LEGISLATIVE COUNCIL

Wednesday 12 October 1994

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the seventh report 1994-95 of the Legislative Review Committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the eighth report 1994-95 of the Legislative Review Committee.

WHEELCHAIR ACCESS

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement on the subject of wheelchair accessible buses.

Leave granted.

The Hon. DIANA LAIDLAW: I am pleased to advise that, in the spirit of the Disability Discrimination Act, a conciliated agreement has been reached between the Government and the people seeking wheelchair access to buses. The Government is committed to preparing an action plan with the close involvement of the wheelchair users in order to further the Government's policy commitment to provide an accessible transport system. This action plan will be presented to the Disability Discrimination Commission in 12 months for acceptance under the Disability Discrimination Act.

As part of the preparation of the plan we will be trialling some wheelchair accessible buses on services selected with the help of wheelchair users, and relying on them to help assess the suitability of the design of the ramps and the buses. We will also be equipping at least the first buses in the new batch of new buses with wheelchair ramps for the purposes of the trials.

Also, the review of the transport subsidy scheme, which the Passenger Transport Board has already initiated, will urgently investigate the voucher requirements of persons engaged in, or seeking employment in, formal community work.

I would like to record our appreciation of the President of the Disability Discrimination Commission, Sir Ronald Wilson, for his efforts in achieving this conciliated outcome, which is a sound basis for a new era of cooperation between the passenger transport industry and its customers.

QUESTION TIME

TEACHER NUMBERS

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 teacher cuts.

Leave granted.

The Hon. CAROLYN PICKLES: The Treasurer in his budget speech said that the achievement of the 1994-95 education savings target of $22 million could mean a reduction of 422 teachers. On 14 September the Minister told the Estimates Committee that the Government's target for teaching staff reductions over the next three years was 422 positions. The Minister confirmed that the reduction of 422 was required by the 1994-95 budget and told the Estimates Committee that the three-year budget reduction of $40 million would be achieved without further teacher cuts. On 14 September the Minister said:

> We are meeting our target of the $40 million cut with this reduction of 422 teacher positions.

He then went on to say:

> The intention next year is not for a further reduction of teacher numbers.

The Opposition has now obtained a copy of the Education Department's staffing calculations for 1995. This document is dated 30 August 1994, and one would assume that the Minister had access to the information contained therein prior to the Estimates Committee hearings. Mr President, I seek leave to table a document that is purely statistical in nature.

Leave granted.

The Hon. CAROLYN PICKLES: This document shows that the department is planning to cut 372 positions next year as a result of the new class size formula and a further reduction of 175 teachers as a result of falling student enrolments, a total of 547 fewer teachers. My questions are:

1. Will the Minister guarantee that the number of teaching jobs to be cut will not exceed 422?

2. Will the Minister now reverse his decision to increase class sizes to accommodate the retention of 125 teachers funded by this year's budget and now projected to become surplus under his new staffing formula?

The Hon. R.I. LUCAS: The Government's position remains as announced on budget day and as repeated by me in the Estimates Committee: that the budget-induced cuts in teacher numbers will be 422. There will be 372 in the tier one formula staffing, which was announced in the budget, and there will be 50 off the top salaries, again as announced in the budget, giving a total of 422.

The question of enrolments and how they affect individual schools will not be known until February of next year. I remind the honourable member that two years ago, using the staffing formulae that the department has to use, when it came to February, the start of the school year, I think from memory about 2 000 fewer students turned up for school than were being predicted by the department and principals. Not even the honourable member would suggest that if students do not turn up we ought to have teachers sitting in front of vacant classrooms. If there is a net reduction, as there was two years ago under the Labor Government, using the staffing formulae that the department has to use, and there are 2 000 fewer students in net terms—there will always be some with more and others with less—not even the honourable member would suggest that the department—

An honourable member: They might.

The Hon. R.I. LUCAS: Perhaps they might, but they certainly did not when they were in Government. Not even the honourable member would suggest, and the Institution of Teachers does not suggest, that teachers should be sitting in front of classrooms with no students in them. The simple facts of life are that enrolments in various schools go up and down. There are two projections of enrolments. There are the principals' projections, and they estimate this year what they might expect in February next year, and there are the estimates of people within the Education Department regarding the total number of students within our schools.

I must say that those two numbers are never the same. Principals generally predict many more students in their schools, and there is a reason for that. Students can move from school to school, and it is sometimes difficult to estimate whether students will continue to go from one particular school to another.

So, if you add up the principals' projections they inevitably are significantly higher than the number of school age children there are in the State. What the department has to do is make some sort of best guess at this stage, but, in the end, we will not know the exact number of students in our schools until the first week of school next year and will then be in a position to know the exact number of teachers and that will be—

The Hon. Carolyn Pickles: You have already based it on the formula you already have.

The Hon. R.I. LUCAS: No. The honourable member is on a steep learning kerb, but let me explain it to her slowly. The decision announced in the budget, repeated by me in the Estimates Committee, remains the Government's position and will not be changed; 422 positions. The only proviso in the Estimates Committee, as the honourable member will know from looking at the Estimates Committee, is that none of the Government agencies are funded for wage and salary increases, and so all Government agencies are going to have to meet that dilemma when it arise. That is the budget decision. But in relation to enrolment projections, all we can do at this stage is make some best guesses and plan, but we will not know exactly the number of teachers—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The honourable member says you can get very accurate numbers of students in school for next year. What I am saying to the honourable member is—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We can make an accurate assessment on the number of budget induced cuts in teachers. Let us look at one particular school in the southern suburbs next year which, as a result of the budget, will lose between two and a half to three teachers—I cannot remember the exact number—but next year the principal predicts that there will be 170 fewer students in the school. As I said, not even the honourable member would be suggesting that we should leave those 11 additional teachers—

The Hon. Diana Laidlaw: Perhaps she is.

The Hon. R.I. LUCAS: Maybe she is. Not even the honourable member would be suggesting—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: That is your next question. In that southern suburbs high school when the principal says to the department, 'We are going to have 170 fewer students next year,' then, surely, not even the honourable member would be suggesting that we should not be making any adjustment for the number of students in the school and saying, 'You can keep the extra 11 teachers and do with them what you will.' That is just not the way the formula operates. It did not operate in that way for a decade under the Labor Government when the member was the Chair of the education committee advising previous Ministers of Education. She certainly did not give advice to previous Ministers to change that particular formula and was quite happy for that formula to continue. All that is happening is that that formula is continuing to operate. So, we can make accurate predictions on what the changes in formula, the budget decisions, will mean. We have done that; 422, comprising 372 plus 50.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Because there is a formula calculation. The changes that we are talking about are in total number of students. There will always be a base level that we know will exist in our schools, whatever that number might be. It is about 180 000 students approximately. The changes might be plus or minus 2 000 or 3 000, depending on who turns up, in particular at year 11 or year 12 in our schools next year. As I said, two or three years ago under the Labor Government 2 000 or 3 000 fewer students turned up on the start of school day than had been predicted by both the principals and the department. Perhaps they had got jobs, or had a range of other things they wanted to do. They might have done TAFE courses instead of senior secondary schooling. There are a whole variety of things they might have done, but whatever they did do they did not turn up to year 11 and year 12 classes in our secondary schools.

Let me repeat: no change, budget decision, announced budget day, repeated in the Estimates, confirmed by me again today. What is the variable? Where there have been varying estimates, they are only estimates. All we are going to know is that the final decision in relation to enrolments, and therefore numbers of teachers, will be, of course, in February next year. If what happens in February next year is that there is an increase in enrolments, then we will have to provide extra teachers, and so the number will be 422 less the extra teachers that we have to provide because of increased enrolments arriving in our schools in February of next year. I might say that we are not predicting that, but that is the way the enrolment formula goes. We have a formula and, if the enrolments go up, we have to employ more teachers. If they go down, we do not have to employ as many teachers. It is as simple as that.

The Hon. CAROLYN PICKLES: I desire to ask a supplementary question. Did the Government use a staffing formula, which I have tabled in this Parliament, of 30 August 1994 for the Minister's assessment of 422 teacher cuts? If so, can the Minister then explain the difference between the budget requirement for 422 fewer teachers and the Minister's statement to the Estimates Committee guaranteeing that this will be the total number of jobs to go in three years, and his department's projection that 547 teachers will go?

The Hon. R.I. LUCAS: I can only refer the honourable member to the previous answer. It is a question of enrolment projections. If we have fewer students, we have fewer students.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: It seems a fairly simple piece of logic. If we have fewer students, we have less need for teachers, irrespective of the formula. If we have more students, we have the need for more teachers, irrespective of the formula. We have changed the formula. We know what the effect of that will be and it now depends on whether we have more or fewer students whether we will therefore need more or fewer teachers. It is a simple piece of logic supported by the honourable member when she convened the former Minister of Education's education committee over the last period of that Government. As I said to the honourable member, it may well be that if we have increased enrolments we might have to increase the number of teachers.

The Hon. Carolyn Pickles: So, you will increase the number of teachers—

The Hon. R.I. LUCAS: It is as simple as that: that means that we will increase the number of teachers—reduce the number cut. Be careful—you nearly agreed with me. It would

be very dangerous for the shadow Minister for Education to agree with the Minister on her first day. It ought to be a simple piece of logic never to agree with me. Indeed, it would be very dangerous for the shadow Minister to agree with the Minister on her first or second day in Parliament.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As I said, I cannot be any simpler than that. We will have to wait until the first week of school and, if there are more students in school than we predicted, we will have to hire more teachers. If there are fewer students, clearly there is less of a need for teachers.

FISHERIES POLICIES

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question on fisheries policies.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Over many years in various sections of the fishing industry invariably there has been conflict between fishers, the Fisheries Department and researchers. This process has gone on for many years. What also occurred was rationalisation under the previous Government and certainly under this Government in the administration and the inspectorate of fisheries in South Australia. As a consequence of what has occurred SAFIC, the overriding body that looks after the interests of fishermen, has changed its policy from one of being a lobby group for fishermen to one that now has a research oriented perspective in regard to the fishery. Indeed, it is now doing many of the functions that would have been done by the Fisheries and Primary Industry Departments in the past. Since I have had the responsibility of the fisheries shadow portfolio in the past six months I have been approached by many sections of the fishery who are concerned about changes to the fisheries policy.

We have had disputes in a number of fisheries. I refer to the scale fishery and the closure of Coffin Bay earlier in the year where we had the associated angst especially at the way it was done. We have had problems in the Spencer Gulf prawn fishery—we are getting problems there. We have had problems in the southern rock lobster fishery and the crab fishery is under review and my old favourite, the Gulf St Vincent fishery, has been a continuing sore.

The Opposition's view is that it is time we sorted out future fisheries policy and to that extent we do welcome the initiative by the Minister for Primary Industries in seeking a review of fisheries policy in South Australia. We do have some concerns, however, in the way it is being constructed. I have had submissions from people from SAFIC and a range of other fisheries groups concerned about the construction of the review. They are interested to know what the terms of reference are, who is being consulted and a whole range of other questions. The Opposition believes that the review of fisheries is pivotal.

This report will be a very significant event in the future fisheries of South Australia, especially when one considers the improvements in technology. Just as a quick example to the Council, the crab fishery has increased from a catch of 47 tonnes about three or four years ago to the current catch of 302 tonnes. With that sort of technology, one can easily see the importance of having a proper fisheries policy for the future of that public estate in South Australia. On behalf of my concerned constituents, I ask the following questions:

1. What are the terms of reference for the review being undertaken by Mr David Hall from Primary Industries Fisheries, now attached to the Minister's department?

2. Who is being consulted during the process of that review?

3. What will be the status of David Hall's report? For example, will there be a white paper/green paper process?

4. Will the industry have the opportunity to comment on any proposals established by this review before any actions in response to that review are undertaken?

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

PRISON PRIVATISATION

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Correctional Services, a question on prison privatisation.

Leave granted.

The Hon. T.G. ROBERTS: In yesterday's *Advertiser*—today's actually—a headline states 'Clash looms on SA prisons'.

Members interjecting:

The Hon. T.G. ROBERTS: I went down the street and picked it up at 11 o'clock last night, so to me it was yesterday's paper. I had to get ahead of the Government's agenda.

Members interjecting:

The Hon. T.G. ROBERTS: The rumour machine was operating fairly well, so I thought I would go down and confirm the headline that I had been told was about to appear, and that there was chaos in the prison system in relation to privatisation and that the Minister's statements were being contradictory. Certainly one was coming out every ten minutes, so as shadow for the portfolio it was difficult for me to keep up with the pace of the change as being outlined by the Minister in various press releases and interviews that he has been doing. Being the diligent member that I am, I thought I would get onto it early.

The Hon. L.H. Davis: You worked through the night on it, did you?

The Hon. T.G. ROBERTS: I worked right through the night analysing this one, that is right, Mr Davis.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I was trying to match the content with all the other contributions that the Minister had made in relation to this subject. So, the reason I am asking this question in this place on behalf of my constituents is to try to get some sort of surety into the argument so that people out there can deal with the problem—and it is a major problem—in trying to shape their lives around this major reform that is being proposed by the Minister. The article states:

> The State Government is set for a major showdown with unions over its threat to privatise the $40 million Adelaide Remand Centre.

The Adelaide Remand Centre came as a bit of a surprise, because the only prison that had been discussed for privatisation (and there was no surety about that) was the new Mount Gambier prison. People are quite confused about that, because the size of it keeps altering, the intention of what it will be used for keeps being altered, and there is certainly a

lot of confusion in the minds of the people in the South-East about that issue. When the Adelaide Remand Centre came on the agenda, people were really confused because it was not even on the published list of probables.

Basically, the article indicates—and I did not take all night to read it, I went home and watched a little bit of television and went to bed, and did not lose too much sleep over it—that the Minister has had a fit of pique and has made a threat to those people representing the interests in the industry, namely, the unions and the associations representing their members in it. If there is not a suitable outcome to the negotiations around the staffing proposals in the Adelaide Remand Centre then privatisation would be an option that the Government would seek in order to alleviate itself of the problem of negotiating with the unions and associations about staffing.

It appears to me that it is policy on the run, that there has been no discussion around the Adelaide Remand Centre previously and that, during negotiations covering staffing levels and what most of us in this Chamber would regard as a simple, structured outcome from industry negotiations around a private agreement between those union and association representatives and the Government itself, it would be a simple task for the Government to have an enterprise bargaining arrangement that went into staffing levels and that looked at changes. But then we have the threat of privatisation brought into this whole process, which has confused people. I suspect that it is a fit of pique and that it is being used as a negotiating tactic to bring about an outcome. My questions are:

1. What negotiations are currently taking place with the relevant unions and associations?

2. How many prisons in South Australia are being considered for privatisation?

3. What is the criteria for privatisation?

The Hon. K.T. GRIFFIN: I make no apology for the fact that the honourable member cannot keep up with the changes that the Government is making, and really that is a matter for him. The fact of the matter is that the Government was elected on a platform of reform and change, and right across Government we are moving ahead with significant change and will bring about benefits to all South Australians, even to members on the Opposition benches. They can look forward to distinct improvements in conditions and prosperity in South Australia as a result of the changes that this Government is making. There is no chaos in prison policy. That is just a furphy which the honourable member is trying to float.

