Ingerson. The basis put forward to support Sunday trading is that it would improve tourism, despite the fact that Tourism South Australia made no submissions. How many Japanese tourists will race into David Jones on Sunday to buy a cheap CD player?

Claims were made that Japanese tourists were leaving Australia with unspent money in their pockets. However, newspapers report that Japanese tourism is actually falling even in those Eastern States that allow shopping on Sundays. Sunday shopping will not be enough to make them stay. However, the theory seems to be the one that parents use for kids who will not eat their vegies, namely, 'You will sit there until you eat them.' That is the attitude of this Government. Nevertheless, the Government was prepared to press ahead with deregulation. It was clear that the SDA would have a real fight on its hands.

In turn, the shop owners obviously had to step up the campaign. They sent out petitions. They asked their members to put bumper stickers on their cars; and they asked their members to contact their local members of Parliament—and many of them are members of the Party opposite. They linked up with small business to try to get their campaign against Sunday trading heard. They had a great response from their members: within days thousands of petitions were returned. They were coming in at the rate of 1 000 per day, and the number was increasing. However, the Government had still not backed down. It would not be intimidated by 80 per cent of the population. It announced a further inquiry of eight weeks to allow more public comment. How much public comment does it really need? It was a further waste of taxpayers' money.

Just when the Government was saying that it had not made up its mind on the issue, Minister Ingerson was drinking with his tourism mates at a McLaren Vale winery. I do not know how much he was drinking or what he was drinking, but quite clearly it was not only red wine that dribbled down his tie. He had let the cat out of the bag: the Government had done a secret deal with the City of Adelaide Council to support Sunday trading in the city. The Lord Mayor, Mr Henry Ninio, at first confirmed that Sunday trading in the city was imminent. This is a problem when you share secrets with an honest person, because when he is asked he actually tells the truth and lets the cat out of the bag. His Worship had to back away at 100 miles an hour when the SDA found out about it and distributed his mobile phone number to city shop assistants and asked them to ring him and let him know what they thought of Sunday trading.

Within two days, the SDA had received a letter from His Worship saying that he was dead against Sunday trading. The SDA then claimed that Minister Ingerson had a conflict of

interest. If, it asked, when the issue of shopping trading hours is finally debated in the Cabinet, how can one Minister represent the views of the tourists who allegedly want Sunday trading—although they did not make a submission—and the 60 000 shop workers and their families who do not? The SDA said—and I believe it to be right—that he should stand down from one or the other. He could not properly represent both points of view.

However, having gathered strength from this position of the dictator, he refused. But by then the damage had been done. When Westfield found out about the deal, it twisted the arms of tenants in its centres to support Sunday trading. It will not allow Sunday trading in the city without Sunday trading in the suburbs. We need to remember that the issue is not just about trading hours but wages and conditions. Not only did the committee want to deregulate trading hours but it wanted to get the Government to pay the retailers, to undercut award wages and conditions. While many SDA members are under Federal awards and are protected, many are still under the State system and will remain vulnerable under this scheme.

Many members of the Liberal Party know this to be factual and are deeply embarrassed by the behaviour of the Government and the absolute abrogation of this solemn commitment made public to small retailers and shop workers prior to the State election. The Government realised that it faced a split in its own parliamentary ranks on this issue and did not want the matter debated in the House of Assembly, in particular, where many of its backbenchers would cross the floor—or it was alleged that they would—in opposition to extended trading hours. In the upper House, it knew that the combined opposition of the ALP and the Democrats would thwart its plan.

Whilst it has been alleged that 14 members in the Lower House would cross the floor on this issue, I doubt very much whether that would occur. We might get 11, but we certainly would not get 12 because then the Bill would be lost. There are Liberal members in the Lower House who are posturing to their constituents, making out that they are concerned, but they are in bed with this proposal. Obviously, even if they got 11—because I am confident they would not get 12—it would be an embarrassment, so they snuck through the back door.