The Minister and the Government know where they are going and we cannot help it if the Opposition is not able to follow the way in which that is occurring. It is not a fit of pique that the Minister has demonstrated in relation to the Adelaide Remand Centre and, in any event, that is an issue that I am sure he would be happy to explain further, and it is not policy on the run. The policies of the Government were clearly enunciated prior to the election for all to see; much more comprehensively than the policies of the previous Government when it was seeking to be re-elected. I will refer the detail of the questions to the Minister for Correctional Services and bring back a reply.

The Hon. T.G. ROBERTS: As a supplementary question, in the same article the Minister said:

> . . . much of the prison system could be handed over to private enterprise without legislative changes.

The Hon. K.T. Griffin: That is not supplementary. This does not arise out of anything that I have said.

The Hon. T.G. ROBERTS: That is the confusion. You said that there was a straightforward policy that everybody understood.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: Has the Attorney or any officer of his department given advice to the Minister for Correctional Services along the lines of the Minister's reported remarks and, if so, what was that advice, and does the Attorney agree that privatisation can occur without legislative change in spite of the Correctional Services Act?

The Hon. K.T. GRIFFIN: The honourable member should know that my predecessor the Hon. Mr Sumner always declined as a matter of principle to indicate what advice had been given by the Crown Solicitor and to always decline to table that advice, and that is quite a proper position. Legal advice to Government is not—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I did. I acknowledged the propriety of that position. I do not intend to indicate what advice has been given by the Crown Solicitor to the Minister for Correctional Services or his—

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: Well, I do not have to disclose the legal advice I have given, either.

The PRESIDENT: Order! It has been a practice in this Chamber that seeking information about matters which are in their nature secret, for example, Cabinet decisions and Crown Law advice to Government, has not been permitted, so the question is out of order.

TEACHER REPLACEMENTS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about teacher replacements.

Leave granted.

The Hon. G. WEATHERILL: When the Labor Party was in government in South Australia, the policy was that, if teachers took sick or went on annual leave, they were replaced, and a roster system was in place in most schools to enable this to be done. Will the Minister give a guarantee to this Council that teachers will be replaced when they are sick or when they are on annual leave?

The Hon. R.I. LUCAS: The honourable member will be delighted to know that the policies that existed under the previous Government have not been changed by the new Government. So, the usual provisions for replacement of teachers on various leave arrangements will continue.

ADELAIDE REMAND CENTRE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Correctional Services a question again about the privatisation of the Adelaide Remand Centre.

Leave granted.

The Hon. SANDRA KANCK: I refer the Minister to comments he made, as reported in today's *Advertiser* in an article entitled, 'Clash looms on South Australian prisons', regarding his threatened privatisation of the Adelaide Remand Centre. The article quotes him as saying, among other things, the following:

I don't want to have privately managed prisons if we can possibly avoid it.'

I also refer him to a speech by Western Australian Attorney-General, Cheryl Edwardes, announcing a new prison reform agenda and enterprise agreement agreed to by prison staff and the Western Australian Government, a copy of which I can provide to the Minister if he does not have it. Ms Edwardes said:

. . . some States have already introduced private prisons to achieve savings. However, these savings have not flowed on to State-run prisons at the level hoped, and are unlikely to be achieved without protracted industrial disputes. By reaching this agreement in Western Australia we have. . . .effectively jumped 10 years ahead of these States, who are likely to be grappling with industrial issues and management problems for the next decade as they bring State prisons into line with those in the private sector.

My questions are:

1. On what basis does the Government believe it can privatise the Adelaide Remand Centre without the approval of Parliament?

2. Has the Minister read the agreement between the Western Australian Liberal Government and the Prison Officers Union and, if not, why not?

3. If he has read that agreement, does the Minister believe that this type of agreement could be applied in South Australia and, if not, why not?

The Hon. K.T. GRIFFIN: I will refer those questions to the Minister and bring back a reply.

NATIONAL MUSEUM

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the National Museum.

Leave granted.

The Hon. L.H. DAVIS: In the past 24 hours, both in the local and national media, there has been discussion about the likely fate of the National Museum, which was promised financial support by the Keating Labor Government at the time of the last Federal election. Indeed, the policy of the Federal Labor Government at the last election was to commit $26 million to assisting the National Museum, and that was to be matched by $26 million from the private sector.

However, the reports in the media, both in the *Advertiser* today and in interstate press, indicate that there is some doubt about whether the National Museum will proceed. A suggestion has been made that the Federal Labor Cabinet has opposed spending money on the National Museum which, of course, was to be sited in Canberra.

This has particular relevance and importance to South Australia, given that the South Australian Museum boasts an internationally renowned Aboriginal collection, and no doubt many Aboriginal artefacts are among those which have been stored for intended display in the National Museum in Canberra. My questions are:

1. Does the Minister have any information about the current state of the proposed National Museum?

2. Could she advise the Council as to what the implications are for the South Australian Museum?

The Hon. DIANA LAIDLAW: I thank the honourable member for his question, and I am aware of his interest in the Museum generally. In terms of the Federal Cabinet decision, the advice I received from the office of the Federal Minister, Mr Lee, today when I phoned was that it would be addressed at a meeting of Federal Cabinet this evening. So, the Federal Government is uncertain at this stage what is the fate of the National Museum and the Aboriginal collection. I understand that the Aboriginal collection is a small but very good one. South Australia's collection is both enormous and outstanding.

I received advice two weeks ago that the Federal Minister wished to speak to me about an initiative in relation to his forthcoming cultural plan, and that the initiative he wished to discuss was related to the Museum. At that time I was not sure what was being proposed; I was certainly hoping that it would be an offer of some money towards the upgrading of the Museum, and I asked the department at the Museum to prepare a number of options, ranging from $1 million to $2 million, in which the Federal Government might be keen to invest.

Members will be aware that the Government is committed to the redevelopment of the Museum after years of neglect, and that this year alone it has committed $800 000 to a feasibility study for this redevelopment, in particular in relation to the development of a national Aboriginal museum.

So, when officers representing the Federal Department for the Arts came to Adelaide last week and, out of the blue, suggested that we explore this issue of the transfer of Aboriginal artefacts from the National Museum to the South Australian Museum together with related issues, I must admit we were somewhat surprised, but particularly excited.

We would like to be reassured about recurrent funds, if this is to happen. I understand that, on first estimates, we would require a commitment from the Federal Government in the order of $8 million. If this initiative is pursued by the Federal Government—and certainly we would encourage it to pursue the issue—it would reinforce for anybody who would doubt the fact that we do have the best collection in Australia of Aboriginal art and artefacts, including other relevant information related to native title matters; our collection is superb.

So, I have not instigated this approach, although I wholeheartedly support it. I am aware that the approach may have arisen from an earlier scheme developed by the South Australian Museum for a project called Ngampula, which was not supported by the previous State Government or by the Federal Government.

The Hon. Anne Levy: Yes it was.

The Hon. DIANA LAIDLAW: I have had it confirmed, and the advice I have received is that it was not supported, and therefore the whole thing stopped—and that advice comes from those who would know within the Department for the Arts and the Museum. So, no matter how much the honourable member protests, it was certainly the understanding of the Museum and the Department for the Arts that there was no interest in the project and that it was not proceeding.

The Federal Government appears to have renewed some interest in that concept. I await the Federal Cabinet's decisions tonight with great interest. The Federal Minister has been fully informed that we would be very keen to pursue this process in discussion with the Aboriginal community if that is what the Federal Government wishes.

WOMEN, POWER AND POLITICS

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the International Conference on Women, Power and Politics.

Leave granted.

The Hon. BARBARA WIESE: As the Minister is aware, the International Conference on Women, Power and Politics was held in Adelaide during the past four days as part of the celebrations for the centenary of women's suffrage. I am sure that all of us who had the opportunity to attend the conference would agree that it was a highly successful event. I think that the members of the committee that organised it should be congratulated on the excellent event that they participated in organising, and I am very pleased that one of my colleagues, the Hon. Carolyn Pickles, was directly associated with the organisation of that excellent conference.

We all had the opportunity to hear and learn from a vast array of international and Australian speakers and to make contact with women from around the world and Australia. I am hoping that this conference will be a catalyst for restoring some of the flagging energy of many women in our community who have been fighting for so long to improve the status of women and that many young women will be inspired to take up the challenges that still need to be tackled. My only disappointment is that so few men, particularly members of Parliament, spent time at the conference, because so much of the change that needs to occur in society will take place only with their involvement.

As the Minister is aware, each session of the conference was invited to put forward motions for future action. These motions were debated yesterday afternoon at a plenary session which I believe she chaired. During the course of the conference concern was expressed that such plans for future action may fail unless a mechanism is established to follow up and monitor progress in implementing the ideas that came from the conference to benefit women. My questions to the Minister are:

1. Was this concern drawn to her attention?

2. Does she agree that it is a desirable objective to ensure that lasting benefit to women may result from the conference?

3. If so, will she indicate how she proposes to ensure that when motions are forwarded to appropriate Governments and other bodies for consideration they actually receive serious attention and action?

The Hon. DIANA LAIDLAW: I agree with the honourable member that the conference was a fantastic success. Personally, I found it very exhilarating to hear famous speakers from a whole range of backgrounds from across the world and to speak to the delegate from Outer Mongolia and learn from her that conferences such as this ensure that she remains alive. She would not be able to speak with such freedom in her own country unless the Government was aware that she had support networks in Australia, Alaska and elsewhere. It was a very humbling experience.

I also agree that the conference committee did a superb job in attracting not only such outstanding speakers but also 900 delegates. The Premier in Cabinet on Monday recorded his thanks, and they are to be conveyed to the steering committee; he indicated at another time that he was thrilled to see the amount of positive publicity for Adelaide and the conference throughout the national press.

There were 115 resolutions. I chaired the session yesterday afternoon, and that was the most exhausting part of the conference overall as far as I was concerned. Before we addressed those resolutions, I announced that all the resolutions would be forwarded to the steering committee, which comprises people from multicultural and Aboriginal backgrounds, representatives of all political Parties and representatives with national and international networks. They have agreed to look at all the resolutions that were passed, many of them unanimously.

There were many resolutions on which there was dissent. We did not have time to come back and debate those resolutions, so it was agreed that delegates would have until 21 or 25 October to write back to the steering committee indicating whether they had concern about any of the resolutions where dissent had been recorded but on which there was not sufficient further time for debate. The conference also agreed that the steering committee would be responsible for coordinating all the feedback on those resolutions and forwarding the resolutions to the relevant organisations within Australia and overseas. I was able to outline at the beginning and end of the session the action plan that had been developed in relation to those resolutions.

I, too, was disappointed that there were not more men at the conference. I think generally they would have welcomed the opportunity to listen and learn. Women's groups will have to address that more in the future, because it is important that there is better understanding by everybody in the community about issues that are important to women if women are to participate fully and equally in our society.

FLY BUY SCHEME

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General and Minister for Consumer Affairs a question about the Fly Buy scheme.

Leave granted.

The Hon. R.D. LAWSON: Loyalty Pacific Pty Ltd is conducting a scheme in conjunction with retailers and others called fly buys. Major companies, such as Myers, K Mart, Coles, Target, Shell, the National Bank and now Telecom Australia are participating in this scheme under which persons who join it are awarded points similar to frequent flyer points which are redeemable for airline tickets.

A report in the *Advertiser* of 29 September said that 42 000 South Australian consumers had been attracted to the scheme and that nationally 750 000 have joined. On the same day the Minister made a statement to the effect that he had received advice that the scheme breached provisions of the Fair Trading Act and that a decision whether to prosecute had not then been made. Further, he is reported as saying that a decision was under consideration as to whether the operators of the scheme ought to be exempted by regulation from this provision of the Act. The provision to which the Minister was referring is a provision of the Fair Trading Act which originally derived from the Trading Stamps Act in this State. I understand that over the years similar provisions have been repealed in all or most other States. My questions to the Attorney-General are:

1. What public benefit inures from the retention of these prescriptions in the Fair Trading Act?

2. If it is considered that these provisions should be retained, does the Minister agree that it is anomalous that airlines can conduct frequent flyer schemes with impunity, but that other traders cannot participate in so called brand loyalty schemes, where the only difference between their schemes and a frequent flyer scheme appears to be that a third party provides the incentive in the former?

3. Would the Minister report to the Council whether or not any progress has been made in relation to a decision on this particular scheme?

The Hon. K.T. GRIFFIN: There is no doubt that if one measures success of a scheme by the number of people who

participate, Fly Buys has to be regarded as a successful venture. It was drawn to the attention of the Commissioner for Consumer Affairs as being potentially in breach of the trading stamps provisions of the Fair Trading Act. As a result of that, advice was obtained which indicated that that was certainly the case, that it was in breach of those provisions. Under the Fair Trading Act there is a provision to make exemptions by regulation if there is little consumer disadvantage or detriment caused by the operation of the scheme. The honourable member is correct, that these provisions have their origin in the Trading Stamps Act, which was repealed and replaced by modified provisions of the Fair Trading Act in the mid 1980s.

The Trading Stamps Act provisions were very much more extensive than those provisions which remain in the Fair Trading Act. The Fair Trading Act is essentially focused upon trading stamps which provide third party benefits. That is the context in which the Fly Buys scheme operates. Loyalty Pacific is the company which runs it and those who participate in the scheme are predominantly related to the Coles Myer group and the benefits are, in fact, provided by a third party, namely Qantas. The philosophy of all consumer protection legislation, including this, has been to ensure that there is no consumer detriment by promotional schemes which might ultimately act to the disadvantage of consumers.

One of the issues that we have been concerned to address in the examination of this issue is whether there is any consumer detriment experienced as a result of consumers participating in the scheme.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: It goes in the cost of the article. It is interesting that the new shadow Attorney-General is reported to have said that we should grant the exemption and let the scheme go ahead, although I noticed that it was not the shadow Minister responsible for consumer affairs who made the statement, so I am not sure whether there is any division of opinion between the two of them in respect of what we should be doing with the Fly Buys scheme. We have proceeded on the basis that there ought to be an open and informed marketplace, that consumers ought to have available to them all the information necessary to make an informed choice, that the information ought not to be capable of being misread or misinterpreted and, on that basis, the Commissioner for Consumer Affairs has made some recommendations to the Government.

We also want to ensure, in the context of the information which is collected about each participant in this program, that the data which is available is not on sold to a variety of people without the knowledge of the participants. If one looks at the application for the Fly Buys scheme, there is a concern about the extent to which the information can be on sold or imparted to other persons and what sort of information: information in respect of the actual purchase, the value of the purchase and whether it was a 500 gram packet of Weeties or a kilogram packet of Weeties, or something like that. So, we have been concerned that there may be, in fact, a very significant buying profile established on each particular customer as a result of participation on this project, but the assurance has been that that is not the intention of the scheme. In addition to that, by the reference in the application to the fact that the information may be made available by Loyalty Pacific and its agent to other persons, or their agents, of course, it has a possibility for information about purchasing practices to be used quite extensively and, in considering the question of exemption, we also want to ensure that the use to which the data is put is particularly limited.

The Hon. T.G. Roberts: Has Greenhill Road put a bid in for the information?

The Hon. K.T. GRIFFIN: There are lots of businesses along Greenhill Road. I am not sure.

The Hon. R.R. Roberts: Some more influential than others.

The Hon. K.T. GRIFFIN: Some more influential than others. The other issue is, of course, the precision of the information which is imparted. For example, if you look at the tables which demonstrate the points that may be accumulated, there is at least one column that talks about $125 per week grocery purchases from a particular grocery chain will give you—in the far right column—260 points per year. So, there is no comparison of like with like, and quite obviously there is the potential for that to be misleading. So, in the consideration of the issue the Commissioner for Consumer Affairs had discussions with the operator and has made some recommendations for exemptions. I would expect that the Government will be able to finalise the matter by about the end of next week or thereabouts. The public benefit which inures by retention is the capacity of Government to ensure that the principles to which I have referred are maintained. I do not think there is any anomaly because airlines providing, for example, frequent flyer points, are providing a benefit for goods purchased from that operator.

The Hon. Anne Levy: There is no third party involved.

The Hon. K.T. GRIFFIN: There is no third party involvement. So, I do not think there is an anomaly in that sense. So, they are the issues; they are the answers to the questions; and I would hope that the matter could be finally resolved sometime later next week or thereabouts.

GOVERNMENT CONTRACTS

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Leader of the Government, the Minister for Education and Children's Services, a question about people working on contract who have left Government service.

Leave granted.

The Hon. ANNE LEVY: The Government has proudly announced that something like 5 000 people have left the Public Service in recent times, many of them having taken a package. I, and many others, have been given to understand that in taking such packages there is a clause in the contract which prohibits the person taking the package from being employed or receiving any remuneration from the Government for a minimum period, be it two years or three years.

There are constant rumours about people who have taken a package and who are back the next day doing the same job on a contract, which obviously would be contrary to any such clause in their package. I know there are some people who have not had such a clause prohibiting re-employment with the Government in their separation package agreements. For example, one can quote people like Anne Dunn who, although she left the Government service, was able to continue with her position of Chair of the Adelaide Festival Centre Trust and is now being employed three days a week by the trust until a successor to the former General Manager, Tim McFarlane, is found.

There was no such clause in her contract, so it is quite legal for her to be employed in this way, and I make it clear that I am making no criticism whatsoever of this. My

question to the Minister is this: will he provide information on how many of the people who have left the Public Service with packages are able to undertake service for the Government, be it by contract or any other way? How many of those who have left are able, under the terms of their separation contract, to undertake paid work for the Government within a two or three year period? I am sure many people in South Australia would be interested to know that figure.

The Hon. R.I. LUCAS: I shall be pleased to refer that question to the appropriate Minister and bring back a reply. It is being controlled substantially by the Commissioner for Public Employment. The normal course is that someone who takes a targeted separation package cannot be re-employed or take a contract for three years. My understanding, which I will have checked, is that all people who have taken targeted separation packages have to abide by that provision. However, there are other separations, primarily at CEO level. Again, I am not sure of the exact title of the separation, but it is not a targeted separation package. It is a separation by another name and the person to whom the honourable member has referred would be an example of that. I understand, but I will check this for the honourable member, that there would be very few.

The Hon. Anne Levy: Is there a number?

The Hon. R.I. LUCAS: I will ask. My understanding is that there would be few in that category. The overwhelming majority would be in the category of people who have taken targeted separation packages and who cannot be re-employed for three years. The Hon. Mr Elliott raised this question earlier and I did invite him to submit some detail to me about who might have been re-employed and I gave an undertaking to pursue it. Again, I issue that invitation to the Hon. Mr Elliott because I have not received any information on that matter and, if the Hon. Mr Elliott or anyone else has information to that effect, I shall be pleased to refer it to the Commissioner and have the matter followed up. As I said at the outset, I will refer the honourable member's question to the appropriate Minister and ensure that the response is brought back.

NGAMPULA PROPOSAL

The Hon. ANNE LEVY: I seek leave to make a personal explanation.

Leave granted.

The Hon. ANNE LEVY: During Question Time the Minister for Transport implied that the previous Government had not been interested in following up the Ngampula proposal and that the Minister involved had lost interest.

Members interjecting:

The Hon. ANNE LEVY: It is personal and it is referring to me and what I did.

The Hon. DIANA LAIDLAW: Mr President, I rise on a point of order. This subject is not the basis of a personal explanation.

The PRESIDENT: I ask the honourable member to make sure that in giving her personal explanation it is about a personal matter.

The Hon. ANNE LEVY: It is certainly about me, Mr President.

Members interjecting:

The PRESIDENT: Order! The Hon. Anne Levy.

The Hon. ANNE LEVY: Thank you, Mr President. I was the member of the Government who was concerned with such matters and I certainly take those comments as a reflection on me. I can assure the Council that I was very interested in the Ngampula proposal. I arranged for the brochure detailing the proposal to be prepared and circulated widely. I also took up the matter with my Federal colleagues. I had two separate CEOs who were instructed by me to follow up this matter.

The Hon. DIANA LAIDLAW: Mr President, I rise on a point of order. I spoke about the Government and indicated that the Government had not acted. The Government may have admired the proposal and widely discussed it, but the Government did not act on it. It had been dropped.

The PRESIDENT: There is no point of order. This is a personal explanation.

The Hon. ANNE LEVY: As a personal explanation, I am indicating my actions which the Minister has implied I did not undertake.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I undertook many actions in relation to the Ngampula proposal. I discussed it and instructed my CEOs to undertake action. I had long discussions with my Federal colleagues who, at that time, were not particularly interested despite my interest and actions.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: This is a personal explanation. I do not see how one can be expected to give a personal explanation without using 'I'.

Members interjecting:

The PRESIDENT: Order! The honourable member cannot debate the subject. I ask that she give the personal explanation.

The Hon. ANNE LEVY: I am indicating the many actions that I took. I am not debating the matter but I am indicating the many actions which I took and which my CEOs undertook at my instruction. I had many discussions with the Chair of the Museum Board who was also following the matter up to the best of his ability. I very much resent any suggestion that I was not interested in the matter and did not do my utmost with regard to it. If the Federal Government has changed its view now, I am delighted.

MEMBER'S LEAVE

The Hon. J.C. IRWIN: I move:

That two days' leave of absence be granted to the Hon. J.F. Stefani on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

PARLIAMENTARY SUPERANNUATION (COMMENCEMENT OF RETIREMENT PENSIONS) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to amend the Parliamentary Superannuation Act 1974. Read a first time.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a second time.

The Government made many promises before the election which it has proceeded to break since the time of the election

on the basis that things are worse than it expected. It is not my intention to go into that issue at great length, other than to make the point that the Audit Commission report upon which it based much of this argument is deeply flawed, has been challenged and, whilst the situation in South Australia is not good, I do not accept that it is anywhere near as bad as the Government cares to paint it. Nevertheless, on the basis that the Government said things are bad, it said that we will need to make some economies; we will need to tighten belts; we will need to cut back.

One of the areas in which it is asking for a cut back is in the area of superannuation for public servants. If one takes the time to look at the Audit Commission report, one will find that the Government pays 12 per cent of salaries towards public sector superannuation. However, it pays 35 per cent of salary towards MPs superannuation, and with judges I believe the figure is closer to 50 per cent of salary. It is quite clear that public expenditure is far more generous to the judiciary and to members of Parliament than it is to public servants generally.

The Audit Commission recommended that all superannuation needed to be looked at, reviewed and possibly changed. The Government acted within days to close off the public sector superannuation scheme, and to this date has done nothing in the Parliament about either the parliamentary superannuation scheme or the judicial superannuation scheme. There is a clear double standard that the Government was prepared to tackle one and not the other.

I am on the record on previous occasions as saying that I believe that the parliamentary superannuation scheme is flawed in many ways. There are some areas where it is less generous than it should be. There are some areas where it is clearly more generous. There is no doubt that there is a need for a review. The review is not one that should be carried out by the Parliament itself in the first case or by meetings of members of the various Parties. Certainly, parliamentarians should be given a chance to make a submission to an inquiry, but the determination is one that should as far as possible be an independent determination. I put on the record here and now that the Government needs to give a clear undertaking that it will put the whole of the parliamentary superannuation scheme and the superannuation scheme for the judiciary to an independent inquiry before I will proceed to the third reading stage of the public sector superannuation amendment Bills.

I think it is time for the Government to prove that it is serious in what it says about the need to tighten belts, the need for South Australians to cut back and to share some of the pain. I can go out to schools and see the pain that the Government is inflicting in the community now, based upon the State's financial difficulties. You can go to hospitals and see the pain that is being inflicted. You can go and talk with people involved in agriculture and fisheries and they will tell you of the pain that is being inflicted. What pain has been inflicted so far upon members of Parliament? How much sharing, how much leading by way of example has been done from within this place?

I am not saying in terms of parliamentary remuneration generally that it is too generous or not generous enough. What I have found incredibly difficult, particularly over this year, is that while we have been talking about cut back, and the Government in particular has been talking about cut back and saying that the public sector should not look for a pay rise for another three or four years, we have been getting pay rises.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: We have; we have already had one this year and there appears to be another one in the works. In fact, the public sector has not had a pay rise since 1991 whilst MPs have had quite a number. The argument is not about the total package that we are getting. The thing is, when you are in what the Government claims to be difficult times, and you are cutting back and affecting other people, we should not be creating a 'them and us' situation. We in the superannuation legislation, which is affecting public servants, are clearly affecting some cut backs, cut backs greater than I find acceptable, and I will be amending that legislation. Nevertheless, we should be prepared for cut backs also.

What I have done in this particular legislation is to target one particular aspect of the parliamentary superannuation which I challenge any member in this place to get up and to defend, and that is: why when a person leaves Parliament after 13 years, or perhaps after six years involuntarily, should they receive what is now probably a minimum of about $34 000 a year, and if you are an ex-Minister it could be something like $70 000 or $80 000 a year, for the rest of their life, including the duration when you can hold another job and be earning an ordinary income?

Who in this place can stand up and justify the receipt of that as well as having the capacity to work like everybody else in the work force? Nobody else on this planet has superannuation quite as generous as that. I bet the farmers on the West Coast would not mind getting $35 000 a year whilst they are still trying to run their farms. I am sure the Hon. Caroline Schaefer would tell us that they would like that. I am sure she could also tell us what they might think of us leaving this place receiving such a remuneration for the rest of our lives.

Whilst I have said I believe there is a need for some quite significant changes to the superannuation package over all, there are some areas where I think it is clearly deficient where it actually gives inadequate reward, particularly for short term MPs. In relation to an MP who might have been in Parliament for five or six years, and who has totally disrupted their career and who then returns to the work force, that person will get back only the money they put in and a very marginal amount of interest. In fact, they are significantly worse off and are being punished quite severely for having made the effort to serve their State. So, clearly, there are areas in superannuation which are deficient and unfavourable to MPs.

The Hon. R.I. Lucas: Would you support changes to that area?

The Hon. M.J. ELLIOTT: I said I would support quite a number of changes. What I have done is pick one particular item which I think is beyond dispute as being generous. If I voluntarily went out of Parliament in another four years at the age of 46, I would have another 14 years before retirement, and it would mean that I would probably collect $40 000 times 14. A quick back of envelope calculation would suggest an amount somewhere between $500 000 and $600 000 in today's money, as well as whatever I can earn out in the work force.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: In four years, I can. I have been here for nine years. Time flies—although it feels like more than nine to me, I can assure you! Part of this problem has evolved because until perhaps two decades ago there were not that many young members of Parliament. Most people were entering Parliament in their fifties, retiring close to retiring age, and this issue was irrelevant. The average age

of parliamentarians is now much lower. Many parliamentarians are leaving in their 40s and occasionally in their 30s.

What they will receive for the rest of their life is amazingly over-generous. Whilst there is a need for an overall inquiry, I would like to see anybody in this place defend this aspect: by passing this election we are showing that, notwithstanding the pain that there will be out in the community, we are at least willing to take our share, as long as it is fair. That should be the test for all cut-backs that are being made.

In my meeting with the Treasurer, he expressed concern over my hoping that this would go so quickly through Parliament. I remind him of what happened to a parliamentary remuneration Bill in March 1990, when a piece of legislation was introduced in the House of Assembly which the Democrats did not even know was coming. However, somehow or other it went through the House of Assembly on the same day on which it was introduced. Within two sitting days it had been through the Legislative Council and back to the Assembly and was fully finished with in this Parliament.

So, it is amazing how the will to make legislation move rapidly can exist on some occasions. It seems to be unfortunate that on that occasion it was a case of members of Parliament giving themselves a pay rise. Now I am suggesting that some members might take a cut-back in a benefit which no one can justify, and I have the Treasurer telling me that I am expecting it to proceed a little too quickly.

I clearly outlined on the Thursday—11 days ago—what the proposal was. It was a clear proposal and easy to understand; they had plenty of time to think about it and, given that the Bill is not long, one can see that what I propose to do is precisely what the Bill does. Any excuse the Treasurer uses that they did not have sufficient time is a patent nonsense, and he knows that is so. It will look too much like members of Parliament fat-catting and protecting their own backs if he chooses to follow that line.

The legislation will remove the entitlement to the pension until the age of 60, except for the first three years after the person leaves Parliament, so at this stage I am leaving quite a generous provision in the legislation. For the first three years the person will stay on a full pension. My thinking was first to take a relatively conservative attitude in case any recommendations suggest that something has to be done when people first leave Parliament, as I believe the New Zealand Parliamentary Superannuation Bill does, although only for three months. I have been conservative in the cut-back, allowing three years of collecting superannuation, after which it cuts out until the age of 60 years. That is what I said I would do when I announced this proposal some 11 or 12 days ago, and that is what this piece of legislation does. It is a Bill of only two pages and a schedule. It is easy to understand and is not complex. No excuse about needing time to think about this could be justified, and I urge members to support the Bill.

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

TIME ZONE

The Hon. CAROLINE SCHAEFER: I move:

1. That a select committee of the Legislative Council be established to consider and report on the economic and social viability and long-term implications of altering the time zone for South Australia to 135 degrees East;
2. That the select committee seek comment from representatives of the Northern Territory Government in respect of any change;
3. That Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only;
4. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council;
5. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

I move this motion partly because of the anxiety that I know the issue of time alteration causes in South Australia, particularly rural South Australia, but also as a result of an article in the last *Sunday Mail* subtitled 'Summertime madness', in which Mr Lindsay Thompson, of the South Australian Employers Chamber, is quoted as saying:

> We believe we should change to Eastern Standard Time.

I wonder whether he also thinks Western Australia should change to Eastern Standard Time so that we have total conformity. Mr Thompson has obviously not consulted with those people who live west of Port Augusta, nor with the members of his own chamber who live outside the metropolitan area.

This is not an issue which will go away. I sincerely believe that a move to change Australia onto three equal one-hour time zones is a logical compromise. I feel sure that we would not have this annual and extreme opposition to daylight saving if our time line was accurate to our geography.

Members may not be aware of the history of our current time zones, but in fact South Australia was originally on 135 degrees east meridian, which is exactly the time to which I want us to change back. It was changed in 1898 to 142.5 degrees east in order to facilitate merchants who were receiving cablegrams one hour later than the Eastern States. I believe we have progressed a little since the days of cablegrams; communications technology has moved on a little since then.