The Government realises that it faces a split in its own parliamentary ranks on this issue and does not want the matter debated in the Assembly in particular, as I said, and it was obviously not going to bring it into this place because we might have seen members opposite, the champions of small business, members like the Hon. Legh Davis, cross the floor. Country businesses will obviously be affected, because country people will take the opportunity to come to Adelaide to do their shopping. That, of course, will be at the expense of local businesses in country areas.

The Hon. Caroline Schaefer interjecting:

The Hon. R.R. ROBERTS: The Hon. Caroline Schaefer might want to cross the floor and be seen to vote with the Opposition. I encourage members to show their commitment to their constituents and come over here with us. This is where the action is. If they want to show how much independence and guts they have, this is the place, not the Lower House where it does not matter. The posturing there is quite sickening. The Government obviously did not want this matter debated in this place; hence its desire to avoid Parliament and try to get through the back door what it could not successfully negotiate through the front door.

The Government was committed to introducing legislation on extended shop trading hours in the Governor's speech opening this current session of Parliament on 2 August 1994. The Governor specifically referred to the Government's introducing legislation on a whole range of matters, including shop trading hours. The Government, recognising the huge opposition to extended trading hours within its own Party, at the eleventh hour sought to escape through the back door.

The Government will say that it is merely emulating what the previous Labor Government did with respect to issuing certificates of exemption. This is a furphy to try to cover its own scandalous and outrageous behaviour. Many certificates of exemption were granted over the years with respect to Sunday trading. However, they were issued for specific purposes and for a limited period of time: for example, the Sundays leading up to Christmas commencing with the start of the Grand Prix and John Martin's Christmas pageant and for other special events, such as the opening of the Myer-Remm Centre, and so on.

On the last occasion when weekend trading was extended, which was in 1990 when Saturday afternoon trading came into force, the then Labor Government introduced specific legislation amending the Shop Trading Hours Act to provide for the closure of retail stores at 5 p.m. on Saturdays. The former Labor Government allowed this Parliament to decide the issue; it did not issue certificates of exemption.

The Government's actions have now been questioned as to whether it has lawfully gone about its business, and I understand they are the subject of proceedings before the Supreme Court. I commend the Opposition's amendments to this place as they will provide a safety valve to curb the excesses of Ministers of the day with respect to trying to circumvent the intentions of the Shop Trading Hours Act whilst allowing sufficient flexibility to enable exemptions to be issued where there are *bona fide* reasons to do so. They will provide that ultimately Parliament will decide these issues, not ministerial edict.

For all those reasons I commend the second reading to the Council and seek contributions. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title.

Clause 1 is formal.

Clause 2: Commencement.

Clause 2 provides for the measure to come into operation on 8 August 1994.

Clause 3: Amendment of s. 5—Certificate of exemption.

Clause 3 inserts two new subsections into section 5 of the principal Act. Section 5 (1) of the principal Act provides that the Minister may issue a certificate of exemption to a shopkeeper in relation to a specified shop. The two new subsections provide that such a certificate may not be issued except as authorised by regulation. A regulation authorising the issue of certificates does not have effect until 14 sitting days of each House of Parliament have elapsed after the regulation is laid before each House and if, within those 14 sitting days, a motion for disallowance of the regulation is moved in either House of Parliament, unless and until that motion is defeated or withdrawn or lapses.

Clause 4: Amendment of s. 13—Closing times for shops.

Clause 4 amends section 13 of the principal Act to provide that a proclamation ordering the closing times of shops must be laid before each House of Parliament. Such a proclamation does not have effect until 14 sitting days of each House of Parliament have elapsed after the proclamation is laid before each House and if, within those 14 sitting days, a motion for disallowance of the proclamation is moved in either House of Parliament, unless and until that motion is

defeated or withdrawn or lapses.

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

ADJOURNMENT

At 11.37 p.m. the Council adjourned until Wednesday 24 August at 2.15 p.m.