In fact, South Australia is an anachronism. It does not conform, in that it currently takes its time from a meridian which does not even pass through it, unlike almost all other countries and regions in world. I will mention a few exceptions later. The internationally accepted and mathematically correct practice is for a zone to adopt a time as determined by the meridian that runs through its centre. Following this logic, South Australia should base its time on 135 degrees east meridian, which would put us one hour behind Eastern Standard Time and one hour ahead of Western Australia. The current time zoning is therefore scientifically incorrect. That situation is exacerbated by daylight saving.

Only a handful of countries in the world are on half-hour time zones. Almost all countries in the world are on one-hour time zones. However, the few that reach the illustrious heights of having half-hour time zones are India, Iran, Afghanistan and Myanmar, which was formerly Burma. However, at least these have meridians which pass through their own territory. As far as I can assess, we are unique in that we use a time meridian which does not even pass through our own territory.

Of course, during daylight saving we use a time meridian which is even farther east, and in fact that meridian passes through Sydney. If we were to go from the sublime to the ridiculous and take up Mr Thompson's suggestion of taking

up Eastern Standard Time plus daylight saving, we would be using a meridian which passes 300 kilometres east of Lord Howe Island.

I could go on for some time, because, as members all know, this matter of the disadvantages of daylight saving to country people and to agriculturalists is of some interest to me. However, that is a social matter and an entirely emotional issue. I would prefer at this stage to talk about some of the positives which I believe could be instituted if we took up a logical time system.

If we were to use 135 degrees east as our time meridian, we would be on the same time zone as Japan and Korea—two major trading partners of Australia. We could promote tourism to Asian countries using a slogan such as, 'To avoid jet lag, start your holiday in Adelaide.' We could promote tourism within the Eastern States and say, 'Add an hour to your holiday; vacation in South Australia.' But, more importantly, we could be seen as no longer a colony of the Eastern States and, hopefully, we could remove the mind set which sees us—and the honourable member opposite smiles, but I notice that his Party introduced two Bills on separate occasions to adopt Eastern Standard Time—

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: That is emotional: this is logical. We could make use of trading advantages with Asian countries. We could set up direct flights, without time impediments, straight through to the Asian countries. This would be additionally acceptable if we could ever complete the north-south railway. We could then become the trading corridor of this nation. There could be an advantage to electricity within this State. South Australia currently purchases some electricity from the Eastern States; it could probably buy cheaper electricity if the peak usage periods in South Australia did not coincide with those in the Eastern States.

My perception of this motion would be logical only if we were to conform to the Northern Territory and have three time zones for Australia instead of the five which we currently enjoy for over half the year. That is why I have included in my motion the need to liaise with the Northern Territory and have it concur with any recommendations that this select committee would bring down. We would need to promote, with the Northern Territory, the Northern Territory and South Australia as the centre of Australia.

Since I have shown an interest in this matter, I have been inundated with comment from all over the State—not just from farmers, and certainly not just from the West Coast, as people would believe. I have no doubt that others have a contrary point of view and who have been just as inundated with people wanting to go to Eastern Standard Time. I admit that there is a contra point of view, and that is, of course, why I have moved this motion for a select committee. I am prepared to look at both sides of this argument logically and in as unbiased a fashion as possible.

However, I hope that, at the end of this time, we can come to some sort of logical conclusion to give to the people of South Australia which they can understand. If there are such huge business advantages in being tied to the apron strings of the Eastern States, I am sure there will be people who will understand that. But, in the meantime, I would like to see this committee set up so that we can have a logical, dispassionate view on what is an extremely emotional subject to a number of people. I ask the support of this Chamber.

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

ENTERPRISE AGREEMENTS

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

That the regulations under the Industrial and Employee Relations Act 1994 concerning enterprise agreements, made on 4 August 1994 and laid on the table of this Council on 9 August 1994, be disallowed.

This set of regulations deals with excluded employment enterprise agreements, unfair dismissals and continuity of service. We object to regulation 5 in this set of regulations which removes the protection of the Industrial and Employee Relations Act from part-time or casual employees carrying out domestic work in people's homes.

'Domestic purpose' is defined very broadly to include everything other than work done for the purpose of the employer's trade or business. We are fundamentally opposed to this broad range of employees being excluded from the protections given by the Act. It is no answer to our objection that there was a similar provision in the previous Act.

It is time to recognise the growing number of workers, often women, working part-time who are employed in people's homes to do ironing, cleaning, and the like. The Hon. Mike Elliott put it perfectly well when the Act itself was being debated in the last session of Parliament, when he said:

If you have a permanent part-time worker working in your home, that should not immediately preclude a person from some sort of protection in terms of their work conditions, which effectively this subclause does.

That quote is from *Hansard*, on 10 May 1994. Of course, if we have these regulations disallowed, so that there is no exclusion of protection for this type of work, that does not mean that these types of workers will automatically be included. It will be up to the individual workers and the relevant unions to put their case before the Industrial Relations Commission if full and proper award protection is to be given to these employees.

One of the obvious and significant problems with the regulation that the Government puts forward is that it is cast so very widely. We are not necessarily saying that no worker should be excluded from the operation of the Industrial Relations Act. If the Government can put up a strong case for a specific class of worker to be excluded, that is something we would need to take away and consider, after consulting with the relevant workers and any associations to which they might belong.

But, in the case of these regulations, the Government has kept up its appalling record of non-consultation and we can only reject the regulations as they are now put forward. I call upon the Democrats to do the same, in accordance with the statements of principle made by the Hon. Mike Elliott when the Industrial Relations Act was being debated earlier this year.

Incidentally, one of the consequences of bringing these types of workers into the industrial relations system is that it is likely to greatly limit the present black market cash economy which is characteristic of this type of employment relationship. By giving more recognition to these workers, they will be brought out into the open and it will be that much more unattractive for employers to avoid deducting income tax and paying WorkCover levies, and so on. This in turn should lead to a decrease in the incidence of the problem of

people on social security benefits working for undeclared cash.

In the set of regulations relating to unfair dismissals, we object strongly to the exclusions set out in regulation 10. This regulation opens the door for a number of abuses to be committed against employees. Several loopholes are provided for employers who wish to eliminate their workers' rights to approach the Industrial Relations Commission in respect of unfair dismissal. For example, if we exclude employees engaged under a contract of employment for a specified period of time, not only are we excluding the majority of managers who might be employed on three year or five year contracts, but we would also be allowing employers to have workers on contracts which are renewed every six months, no matter what the nature of the employment or the degree of employee responsibility. Almost every worker could be excluded if the contract of employment is drafted carefully enough.

This regulation is particularly disturbing when examined in the light of the Government's proposal to have potentially all public servants in South Australia on fixed term contracts if not employed on a casual basis. It is not hard to imagine the proposed Public Service reforms being used in conjunction with this particular regulation so as to prevent public servants from having recourse to the Industrial Relations Commission when sacked by one of the Government's Ministers. This aspect alone is sufficient cause for this set of regulations to be struck down. Of course, there is the exception which presumably the Government says will prevent abuses from occurring. The regulation states that this particular exclusion will not apply where:

> A main purpose for engaging the employee under the contract is to avoid the employer's obligations under part 6 of chapter 3 of the Act.

As anyone who has practised in the arena of public relations readily would appreciate, it is going to be very easy and very tempting for employers to limit the employment to a specified period of time in the contract of employment for all sorts of plausible reasons. Because of the way the regulation is drafted, the employer is even able to admit that one of the purposes for drafting the contract in that way is to avoid the employer's obligation in respect of dismissal procedures. It is our view that they should not be able to get away with that.

The provision would be more acceptable if the word 'main' were deleted. That might be a matter for consultation, assuming that these regulations are disallowed and the Government intends to redraft them to make them more acceptable; and we would be amenable to looking at that process. There is no answer to our objection that there are exclusions of this type in the Federal legislation. It is my brief to ensure that workers in this State are given adequate protection of their industrial rights. I am not suggesting that every dismissed worker is dismissed unfairly. The point is that access to the Industrial Relations Commission should be available to as wide a range of workers as is reasonable, and with few exceptions.

The same arguments apply in relation to the exclusions of employees engaged to complete a specified task. The regulation, as presently drafted, precludes the possibility of workers seeking a remedy in the Industrial Relations Commission if they are unfairly dismissed part way through the period of their contract of employment or if they are part way through the completion of a specified task. For example, a builder could say to a labourer employed on a long running construction project, 'I am instantly dismissing you because you took a sick day, and I don't care whether it was a genuine sick day or not.' Employers should not be able to get away with that sort of peremptory and unreasonable behaviour.

Similar arguments apply in relation to the exclusion of employees serving a probation period. Again, a loophole is provided for employers who wish to flout the intentions of the Act. The worker and the employer are not going to know in advance what is reasonable for a probation period. Employers will try on six months, 12 months or even longer, and when employees are dismissed—let us assume unfairly dismissed—the employer will be able to take a jurisdictional point to prevent the employee seeking redress in the Industrial Relations Commission. In fact, one of the significant overall consequences of regulation 10 is to create a number of potential jurisdictional points, which will make it more costly and more difficult for employees to approach the Industrial Relations Commission for a remedy in the case of unfair dismissal.

Further, in relation to subregulation 10(b), I point out that there is no law against genuine probationary periods. That means that employers are always going to be entitled to dismiss workers on probation if they do not meet required performance standards. That seems perfectly reasonable. In practice, very few probationary workers take unfair dismissal proceedings arising out of a dispute about performance standards. If dismissal of a probationary worker is for reasons other than the level of performance, the obvious question is whether such a dismissal was justified.

This is precisely the sort of question that should be able to be brought to the Industrial Relations Commission. The fact is that employers often do think and act unreasonably when dismissing workers, often for reasons which are totally unrelated to the performance of the worker, and from time to time probationary workers will be the victims of this type of wrong and unreasonable behaviour. There is no good reason why probationary workers should be excluded from the remedies available to them in the Industrial Relations Commission.

In relation to subregulation 10(d), the first point I would make is that it is totally unnecessary. If employees have reasonable dismissal procedures and obligations set out in their contract, that is all very well, but why should they not have the choice of pursuing the remedies set out in the contract or the remedies available to workers generally within the State. The philosophy behind the regulation seems to be to undermine the importance of the Industrial Relations Commission, by allowing employers to deny employees access to the commission by shunting them off to private arbitration procedures. On the face of it, arbitration procedures might look as though they are as adequate as the Industrial Relations Commission procedures and remedies, but the reality might be very different, particularly when an arbitrator is receiving regular work from the employer. A regulation such as this again utterly ignores the fact that most workers are in an unequal bargaining relationship in relation to their employer. This sort of provision again gives scope for unscrupulous employers to bind employees to basically unfair provisions, the injustices of which would not be readily apparent to the average worker.

I refer members to regulation 12, which deals with continuity of service and how that service might be broken. Of course, continuity of service is a crucial matter for employees in respect of long service leave and redundancy entitlements. Again, a loophole is provided within these regulations for the unscrupulous employer. Such an employer

will enterprise bargain for a condition of the contract of employment that the employee notify the employer of an absence from work, say, on the first day of any such absence or immediately upon the commencement of such absence. With a bit of thought, I am sure that one of these unscrupulous employers or their legal advisers will be able to come up with appropriate wording so that it looks reasonable on paper but in fact it will inevitably give rise to difficulties in its implementation.

If the employer can catch out the employees by inserting such a condition in the employment agreement, sub-regulation 12(2)(a) will mean that the absence from work by the employee due to illness or accident will be sufficient to break continuity of service. I hope that Government members will not dismiss these objections as far-fetched or fanciful, because experience has shown over and over that there are plenty of employers who act out of pure self-interest and who would be more than happy to take advantage of the worker's misfortune in a situation such as that described. For these various reasons, the Industrial and Employee Relations Act regulations 1994 should be disallowed. I call upon the Australian Democrats to support this motion.

The Hon. J.C. IRWIN secured the adjournment of the debate.

AGENTS, REGISTERED

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

That the regulations under the Industrial and Employee Relations Act 1994 concerning registered agents, made on 4 August 1994 and laid on the table of this Council on 9 August 1994, be disallowed.

It must be recognised that there are significant differences between industrial advocates in business for themselves, on the one hand, and trade unions and their industrial officers, on the other. When a registered agent of the former type takes on a case, he or she is generally concerned only with the case in front of him or her. The broader industrial issues in the workplace need not necessarily come into the litigation at all.

When the union takes up a member's case for unfair dismissal, however, the union or the particular industrial officer is likely to have an ongoing relationship with the employer and familiarity with a host of industrial issues which may or may not be related to the complaint of unfair dismissal. It is therefore quite common for unfair dismissal claims to be negotiated and sorted out in conjunction with other workplace issues, perhaps in relation to workplace practices or the complaints of other employees. For these types of negotiation it is obviously much easier, and certainly less costly all round, for the relevant union or industrial officer to negotiate directly with the employer.

For these reasons, we object to the restriction placed on registered agents generally in clause 22 of the code of conduct which is attached to the regulations by virtue of regulation 11. Clause 22 states:

A registered agent must not directly or indirectly communicate with a client of a legal practitioner, a registered organisation or another registered agent in the same transaction, except with the express approval of that legal practitioner, registered organisation or other registered agent.

We believe that the first few words should read:

A registered agent other than a recognised advocate must not directly . . .

We should bear in mind that the code of conduct has been brought into these regulations primarily to deal with the growing numbers of self-styled industrial advocates who claim to specialise in unfair dismissal matters. It is quite right that they be regulated as they often have neither the professional standards required of legal practitioners nor the experience of industrial officers, and so on. One can therefore understand why this type of registered agent should not be permitted to go behind the back of the workers' representative or the employer's representative, as the case may be. For the reasons that I mentioned earlier, however, it would be counter-productive and unnecessarily costly for employers if industrial officers employed by unions were unable to communicate with the employers of dismissed workers, especially when those industrial officers might have a good ongoing relationship with the employer concerned and where the union and the particular employer might have a number of issues which need to be sorted out. These types of broader negotiations are best handled directly between the employee association and the employer. Of course, it is always open to the employer politely to say, 'No, I'm only going to deal with you through my lawyer' or 'through the Chamber of Commerce,' as the case may be.

Also, in relation to clause 22 of the code of conduct, I query the wording 'in the same transaction'. Surely what is meant is 'involved in the same litigation,' or words to that effect. It seems curious wording and it ought to be tidied up. I would be happy if this sticking point could be resolved by a simple amendment of the regulations, but, as members are aware, the only way to bring about the change we seek is to disallow the regulations and encourage the Government to come back with a redrafted set of regulations which would be acceptable to employers, employees and their representatives.

The Hon. J.C. IRWIN secured the adjournment of the debate.

WORKERS' REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 September. Page 278.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government opposes this Bill. The Bill, as introduced into the Legislative Council, would have the effect of amending the lump sum compensation schedule of the Act (schedule 3) by providing for lump sum non-economic loss payments for 'total and permanent loss of mental capacity' rather than the existing 'total and incurable loss of intellectual capacity resulting from damage to the brain'.

The Bill is opposed by the Government on three primary grounds: first, it is an unjustified extension of the lump sum provisions of the Act into the area of stress claims; secondly, it is likely to compromise or prejudice early and effective rehabilitation of workers suffering stress claims; and, thirdly, it would add to the cost of a scheme which already provides the most generous benefit levels in Australia and compound the nationally uncompetitive levy rates for South Australian industry.

The Hon. R.R. Roberts, in moving this Bill, has attempted to argue that the Supreme Court's recent decision in the case of Hann ignored the alleged intention of Parliament. This is a misunderstanding of the court's role. The court was required to interpret the words of the legislation that

Parliament endorsed and to glean the intention of the Parliament from these words. It has to be recognised by members that it is not the first time that members of the Labor Party in Government, and now in Opposition, have sought to assert that the Supreme Court has ignored the intention of Parliament and that the intention was clear. We must remember that the role of the court is to interpret what Parliament passes. What Parliament passes is written in the statute, and it does not matter what was in the minds of the proposers of a particular piece of legislation at the time: that is to be disregarded in interpreting an Act of Parliament. We must also ignore what was said in the Parliament, because *Hansard* reports and other material are not an aid to the interpretation of statutes.

However, even if the court attempted to determine what Parliament intended, it would have concluded that it was an intentional decision of the previous Parliament (and Government) to remove stress claims from non-economic loss lump sum entitlements—a decision which the present Government fully supports. All the decisions of the judges in the Supreme Court in the case of Hann demonstrate quite clearly that Parliament had made a decision to reduce entitlements to people suffering stress claims as opposed to people suffering damage to the brain. There is nothing to be gained in my repeating here the articulate and comprehensive statements made by the judges in their opinions. They clearly and correctly interpreted Parliament's intention in making changes to the eligibility and entitlement of stress claims.

In the parliamentary debate of late 1992, it was the clear intention of Parliament that compensation for stress claims was to be restricted in terms of both eligibility and compensation. These claims, with little physical demonstration of injury, and the ability to allow individuals to abuse the system by manipulating employers as a result of some dispute at work or grievance at how they perceived their situation, had to be restricted to cases where employees had clearly suffered an injury as a result of an unreasonable action or incident.

The WorkCover scheme could not be required to support people who had an industrial dispute with their employer. However, it was also a clear view of Parliament that those people who received an entitlement to weekly income maintenance and medical/rehabilitation support as a result of an unreasonable act or incident at work should be treated differently from those who incurred a physical injury such as the loss of an arm or leg or eye or who suffered an injury to their back or brain.

Parliament quite deliberately removed the word 'mental' from section 43, and so it should have. Section 43 concerns non-economic loss. This is a difficult concept to understand, and most people confuse it with economic loss, or loss of income. It is nothing to do with this. It is all to do with pain and suffering, loss of amenity, impact on family and social life. Now, it is apparent that someone losing an eye, a leg or an arm has a demonstrable non-economic loss that should be fairly consistent between individuals. Their economic loss may be different (a pianist losing a finger may be unemployable, but this will have little impact on a clerk's or builders' labourer's earnings). But the non-economic loss of these injuries should realistically be the same for any human being.

A stress claim can, clearly, result in a non-economic loss to an individual. But this varies dramatically with the personality of the individual. The compulsive, obsessive personality, which is so often the basis of a stress claim, displays responses to stressful situations far in excess of what a normal person demonstrates. Why should that personality be entitled to a non-economic loss lump sum, when a normal personality will attempt to minimise the symptoms and to seek to return to normal activity? The non-economic loss impacts of a particular stressful incident can vary from nil to extreme, depending on the person's personality. They can also disappear as the person is removed from a situation. The non-economic loss impacts of a particular physical injury are generally consistent and permanent: they do not disappear as the person is removed from the work situation.

This Bill simply opens the door to more compensation for stress claims. It does nothing to recognise the already significant problems which stress claims have caused to the income maintenance and rehabilitation provisions of the Act. It is important to remember that Parliament decided to provide full income maintenance and medical support to stress claims where the situation which caused them was unreasonable. It was said these workers would be protected and afforded the support of the scheme: they would not be neglected, and would be provided the normal supports to achieve a full and lasting return to work. The income and medical support was to continue until such time as they achieved a return to work.

But section 43 benefits are not in this category: they are the old Table of Maims. There is no maim, or loss of body parts, with these claims. There is a temporary mental reaction whereby the person experiences anger, or grieving, or frustration at their circumstance. These are normal human reactions, and they abate over time. Compensation which rewards these reactions also encourages them. People who argue for lump sums for such reactions run the risk of producing permanent responses to what should be temporary reactions. It is in no-one's interest, and particularly not in the employee's interest, to be encouraging and implying that these injuries are permanent. They do not need to be. The people concerned should be focused on achieving a normal return to work, not on demonstrating the mental injury is permanent. It is not brain damage; it is a human reaction which can be controlled, overcome and replaced with positive attitudes to move forward.

This Bill would therefore compromise early and effective rehabilitation of stress claims. It would create a facility for workers with stress claims and already in receipt of income based pensions to delay their rehabilitation until non-economic lump sums for stress are assessed. Such an approach also misunderstands the philosophy which underpinned the 1986 Act, a philosophy of compensation by income maintenance pensions in the context of early rehabilitation, with limited access to lump sum payments or pots of gold. It is for these reasons that the Government opposes this Bill. It is for these reasons that the Opposition, when it was in Government, moved these changes and put in place the provisions that the Hon. R.R. Roberts now seeks to replace. It is so easy to change one's position in Opposition.

The then State Labor Government put these provisions in place in 1992 because it knew that it had to: any other position was untenable and unaffordable. Employers cannot be held accountable for the vagaries of the personalities of their workers or their extreme reactions to situations. The former Government (after five years of operation of WorkCover) finally realised this factor, and belatedly took action. Now in Opposition, with no responsibility other than to appeal to short-sighted cries from the trade union movement for more and more benefits, it seeks to dissociate itself from its own amendments.

The impact of the Hon. R.R. Roberts' Bill (apart from the significant increase in costs to employers) will be to encourage every worker with a stress claim to adopt behaviour to demonstrate that their stress is permanent. Whilst he may think he is doing these people a favour by arguing for a lump sum, he is, in fact, committing them to a life of misery. He is encouraging them to adopt the victim mentality to demonstrate to all that they have suffered a permanent loss of mental capacity as a result of an incident at work. Rather than saying to these people that he is prepared to provide income and medical support whilst they overcome their situation and work to achieve a successful return to work, he is saying to them that they should focus on exaggerating their mental incapacity so as to achieve the highest possible lump sum. Unfortunately, by the time they achieve this objective, they will have destroyed their life and the lives of those around them.

This is the very reason why in 1980 the South Australian Byrne Committee Report (a tripartite report on the rehabilitation and compensation of persons injured at work) rejected the approach which the Hon. R.R. Roberts now proposes. In that report the committee concluded:

> Another aspect of benefits payable under the current compensation Act is the payment of lump sums for certain 'table' injuries and in settlement of claims involving death and permanent disability. Lump sum settlement for visible physical loss appears to be generally accepted. However, lump sum settlements to compensate for 'invisible' injuries were the subject in many submissions to considerable criticism and thought to be counter productive, particularly because they were seen to have the effect of delaying rehabilitation.

Accordingly, the committee made recommendations which applied the lump sum schedule to causes of death and anatomical losses only. The report says:

> The committee recommends that lump sum compensation for death and anatomical losses by workers should be retained in the proposed scheme and the board be required to pay the amounts listed in the schedule of the Act adjusted periodically to allow for variations in wages.

The Bill is also opposed on the grounds of its transparent attempt to increase the costs of the South Australian WorkCover system. This Bill has been estimated by WorkCover to represent annual cost increases to WorkCover of between $10 million and $20 million per year. This estimate does not include the cost payments by exempt employers which should be estimated at up to $5 million per year. Does the Hon. R.R. Roberts not realise that the South Australian scheme is already carrying an unfunded liability which the Minister for Industrial Affairs advised the recent parliamentary Estimates Committee was estimated by actuaries to be in the order of $100 million and going up?

How can the Opposition seriously suggest increasing workers' benefits across the board in stress claims by another $10 million to $20 million per year when we already have the most generous benefits structure of any workers' compensation scheme in Australia? Does not the Opposition realise that the average levy rate in South Australia of 2.86 per cent is a full 1 per cent higher than the average levy rates in States with which our industry competes, such as Victoria and New South Wales? To propose this Bill demonstrates financial irresponsibility. To make matters even worse, the Bill is proposed to operate retrospectively—clause 2 says that the Bill will come into operation on 10 December 1992. Apart from the obvious issues of principle in respect of retrospective legislation this retrospectivity would add a further $20 million to $40 million in costs to the WorkCover scheme.

Such a Bill is conceived out of political opportunism and has no merit, either in its details or in its financial consequences. The amendments of the previous Government in 1992 restricting stress claims in this area were long overdue. It took it almost six years to realise the errors of its way and to fix them. Even then it did so only after a parliamentary select committee and under pressure from the then independent Labor Speaker of the House of Assembly.

Now, just nine months after being in Opposition, it wants to return to its previous untenable position. The Government will not support such hypocrisy. The Bill is a backward step and will be opposed. In many jurisdictions in Australia and overseas stress claims are not even accepted as part of the workers compensation system. In South Australia we still have a lenient approach that allows many claims to be accepted in situations where the employer's actions are considered to be unreasonable, even though in many cases they are appropriate responses in a difficult industrial environment.

In South Australia such cases receive extremely supportive income and medical assistance. They are not neglected. But to extend to them the additional benefit of large lump sums to reflect non-economic losses or permanent losses is to swing the benefit pendulum too far and, in so doing, to ultimately prejudice the workers whom the Hon. R.R. Roberts believe his Bill will assist. What it will do is create a body of workers seeking to demonstrate that their stress claims constitute a permanent loss of mental capacity in order to receive their lump sum. No-one will benefit from this Bill. I repeat, the Government opposes it.

The Hon. T. CROTHERS secured the adjournment of the debate.

SEAFOOD PROCESSORS

Adjourned debate on motion of Hon. R.R. Roberts:

That the regulations under the Fisheries Act 1982 concerning processor registration fees, made on 19 May 1994 and laid on the table of this Council on 2 August 1994, be disallowed.

(Continued from 24 August. Page 202.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government does not support the motion for disallowance and there are a number of reasons for that. Under existing arrangements there are two categories of fish processors: wholesalers who are required to pay an annual registration fee and retailers who are exempt from payment of the fee. Furthermore, wholesalers are required to submit monthly returns, whereas retailers are not under this obligation. However, these arrangements are under review as a result of a report by the Government Adviser on Deregulation.

Up to May 1994 the fish processing sector had paid a nominal registration fee. Other costs associated with management of the industry have been recouped via commercial fishery licence fees. The fishing industry and the Government have agreed on principles of cost recovery whereby licence holders will contribute 100 per cent of the management costs associated with each fishery. The agreement includes a provision that one industry sector will not subsidise another industry sector.

The $2 000 registration fee gazetted on 19 May 1994 comprises a Government component of $1 730 and an industry component of $270 ($230 to the South Australian

Fishing Industry Council [SAFIC] and $40 for processor liaison committee expenses).

The South Australian Seafood Marketers and Processors Association (SASMPA) agreed to a substantial increase in the Government component of the registration fee from $250 to $1 730 for 1994-95 subject to an undertaking that the Fisheries Act be amended prior to 1995-96 such that one category of processors only be registered and that fisheries officers be given powers to enter unregistered processor premises without a warrant. This would ensure that all registered fish processors submit monthly returns. Furthermore, it would be consistent with the report of the Government Adviser on Deregulation. Also, the increase is supported by SASMPA on the basis that only responsible and committed fish processors should be in the industry. Such a fee level and requirement to submit monthly returns would deter the irresponsible processors who purchase and deal in illegally taken fish.

It is also recognised that not all processors are members of SASMPA and were not aware of the discussions relating to setting the registration fee. However, all processors have the opportunity to become members of SAFIC because, each year, they are advised that a portion of the registration fee is set aside at the request of SAFIC to assist in SAFIC's operations. If they had joined, SAFIC could have kept them informed of the cost recovery process.

The additional revenue would be used to offset the costs incurred in management of the fish processing sector. Costs of management include the important functions of monitoring quota documentation that processors are obliged to comply with, particularly abalone and southern zone rock lobster, and receiving, collating and analysing monthly returns from processors. These functions are essential elements of fisheries compliance, an adjunct to fisheries research and a basis for economic assessment of the value of the fishing industry to the State. It is proposed that the Fisheries Act be amended as a matter of urgency. Under the new arrangements, retailers would not be required to be registered but they will continue to be required to maintain written records of fish transactions.

With regard to wholesalers, it is recognised that some operators specialise in a particular species of fish, for example, abalone, rock lobster and shark. As part of the revised arrangements, consideration may be given to having a differential fee structure where a base registration fee would apply to all registrations and additional fees apply according to species processed. For example, payment of the base fee may enable the operator to process commercially important scalefish, for example, whiting and snapper. Processing of less commercially important scalefish, for example, tommy ruffs and pilchards may be subject to a lower fee. Additional endorsements to process abalone, rock lobster and prawns may each be subject to payment of an additional fee.

It is also recognised that some operators deal in wholesale fish on a limited basis, for example, bait suppliers. As such, it would seem appropriate that a lower registration fee apply to these types of operators. A notice has been forwarded to all fish processors advising them of the proposed amendments and inviting them to provide comments which will be taken into account as part of the review of the current registration system. In the circumstances, the Government holds the very strong view that the current $2 000 registration fee remain for 1994-95 and accordingly opposes the disallowance.

The Hon. M.J. ELLIOTT: I rise to support the motion. I will not go through all the ins and outs of this issue since I think the Hon. Mr Roberts has covered it quite well, but I will make a few brief comments. As I understand it, this fee first arose out of negotiations between the Minister and a very small group of processors, numbering about eight I understand, processors who are in relative terms large with respect to the amount of fish that they handle—a deal between them and the Minister. First, it was reached by agreement by a very small and unrepresentative group of fish processors. The deal also involved a large number of other things happening as well.

As I understand it, the only part of the deal that has been struck that the Minister has acted upon was the fee of $2 000 per annum. All the other things they agreed to mutually have not happened. So, even that relatively small group of processors who came to the agreement were not representative. Even their members are extremely angry because there was a package and they got the bad bits and none of the good bits in terms of that package. They certainly understood that a fee increase would come but they never expected it to come so quickly. In fact, I understand they were assured by some of the bureaucrats working on the matter that it would take some time to be processed. The Government also stated that fees and charges generally would not increase when they came to power, but this was more than a marginal or CPI increase.

It is not my intent to disagree with the quantum at this stage. As I said, a number of processors perhaps were willing to accept that, although it does seem unreasonable that a very high fee would be applied to processors regardless of the amount of fish that they handle. There are significant differences, as I understand it, and yet this flat fee will be applied. It is a very significant cost impost to relatively small operations which might in some cases be a one person operation, and in that case it is a very significant impact upon their overall cash situation as distinct from a large processor with a large cash flow.

So, I will support this motion and suggest to the Minister that he go back and think very carefully, first, about the quantum and whether or not it should have been a flat fee and, secondly, to consider introducing other things that were an agreed part of the package all at the same time so that what happens at this stage is not so absolutely one sided.

The Hon. R.R. ROBERTS: I thank members for their contributions. In particular, I thank the indicated support from the Hon. Mr Elliott. Mr Elliott has obviously been very well briefed on this situation. I and my officers had some discussions with these fish processors over the period since we moved for the disallowance, and today I am happy to report to the Council that the registered fish processors have had a meeting at the SAFIC headquarters at Dockside, Port Adelaide, which I attended. It was a well attended meeting. There were certainly many more people present at that meeting than there were at the South Australian Fish Marketers and Processors Association when they entered into this deal with a couple of officers of the department.

I can comfort members by assuring them that a sensible forum of negotiation is taking place. There is a meeting down there today. I did suggest to the Fish Marketers and Processors Association and the registered fish processors that they ought to look at not splitting away and setting up another fish processors association but cooperate, revamp the constitution of the South Australian Fish Marketers and Processors

Association and have a process of inclusion whereby as many of those registered fish processors as possible join the association, thus giving the added facility to the Minister that he talks to a body with one voice and that they can now sit down and negotiate sensibly with the Minister and officers of the South Australian Fisheries Primary Industry and come up with a system which will allow all the things that have been sought here. They are, in particular, an orderly fish processing industry, and a decent regime of inspection of this industry to ensure that we minimise the movement of black fish through registered fish processors.

I point out to the Council that it would be unrealistic to believe that whatever we do here in respect of this matter will wipe out completely the movement of black fish in South Australia. I also point out to the Council that there are 1 800 registered but non-fee paying fish processors in South Australia, some of them being large hotels and some being restaurants, and it ought to be pointed out that these people are quite capable of consuming what is commonly called stolen or black market fish. In those discussions between what I am hoping is a newly formed South Australian Fish Marketers and Processors Association and the Minister, some sensible arrangements can be agreed. One of those arrangements may well be that we look at those registered but non-fee paying processors so they are taken into the system and thus can make a contribution towards the industry that sustains them. We will finish up with a fish processing structure in South Australia which conforms with the other aspects of the fisheries industry where there is agreement between all the organisations, including SAFIC, that there ought to be some level of self funding. I think those matters can be addressed sensibly.

By disallowing this motion, it does somewhat belatedly force those discussions to take place. As I said earlier, I am encouraged by the attitude of the fish processors in South Australia. I am sure that they are determined to resolve this issue in a sensible way. They are in no way trying to hive off or get away from their responsibility to make a sensible financial contribution to this industry. I think that, whilst some people's egos will be bruised for a short time, in the short term I believe we will resolve the problems facing this particular segment of the fishing industry. I thank members for their contributions and the Hon. Mr Elliott for his indicated support.

The Council divided on the motion:

AYES (10)

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

NOES (9)

Davis, L. H.	Griffin, K .T. (teller)
Irwin, J. C.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Pfitzner, B. S. L.	Redford, A. J.
Schaefer, C. V.	

PAIRS

Wiese, B. J.	Stefani, J. F.

Majority of 1 for the Ayes.

Motion thus carried.

WOMEN'S HEALTH CENTRES

Adjourned debate on motion of Hon. Carolyn Pickles:

That this Council—

1. Supports the retention of stand-alone women's health centres at Noarlunga, Elizabeth, Adelaide and Port Adelaide; and

2. Opposes any move by the Liberal Government to integrate these existing facilities into the mainstream health services.

(Continued from 10 August. Page 90.)

The Hon. SANDRA KANCK: The Australian Democrats support this motion. As the Hon. Ms Pickles outlined in her speech on 3 August, women's health centres were first established in Australia in the early to mid 1970s. These centres, designed by and for women, were established because women felt that they wanted a health system that was more responsive to the health needs of women and to address other aspects of the social environment which had an impact on women's health. The notion that women can legitimately demand separate health services has often been challenged by some in the community who in doing so reveal that they do not know or understand the health issues facing many women in our community.

It is of interest to note that when the 1991-92 case before the Human Rights and Equal Opportunity Commission challenged the legality of women-only health services under the Sex Discrimination Act it failed. The President of the Human Rights and Equal Opportunity Commission, Sir Ronald Wilson, ultimately found that women were significantly disadvantaged in their health and that their situation warranted special measures.

The professional health workers at the Dale Street Women's Health Centre at Port Adelaide have put together a paper titled, 'Why stand-alone women's health centres make good economic sense', outlining three typical case studies to highlight the importance of stand-alone women's health centres. These case studies highlight the importance of such health centres being women-only centres.

I will discuss two of the three case studies. The first is that of a woman named Joan, a 25-year-old sole parent of a three-year-old girl. She initially contacted Dale Street having heard about the service from a friend. Joan was sexually assaulted in childhood from a very young age by her stepfather. He was also emotionally and physically abusive to her over a long time. She had known for some time that the effects of the abuse were having dramatic effects on her life. Joan often felt ashamed and worthless. These feelings had led her to attempt suicide on several occasions. She had been admitted to a general hospital and later she spent several weeks in a psychiatric hospital as a public patient. On these occasions her daughter had to be placed in emergency foster care. Before I get back to quoting from that document I would note what the cost must have been to the State of the hospital care, the psychiatric care and the foster care for the child.

The leaflet states that the view of the psychiatric service was that she was considered to have a schizo-effective disorder and would need the long-term involvement of the service. It was considered likely that she would require hospitalisation again at some later date. When Joan first came to Dale Street she explained how difficult it had been for her to seek help. She had tried to tell her local doctor about her past abuse. However, he often seemed very busy and the waiting room was always full. Joan felt that she did not want to take up his valuable time. In desperation she had gone to the local casualty department in an attempt to get help. Although she sat for several hours, when her turn came she found that she was unable to tell the male nurse what had happened to her.

Joan made contact with Dale Street and says that she felt comfortable using Dale Street's services and talking to workers about the abuse which underlay the suicide attempts and periods of feeling ashamed and worthless. Over a period of nine months she spoke to the phone counsellors on several occasions when she felt low and things were getting on top of her. Initially she attended individual counselling appointments every two to three weeks. Later she came every six weeks. She attended a 10-week group program with other survivors of child sexual assault where she made some important new friendships.

Joan decided to join a community group which supports families affected by child sexual assault. As a result, she now has a sense of herself as a survivor, a woman of courage and strength, rather than as someone who is sick. She is now enjoying her life and her daughter. She has a sense of hope and possibility for her future. Joan has said that the fact that Dale Street was a separate women's space was a major factor in her attending the centre. She said that this meant that she felt a level of safety and security which for her was missing in other organisations. Joan's contact with the centre spanned a nine month period as opposed to the possibility of a lifetime as a client of the psychiatric system. Apart from the positive outcome for Joan and her family, the cost savings as a result of her use of a women's health centre are obvious.

The second case study in this leaflet is about a woman named Annie. The leaflet states:

> Annie is a 64 year-old woman who is the sole carer of her 34 year-old disabled daughter. Annie's mother, May, is 83 and very frail. She lives around the corner from Annie and relies on her heavily to do her shopping, cleaning and washing. May's GP has been very concerned about her limited ability to care for herself and the demands this puts on Annie. However, Annie has been adamant that she does not want her mother to go into hospital. Annie was referred to Dale Street by her own GP, after she talked to her about feeling out of sorts. Annie explained to her doctor that she had little energy, she felt close to tears much of the time and had lost interest in life in general. She found getting out of bed in the morning a huge effort and this was not like her. This concerned Annie a great deal as she felt unable to care for her mother or daughter in her usual fashion and there were no additional community services to take her place.
>
> Annie attended several counselling sessions at Dale Street. She found it particularly helpful to talk with workers who understood the heavy demands placed on women who act as unpaid, sole care givers to disabled and elderly relatives. As a result she felt more able to make some choices to care for her own needs. In particular she joined the OWLS, a group for older women which meets monthly at the centre. The friendship and support she received there has been crucial in Annie getting her life back on track. Dale Street workers also assisted Annie to seek other supports in the community so that both her daughter and her mother could remain outside of institutional care.

Two very important points emanate from the two extracts: first, Joan and Annie, due to their particular health and social situations, could have obtained such appropriate health services only from a stand-alone centre. Secondly, the 20-year experience of the women's health centres has proven that not all health services can be obtained from mainstream health providers, and that qualitative data now produced by these centres shows that it would be totally irresponsible for any Government to either disband such centres or dramatically change them, because we now know that quite a number of people in our community would be disadvantaged if this were to happen.

I have heard people argue that women should not have their own centres when men do not have them. This underlines the point that women's health centres exist because women actively have worked to get them and, I might add, to keep them. If men or any other group of people in our society believe there should be changes in the provision of health services, which would provide them with access to different health services, then those people need to do what women have done and continue to do, namely, articulate their needs and set about achieving them, politicising themselves along the way, if need be.

To argue that women should not have their own health centres because someone else has not got one slides out sideways from dealing with the real issue of the actual need for women's stand-alone health centres. It is appropriate that I remind the Legislative Council of the Liberal's pre-election promise with respect to women, in particular women's health. I quote from excerpts from the Liberal's pre-election policy on women, as follows:

> Women have particular health needs which a Liberal Government will address as a matter of prime importance. . .

The policy specifically said:

> A Liberal Government will—
>
> — Encourage women to be involved in the planning and delivery of health services.
>
> — Ensure that women's community health centres are able to provide and supervise preventive health measures and health promotion strategies.

These policies, with their emphasis on preventive health care and the empowering of women to determine their own health priorities, are to be commended, but the Government is now having second thoughts about its pre-election policy. I might add, too, that in the process of doing that the Government is going against the wishes of many of its Party members. For instance, I am told that the Liberal women's network has been very supportive of stand-alone women's health centres.

I have, on a number of occasions now, heard the Minister say at public meetings that while the Liberal Party had good intentions of providing a socially progressive health policy—a policy on which he prides himself, having written much of it—he justifies not carrying out the promises because of the State Bank debt.

But, as we all know, the assumptions and conclusions of the Audit Commission are not accepted by all economists. For my part, the over-emphasising of the repayment of the debt at the expense of providing funding so that people of South Australia have an effective health service is intellectually dishonest.

During the Estimates Committee the Minister for Health, Dr Armitage, stated that the women's community health centres were not efficient. To prove his case he quoted staff to client ratios. According to his figures, the women's community health centres had staff to client ratios ranging from 1:67 to 1:127.

He compared these figures with the figure of health services provided by the Family Planning Association, which has a staff to client ratio of 1:1 029. But he was not comparing apples with apples. The Family Planning Association provides services for reproductive health and, whilst women are the main users, men are also clients. Its main function is to educate and provide health care in this one area only.

Women's health centres, on the other hand, serve diverse needs. They provide health care which relates to the social as well as the health needs of their women clients, and the case studies of Joan and Annie show there is a strong demand for these services.

It is not at all surprising that women's health centres do have lower staff to client ratios. As Joan's story shows, the

quick consulting process of her local GP put her off seeking health services that she required. Trying to provide care for people who have had a lifetime of abuse or some other psychological abuse will not be solved in a five or 10 minute consultation and with a quick prescription. I am surprised that the Health Minister is not aware of this. The case studies of Joan and Annie both highlighted the inefficiency of other services. The fact that they were able to get better using the women's health centre was a cost saving for the Government. The costs of providing care of a mentally ill patient that is preventable with counselling at an earlier stage in someone's life is cheaper in the long run. So, too, is money saved by not having people put in institutions. It is just plain stupid to disregard the likelihood of an increase in the tax burden of people in years to come simply because today the Government did not want to finance centres that save us this money in the long run. The accounting methods that lend to these decisions are very suspect.

At a public meeting held on 6 August the Minister for Health, Dr Armitage, stated that he was impressed by the quality of services coming from women's health centres. However, he stated that he was seeking advice, quite remarkably from those attending the meeting, as to how non-duplication of administration and infrastructure can be eliminated. He had months to seek their advice, but he failed to offer any consultation until three days before his own deadline.

Furthermore, the Minister appealed to the women present to help him fight their cause. The statement was not only seen as being merely patronising but, as the course of events have taken place, such a statement is even more insulting when it is shown not to be a genuine plea.

For a doctor who proudly states that he had made a life choice in his profession as a doctor to work in the broader area of health and not a hospital focused career, the Minister, with his proposal to integrate the existing women's health centres into mainstream health services, gives the impression that he learnt little in his chosen medical career prior to becoming a politician.

The Democrats strongly endorse this motion that the Council supports the retention of stand-alone women's health centres, and opposes any move by the Liberal Government to integrate these existing facilities into the mainstream health services.

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

SHOP TRADING HOURS (EXEMPTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 August. Page 198.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government does not support this Bill. It is a transparent political stunt and probably one of the most transparent that has been brought before the Parliament. The Bill is identical to the Bill moved in the House of Assembly on 25 August 1994 by the then shadow Minister for Industrial Affairs, Mr Clarke. The Bill was not conceived by the Labor Party as a considered or responsible reform to the Shop Trading Hours Act; rather, it was conceived by the Opposition as a knee-jerk political reaction to the ministerial statement made by the Minister for Industrial Affairs on 9 August 1994.

It is clear from the Bill and the Hon. Ron Roberts's second reading speech, that this Bill is purely a political attack on the State Government by the Labor Party and its trade union affiliate, the Shop Distributive and Allied Employees' Association. It has nothing to do with improving the already complex and often unworkable provisions of the Shop Trading Hours Act. The Bill is misconceived both politically and in policy terms, and is rejected outright by the Government. Neither this Bill, nor an identical Bill moved by the Australian Labor Party in another place, deals directly with the limited extended shopping hours announced by the State Government on 9 August 1994. Instead, this Bill concerns only the exemption powers of the Minister and the proclamation powers of the Governor.

The Bill proposes that no section 5 certificates of exemption can be issued by the Minister unless authorised by regulation. The Bill then proposes that any regulation would have no effect until 14 sitting days after being laid before each House of Parliament, and then only would operate if it has not been subject to a successful motion of disallowance in either House. The Bill also proposes an identical limitation on the power of the Governor to issue a proclamation varying trading hours of a shopping district under section 13 of the Act. This is despite the fact that the ministerial statement on 9 August 1994 made no reference whatsoever to the use of the section 13 proclamation power by the Governor, but rather referred simply to the use of section 5 certificates of exemption.

The effect of this Bill would be to render meaningless the existing powers of the Minister and the Governor under sections 5 and 13 of the Act. Those powers would be made subject to political veto by either House of Parliament. The issuing of certificates and proclamations would be made completely impractical; they could be given legal approval only during the parliamentary session. Circumstances justifying the granting of a section 5 certificate of exemption or the issuing of a section 13 proclamation which arose in between parliamentary sessions, would be incapable of being dealt with because Parliament had not and could not approve the relevant regulation.

So, simply, in terms of good legislative policy this Bill is fundamentally flawed. The fact that the Opposition has moved this Bill provides the Government with an excellent opportunity to highlight the breathtaking hypocrisy and insincerity of the Opposition in relation to the issue of retail shopping hours in South Australia. When one looks at the Opposition's record, one sees that Labor not only believes in deregulated shopping hours but also believes in deregulated shopping hours by every possible means, including the use of all ministerial and executive powers. The Opposition's track record in South Australia shows that Labor is the Party of deregulated shopping hours in this State. The Opposition is now busily racing around the community trying to project itself as being opposed to extended shopping hours. That is something of a joke. However, every time a Labor Party spokesperson tries to disown their Party's record, that track record comes back to haunt them.

The fact is that Labor was the Party that introduced late night shopping in 1977 throughout South Australia. Labor did so over the objection of small business, which gave evidence to the 1977 royal commission. In 1986, Labor granted ministerial licences—

Members interjecting:

The Hon. K.T. GRIFFIN: Listen to this; in 1986, Labor granted ministerial licences to allow petrol stations to trade

24 hours a day, seven days a week. Labor was also the Party which deregulated shopping hours for every furniture shop and every floor covering shop throughout South Australia in 1988. This deregulation was not even a mild extension: it was total deregulation—365 days per year. It was Labor that, in 1989, deregulated hardware shop trading hours and trading hours for shops selling automotive spare parts. And again, it was no mild deregulation; this deregulation was 365 days a year—and in a leap year 366 days a year—seven days a week. It was Labor that, in 1990, extended shopping hours across South Australia to include Saturday afternoon. Labor believed in this extension. It believed in this extension so strongly that, since 1987, it has pursued this change despite it twice being rejected by the Parliament in 1987 and 1988. Then we can all recall that it was Labor that introduced extended trading hours for all supermarkets in October 1993 for five nights a week—Monday, Tuesday, Wednesday, Thursday and Friday!

One only has to look at this record to see how insincere the Labor Party is when speaking both in this Parliament and in the public arena against extended shopping hours. Labor believed in extended shopping hours; it believed that extended shopping hours were good for South Australia; and it still believes that extended shopping hours are good for South Australia. The *Hansard* records and media reports throughout the 1980s are littered with statements—and I put it in that context—by the Labor Party, by the then Premier, by the Ministers for Labor, by Cabinet Ministers and by members of the Labor Party backbench, supporting extended shopping hours in South Australia.

The Hon. T.G. Roberts: Name them.

The Hon. K.T. GRIFFIN: I will; if you tempt me, I will do it. One simple example is the press release issued by the then Premier, the Hon. Lynn Arnold, on 26 October 1993, which states:

> Premier Lynn Arnold today announced that shop trading hours will be extended to allow late night shopping from Monday to Friday. This initiative means that supermarkets and grocery stores will be able to stay open every week night until 9 p.m. . . . The decision will provide greater customer service to the public, who will now have the convenience of late night shopping throughout the week. Mr Arnold says the extended shopping hours is a fair result for all South Australians. He says the decision will mean new business growth and employment opportunities.

The then Premier believed in extended shopping hours 12 months ago, and he provided large retailers with an additional 12 hours trading per week. For the Labor Party now to criticise the Liberal Party for granting an additional nine hours trading per week is breathtaking hypocrisy.

The Labor Party still believes in the extension of shopping hours, which it announced last October. As recently as 16 June this year, the then Leader of the Opposition, the Hon. Lynn Arnold, stood on the steps of Parliament House and told the media—and it was reported in the *Advertiser* and in the *Australian*—that the Labor Party in South Australia would still extend shopping hours to the five nights it decided upon last October. So, the Labor Party is still in favour of extended shopping hours.

The then Leader of the Opposition clearly revealed the Labor Party's continuing support for extended shopping hours, yet the Labor Party spokesman had the gall to address a rally of unionists six weeks later and tell them that it was trying to prevent the ruination of small businesses. That is incredible. Everybody knows that the Labor Party tried to destroy every small grocery business throughout Adelaide city and suburbs last October by requiring their supermarket competitors to trade five nights a week, and the Labor Party still wants to do so.

Opposition members know that if they should ever get back into Government in this State—and I do not think that is likely for quite some time—they will repeal this Bill if it is passed because they do not believe in it. The Labor Party will also continue to march towards deregulated shopping hours. It does not believe in a parliamentary veto over certificates of exemption; instead, it believes in the trade union veto. Labor Government Ministers, throughout the late 1980s and early 1990s, both publicly and privately, repeatedly said that they would grant extended shopping hours to retailers as soon as they did a deal with the unions. It was never a case of consultation with industry or the wider community; it was never a case of arriving at a balanced outcome which could be in the interests of the whole of South Australia: it was simply a case of obtaining the political imprimatur from the trade union movement and then full steam ahead whatever the consequences. One does not need a long memory to see evidence of this fact. October 1993 is the clearest possible evidence when the extended Monday to Friday late-night shop trading arose directly from the trade union doing a deal with Coles and Woolworths which had a policy of compulsory union membership.

I have already demonstrated the insincerity of the Opposition in putting forward this Bill, but its insincerity goes even further than its record of support for extended shopping hours. It goes to the very heart of what the Bill is about: the issuing of ministerial certificates of exemption and proclamations. This can be illustrated by clause 2, which provides:

> This Act will be taken to have come into operation on 8 August 1994.

That means that the Labor Party is proposing retrospective legislation to take away rights which have been lawfully granted. The fact that the Labor Party proposes that this Bill should commence from 8 August means that the retrospectivity applies in a highly selective fashion. This actually means that all certificates of exemption issued by past State Labor Governments would continue to be valid. Only those issued by the State Liberal Government after 8 August would be invalid, unless approved by both Houses of Parliament. That is where the real hypocrisy is exposed. Successive Ministers of Labor in State Labor Governments in South Australia between 1988 and 1993 issued 883 individual certificates of exemption. Under this Bill every one—

The Hon. R.R. Roberts: How many disallowances did you move?

The Hon. K.T. GRIFFIN: We did not move any in relation to certificates of exemption. You cannot move disallowance in relation to certificates of exemption. Not one of those 883 certificates of exemption ever came before either House of Parliament. Under this Bill, not one of those 883 certificates of exemption needs to come before either House of Parliament. I suggest it is clear that the Opposition does not believe in this Bill. It knows full well that the powers to issue ministerial certificates of exemption and section 13 proclamations are an essential feature of the legislative scheme of the present Act and have been for many years.

The Hon. Diana Laidlaw: And used by them.

The Hon. K.T. GRIFFIN: And used by them, as I have indicated, quite extensively. The Hon. Ron Roberts, in his second reading speech, tried to take the high moral ground and told the Parliament:

> 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 Martins Christmas Pageant and for other special events, such as the opening of the Myer-Remm centre and so on.

This statement is misleading. All the licences and certificates of exemption granted by the former Labor Government since 1986 to petrol stations, since 1988 to furniture companies, since 1988 to carpet and floor covering retailers, since 1989 to hardware shops and as recently as last October to supermarkets were permanent certificates of exemption, not for a limited period. In fact, 568 certificates of exemption have been issued on a permanent basis and for unlimited duration.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: Well, you might have to apologise, because it is a misleading statement.

The Hon. R.R. Roberts: Just hold your breath until I do.

The Hon. K.T. GRIFFIN: I will not hold my breath waiting for you to apologise. There is no life after politics if you do that. I will happily take the Hon. Mr Roberts down to Anzac Highway next Sunday morning—

The Hon. R.R. Roberts: In the ministerial car?

The Hon. K.T. GRIFFIN: No; on pushbike—and stand at the doors of a furniture company like Le Cornu's and watch the employees attend work and watch members of the public go shopping and ask management whether their certificate of exemption since 1988 has been for a limited period or on a permanent basis.

I would then invite the Hon. Ron Roberts to go on the following Sunday to a national chain like Bunnings on Railway Terrace, Mile End, and watch the retail employees go to work and members of the public come to buy household goods and ask management whether their certificate of exemption is only for Christmas, Grand Prix or the Pageant. Of course, they are not limited; they are permanent exemptions.

The Hon. Ron Roberts has suggested in his second reading speech that the use by this Government of the section 5 certificate of exemption power is a back-door method of avoiding Parliament. I remind him that it was Parliament which gave the Minister of the day the power to issue these certificates of exemption. In his second reading speech, the Hon. Mr Roberts also suggests that the Opposition, when in Government, introduced Saturday afternoon shopping by legislative change. Again, if one looks at the introduction of Saturday afternoon shopping, one can see that it was the Labor Government which showed utter contempt for the Parliament.

The Hon. Mr Roberts and the Labor Party have short memories. The fact is that in December 1987 the South Australian Parliament voted against Saturday afternoon shopping. The following week the Labor Cabinet granted permanent certificates of exemption to furniture and floor covering shops; the following month it issued a proclamation under section 13 of the Act continuing Saturday afternoon trading for the month of January; the following month it issued a second proclamation continuing Saturday afternoon trading for the month of February; and the following month it issued a third proclamation continuing Saturday afternoon trading the following March. It therefore extended shopping hours by section 13 proclamations for three months of 1988 in contempt of the express will of the Parliament.

Again, the Opposition has misled the Parliament about the use of proclamation powers to permit Saturday afternoon trading. Indeed, at that time the Labor Government deliberately and specifically foreshadowed the use of exemption and proclamation powers to extend shopping hours permanently. The *Hansard* record of 2 December 1987 shows that the then Minister for Labour in the Labor Government (Hon. Frank Blevins), who is still a member of Parliament though not a Minister, told the House:

> The position as I understand it from numerous newspaper articles and radio broadcasts is that the Liberal Party opposes the extension of shopping hours at this time to 5 p.m. on Saturdays. The consequence of that is that it might well be that the Government will have to consider living within the present legislation. Of course, the present legislation which was introduced into Parliament passed by the Liberal Party gives the Government pretty well free rein on the question of shopping hours.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: We are doing very much what the Hon. Mr Blevins was suggesting. In fact, we have only taken it a small measure along the way. The Hon. Mr Blevins goes on to say:

> Under two parts of that legislation the Government could open shops on Saturday afternoons and it could also deregulate completely by issuing certificates of exemption. It was some of Dean Brown's mates who insisted that that provision be put in the legislation. The Labor Party certainly supported it. I handled the Bill in the other place and I was very pleased to support the measure. It may be it was far-sighted because it is possibly the way we will go.

Let those words come back to haunt you. I conclude by reiterating what I said at the beginning of my remarks on this Bill. It is a stunt. It tries to prop up a failed campaign by the Labor Opposition and the union against the sensible and well received decision that the Government announced to the Parliament on 9 August. I am pleased that this debate has given me the opportunity to put on the record the facts about the insincerity and the hypocrisy of the Labor Party in relation to this matter. This Bill has been exposed as the transparent political stunt which it is. I repeat, that the previous Labor administrations have all advocated and actually used the certificates of exemption which so hypocritically the Hon. Mr Roberts now seeks to adversely affect by the introduction of this Bill. I very vigorously reject the second reading of this Bill.

The Hon. T. CROTHERS secured the adjournment of the debate.

REPUBLIC

Adjourned debate on motion of Hon. M.J. Elliott:

That, in the opinion of this Council, it is inevitable that Australia will become a republic, and that this Council therefore:

1. Endorses statements by the Premier (Hon. D.C. Brown) that a republic is inevitable;
2. As a consequence, calls for a wide-ranging community debate on the options for constitutional change; and
3. Respectfully requests the concurrence of the House of Assembly thereto.

which the Hon. C.J. Sumner had moved to amend by leaving out all words after 'Council' and inserting the words:

1. Australia should become a republic and there should be wide-ranging community debate on the options for constitutional change;
2. The South Australian Parliament should examine the implications for South Australia's constitutional structure of Australia becoming a republic; and
3. The concurrence of the House of Assembly to this motion be requested.

(Continued from 7 September. Page 288.)

The Hon. M.S. FELEPPA: I support the motion and I believe that it is timely in bringing the matter of the Australian republic before the Parliament, as to highlight the growing interest of the public and the Parliament in this momentous change proposed for Australia. As members will recall, I last spoke about this matter in the Address in Reply debate in August 1990, and it has been a concern for me ever since. Since then, the idea of an Australian republic has become more clearly defined and there is a greater understanding now by the public and the Parliament of what is involved. Now is the time for a rational parliamentary debate, I believe, and the motion is before us to allow members to do so.

When we look at the wording of Mr Elliott's motion and the content of his speech, it seems that in March last year Mr Dean Brown, the current Premier of this State, made public that it is inevitable that Australia will become a republic—something that we have all known for a long time. My former colleague the Hon. Mr Sumner as Leader of the Opposition proposed a much more parliamentary amendment to the motion of Mr Elliott and called for community debate and an examination, above all, of the implications for South Australia and our State's constitution. The amended motion lends itself to objective examination of republicanism.

Many constitutional objections have been raised but most of them are answered by a model constitution prepared by Professor George Winterton, Professor of Law at the University of New South Wales. His model constitution is based on the present constitution of the Commonwealth. In the main, it substitutes the word 'President' for the words 'Queen' and 'Governor-General'. It eliminates passages not now applicable with those changes and adds new passages to facilitate the creation of the republic.

Certainly, it is not my intention today to detail all the changes, but the model constitution does demonstrate that the present constitution can be, in fact, adjusted to become the constitution of a republic. It is worthy, therefore, of attention and study by members of Parliament and by the public. It is the public debate so far that has prompted the major political parties and a majority of the public to accept an Australian republic as inevitable. So, with the Premier's personal admission now that the republic of Australia is inevitable, the two major parties, and indeed the Democrats in this Parliament, are in agreement and we should now be able to promote the move to a republic in concert with one another, however much we may differ otherwise.

One outcome of the debate so far is that polls taken indicate that the people do not want to change to the Washington system of a republican Government, but are satisfied and prefer the Westminster system by replacing the Governor-General with a president, who would hold much the same figure-head position as now held by the Governor-General. The difference would be that the president would not be the representative of the Queen as head of state but would be head of state as the office holder. We have come a long way from the time of Robert Menzies' view of Australia as an outpost of the British Empire from top to toe, the supplier of raw materials and commodities for the economic exploitation by the mother country which would always have concern for her dependent economic child.

Since then our relationship has changed. Australia has reached adulthood and can stand alone—things which I have said repeatedly in the last few years. The mother country has turned aside from us in her own best interest. Australia has undergone increasing and significant isolation from Europe and England, and more so with England entering the European Community. We have substituted Asia for Europe in our commercial thinking and we are moving gradually in an entirely different direction from Europe: commercially, diplomatically, socially and culturally.

Thomas Keneally summed up the situation in words that are worth placing on the record. In a speech of 7 June 1991, he said:

> It is true just the same that as Britain becomes more closely knitted into the European Community, the sovereignty of the monarch will become in many areas a sovereignty shared with France, Germany, Italy and other members of the European Community; that is, the sovereignty of the British monarchy will become a fragmented sovereignty, as Europe achieves common commercial law, common immigration law, common currency and common defence. This in itself may be no reason to abandon the Australian monarchy but it is an indication that the future of Britain and Britain's monarchy will be knitted into Europe. Our future obviously belongs in another area of the world.

By becoming a republic we will show the rest of the world, including Britain, that our relationships are based on mutual maturity and not on colonial, dominion or Commonwealth dependence. There are many types of republics other than the United States of America. The United States is one possible model amongst some others. The exact terms on which our republic may be founded may not be those of Professor George Winterton's model constitution. The exact terms on which our republic will be constructed will be decided above all by the people of this country by referendum, passed by a majority of Australians after we have thoroughly considered and debated the matter. Of course, that will be in some years to come.

We can be sure that whatever terms our republic constitution will contain, they will carry in some way stamps that show them to be made in Australia, made by Australians and for all Australians. The organisation known as Australians for Constitutional Monarchy is a group which is anti republican and pro monarchist. It has many sincere and prominent citizens amongst its members. In a letter from Mr Tony Abbott, Executive Director, he refers to a meeting held by his supporters on 26 November 1993. In his letter he states:

> Without dissent the meeting passed a resolution:
>
> That this rally urges the Prime Minister to trust the people—to hold a referendum now; otherwise, to drop all talk of a republic and get on with the job of solving our real problems.

At first glance it sounds fine, but two things are not clear in my mind. In which way does the Prime Minister not trust the people? The Prime Minister trusts the people to consider and debate the matter of the republic rationally and not emotionally during the coming years and come to a firm and clear decision by the turn of the millennium. That is the agenda with which the Prime Minister trusts the people.

The other matter that is not clear is that the meeting agreed that there should be an immediate referendum, but the letter does not say precisely what questions would be put to the people at that referendum. We know from the polls that a majority of people agree that we should become a republic. Therefore, I cannot consider supporting their proposal for an immediate referendum expressed in such muddled thinking from a group so out of step with the rest of Australia. The head of state, elected or appointed, was one question that still concerns the people of this country. That matter was raised by me when I spoke in the Address in Reply debate in August 1990. Our former colleague, the Hon. R.J. Ritson, interjected then without much point to what I was saying, but he was very earnest about it. I raised the matter again in the

light of the model constitution by Professor Winterton, who proposed that the president be elected by both Houses of Parliament sitting separately, provided that to be elected to the office of president a person must receive votes of at least two-thirds of an absolute majority of the members of each House.

It is an election by a dual-bodied college. In my opinion a collegial vote is ideal for an election to such an office, but a dual college proposed may not be the best way to elect the president, as politicising that office may not be sufficiently curtailed. I do not intend this evening to canvass the alternative forms of collegial elections of the president, but it is a matter for further consideration. The report 'An Australian Republic: the Options', a Commonwealth publication, gives the options for electing a president but no preference is nominated. The process of electing a president is a problem, but only a small problem which should not prevent Australia's proceeding to become a republic. We are all reasonable enough to be able to find a solution to a comparatively simple matter.

One objection to Australia's becoming a republic is that it could lead to a totalitarian State. That could no more happen than England could become a totalitarian State under a monarchy. As history has recorded, kings in the past have struggled hard for such powers and have almost come close to getting them, but they failed because of the strength of the Parliament to oppose them. An elected president, as a temporary office holder, would have no more support from Parliament than would the Queen in her permanent position.

A problem surrounds the appointment of State Governors, who are now appointed by the Queen on the recommendation of the State and without reference to Canberra. Under the Federal Constitution the Queen is the Queen of each State as well as the Queen of Australia and the appointment of her representatives is her prerogative. The Commonwealth Constitution does not cover the appointment of a State Governor. The report 'An Australian Republic: the Options' admits the problem and offers the comment but does not propose a solution. It should not be a difficult problem to solve and I will not canvass the alternatives this afternoon. In the opinion of Bronwyn Bishop and many others, becoming a republic could become very divisive. It is not necessary that it becomes divisive, but it could become divisive if the likes of Browyn Bishop wanted to make it so, with the personal advantage to be gained by discord and dissension.

Let me make one further point before I conclude. The pro-monarchists imagine that the republican issue is unimportant for us as a nation and that it should be dropped so that the Government can 'get on with the job of solving the real problems'. Again, this is muddled thinking. Good government takes care of a range of matters all at the same time. Government is an instrumentality well departmentalised so that all the real problems can be given attention.

Becoming a republic is one of those important issues that must be given attention because it concerns our identity as a nation. If each one of us knows our own personal identity, who we are and what we are, we can come to know our strengths and weaknesses and do something about them. That is the rule of psychology. If our nation knows its identity, it can better know its strengths and weaknesses, build on its strengths and overcome its weaknesses. That is the rule of sociology. If we do not become a republic, we will continue with our present confused identity. We will not be sure who we are as Australians and other nations will not see Australians as distinctly Australian. There will be the confusing shadow of the British Crown hanging over us reminding us that we are something other than distinctly Australian, but what, we are not sure. National identity is a sociological foundation upon which a successful nation is built.

When Australia becomes a republic, as I am sure it will, and as the Premier now is sure that it will, we will have a clear identity of ourselves as a nation in our own right. This clear identity has, in the past, allowed other nations to forge ahead when that identity was realised. The United States of America is a prime example. It forged ahead after it had broken from England. Admittedly, our cause is not a parallel, but realising identity is. Lack of identity as a unified nation retarded the development of Spain and Italy for centuries. With this debate, we are clarifying the identity of who we are and what we are for ourselves and so that other nations will be able to recognise us as Australians, proud of our identity.

The pro-monarchists are simply retarding our progress and development internally and externally by the desire to look to the monarchical traditions of the past rather than looking now to the making of new successes which will become the republican traditions at some time in the future. It is timely, I believe, that this debate should be taking place, and I am thankful that once again this Parliament will have this opportunity to make a contribution.

I hold strong hopes for Australia to become a republic, and for that reason I am prepared to support a motion which calls for a debate on the matter and consideration of the implications of the change, but only so long as the wording of the motion is worthy of this Parliament and clearly impersonal and nonpartisan.

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

FILM AND VIDEO CENTRE

Adjourned debate on motion of Hon. Anne Levy:

That this Council condemns the Minister for the Arts for closing the South Australian Film and Video Centre, contrary to informed recommendations, without prior consultation with the Film Corporation Board, Libraries Board, the centre itself or its customers, or anyone else, so destroying a most valuable South Australian cultural resource and causing disruption and difficulties for its hundreds of thousands of users,

which the Minister for Transport had moved to amend by leaving out all words after 'Council' and inserting the words:

welcomes the initiatives taken by the Minister for the Arts in relation to the South Australian Film and Video Centre—

1. to provide borrowers of videos with a more accessible, cheaper service through the PLAIN Central Services based at Hindmarsh and 138 public libraries across the State;
2. to establish for the first time a South Australian collection of South Australian film and videos based at the Mortlock Library; and
3. to call for expressions of interest from South Australian agencies and institutions to house and distribute the film collection.

(Continued from 25 August. Page 240.)

The Hon. SANDRA KANCK: The Democrats will be supporting this motion in its original form rather than in its amended form. This is because we believe that the Minister acted quite ruthlessly in her decision to close the Film and Video Centre. Obviously she did not want to repeat what she must have seen as being a mistake of the Victorian Government in the same situation where the Victorian Premier had

announced that he was considering closing their film and video centre and, as a result of the announcement, public reaction built up and their centre was saved.

So, I have to acknowledge that the action the Minister took in giving no prior notice at all was very clever. I also acknowledge the Minister's remarks concerning the extra $20 000 (and congratulate her for it) that will be allocated for buying more videos, but I do not believe that it makes up for the closure of that centre. There is still uncertainty out in the community about it. The libraries are not happy with what is happening. They still do not know how the system will work.

I refer members to an article in the *Public Service Review* of August 1994 in which the founding Director/Chairman of the South Australian Film Corporation had published an open letter to the management and staff of the South Australian Film and Video Centre. I quote from that letter, as follows:

> Despite the promises in the press release issued by the Minister for the Arts, passing the collection to the State Library will see it disappear like water into sand. Despite their best efforts, I am confident that, as in all other States that have followed this procedure, film culture will suffer immensely.

He goes on to say:

> It is one thing for a panicked State Government to fail to realise the significance of their act of closing the centre; it is another to imply in their press release that it is being closed because it was not functioning as successfully as it should. It is quite wrong to suggest that the recent report prepared by Elizabeth Connor recommended the closure of the centre. Having read a draft of her report, I know that it actually suggested the opposite and was high in praise of your work ['your' obviously referring to the staff]. Of course the press release does not specifically state that the report recommends closure. It leaves it open for this interpretation.

Gil Brealey goes on to observe:

> When Peter Weir spent two years in South Australia making *The Plumber* and *The Last Wave*, he was asked how he trained himself in film making. He replied that he bought himself a projector and sat in his caravan at Aldinga Beach looking at films from the SAFC Library catalogue. He said at the time, 'You South Australians don't realise what a treasure you have. The whole history of the cinema is there available to you.' Well, Peter, it is to be no more. That collection is to be scattered to the four winds. Goodbye film culture in South Australia.

The Hon. T. Crothers: Disgusting!

The Hon. SANDRA KANCK: It is absolutely disgusting.

The Hon. R.I. Lucas: It is still available.

The Hon. SANDRA KANCK: No, it is not still available.

Members interjecting:

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

The Hon. SANDRA KANCK: In fact, one of the concerns particularly is for film societies. I will quote from an article in the Port Lincoln *Times* of 21 July, as follows:

> The curtain could be closing on future film events in Port Lincoln following the closure of the South Australian Film and Video Library. The 40 member Port Lincoln Film Society has begun a campaign to keep the film and video library operating. Society coordinator Les Walter said successful events such as the Children's Film Festival and the Tunarama Film Festival were threatened by the South Australian Government's move to deny access to 16mm films.

I take note of what the Minister said in her response to the motion, but it specifically means that films that do not have a South Australian link will go to the National Film Library in Canberra, and this basically means that people here in South Australia will not have that ready access as they have had with the S.A. Film and Video Centre. The article further states:

> 'Many of the films now unavailable were historically significant and important features at the events and at schools. Not having access to these films probably puts paid to organising other events,' Mr Walter said. 'We are dependent on the film and video library and without their service we cannot operate properly. We don't have the facilities to operate videos on a scale required for events such as we organised.'

It is a very different matter to have a film projector and a screen as opposed to the expensive film technology that would be required to show a video, with the large video screens that are required to do that. They simply do not have those facilities or the money there to do it.

The staff at the Film and Video Centre had worked hard over time to introduce efficiencies into the workplace, and as a result their staff numbers had gone from 24 down to 14. The unilateral decision of the Minister to close the centre gave no opportunity for community input or for the staff to offer any further efficiencies which might have been available. The Democrats see that the Minister's action was heavy handed and undemocratic and we will be supporting the motion in its original form.

The Hon. ANNE LEVY: In closing the debate on this motion I thank the Hon. Sandra Kanck for her support therefor and for the remarks that she has made. The honourable member has quoted extensively from the open letter written by Gil Brealey, as I had also intended to do, as it was published after I originally moved this motion. From reading his letter, it is obvious that the Film and Video Centre was a lot more than just a library for videos and films.

Its role in film culture was extremely important in this State, as the quotation from Peter Weir indicates. I would like to quote a little further from the letter by Gil Brealey. Talking about the Film and Video Centre he relates its history as follows:

> Under Andrew Zielinski's supervision the library matured to a film and video CENTRE and much more ambitious and useful plans were developed to expand the film culture of South Australia. These blossomed into some of the most highly praised programs to be found anywhere in the world. The centre is far more than a library. Storing and distributing the films and videos is only one of its tasks. The presentation of specialised film screenings, festivals and displays has become a vital part of South Australian culture. Now all of this is to end. Despite the promises in the press release issued by the Minister for the Arts, passing the collection to the State Library will see it disappear like water into sand. Despite their best efforts I am confident that, as in all other States that have followed this procedure, film culture will suffer immensely.
>
> The State Government of Victoria attempted to close the prestigious State Film Centre but had to reverse their decision under popular pressure. The people of Victoria knew that without a film centre the future of film culture was finished, as it is in Tasmania and New South Wales.

I will reiterate some of the section quoted by the Hon. Sandra Kanck. Mr Brealey finishes his letter by saying:

> Above all, in this final message, I want to congratulate all those film lovers who have given part of their lives over the past 21 years to work for and support this remarkable organisation. Its success must be celebrated and its passing mourned.

The staff at the Film Centre have been devastated by the closure of the centre. As has been indicated previously, many of them have taken a targeted separation package and left the Public Service. Certainly, four have transferred from Hendon to the PLAIN library services at Hindmarsh and are managing to continue the library function of the work for the videos from the centre. It is certainly true that the replacement system which the Minister has proposed is working for videos in that they are available through the PLAIN central library. I am sure it is due to the remarkable efficiency of the workers who have transferred to the PLAIN centre at Hindmarsh and

to the whole State Library system that this has been accomplished smoothly and is working well. However, this is a distribution centre only and is only for videos.

Despite the previous interjections of the Hon. Mr Lawson, which indicate that he does not know the difference between film and video, more than three months later we still do not know what is happening to the film collection. There are 21 000 films in that collection and 13 000 different titles to those films. They are not available through the public library system, which is handling only the 7 500 videos that were in the collection. So, we have 21 000 films and we still do not know 3½ months later what will happen to them. We know that those bookings for viewing which were made prior to 26 June are being honoured and that without any extra resources staff at the Film Corporation are coping with those previously determined bookings, but no future bookings are being taken. No bookings for films are now occurring. The film societies, the adult education groups, the schools, the community groups, the University of the Third Age—myriad organisations throughout our community which have relied on films from the Film and Video Centre—are left with absolutely zero. They cannot book them; they cannot plan their programs for 1995, as they are all trying to do at the moment, because the films cannot be booked. There is nowhere they can turn to for those films.

There has been talk that those with a South Australian connection will go to the Mortlock Library, and that is 1 000 of them. That still leaves 20 000 which are unavailable, and nobody knows what will happen to them. Those that go to the Mortlock Library will not be available for borrowing. The Mortlock is not a borrowing library; it is a reference library. One can hardly imagine members of the Port Lincoln Film Society making a trip *en masse* to the Mortlock Library to sit and view a film there as their only means of access to it.

As far as the other 20 000 films are concerned, we still do not know what will happen to them. There is talk that they might be given to Canberra—the National Film and Sound Archives. I am also told that the National Film and Sound Archives does not want them; it has quite enough to look after and do not want to take on another 20 000. Be that as it may, if they move to Canberra, it can hardly be said to improve access to South Australians to have them carted 1 000 kilometres away into an archives where their availability will be no greater than if they stay in a warehouse in Adelaide, where they currently are.

The most incredible mismanagement, lack of planning, lack of foresight, failure to think of alternatives, and a complete lack of consultation has resulted in the current mess regarding the film collection of the Film and Video Centre. If only the Minister had consulted before she undertook this catastrophic action these problems might have been discussed with her and—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: Members have interrupted my train of thought; it is distressing. Certainly, as far as the films are concerned, we still do not know what will happen. The Minister has spoken several times of perhaps putting some of the most borrowed films onto video so that they would be available through the video distribution centre, but she has certainly not costed such an activity or indicated how many of the 13 000 titles to which this could be applied. My guess—given the cost of transferring from film to video—is that very few would be transferred. Of those which are borrowed most, a few might be so transferred, but the vast majority would not and would remain completely unavailable to their owners: the South Australian public.

I stress, these are owned by the South Australian public, and it is utterly reprehensible that the Minister should take the property of the South Australian public and say, 'You will no longer have access to this. No way will you have any access to your property whether or not you are prepared to pay.' They are just being stolen from the South Australian public. It is not only the films and videos which formed part of the centre; the important function of the centre was the stimulation of film culture in this State, as was clearly enunciated in the letter from Gil Brealey. That has now been completely destroyed.

It is interesting that Gil Brealey says that film culture has been destroyed in Tasmania and New South Wales, but is being maintained in Victoria. I would have thought the element of competition that exists between South Australia and Victoria in cultural matters might have given the Minister pause, considering that Victoria still has a film centre. I did see a report that the Minister in New South Wales was considering establishing a great film centre in Sydney, close to Circular Quay, and that the proposals included having a film library as well as using it as a film centre for production and showing of modern films.

Whether or not this proposal of his comes to pass, I do not know, but I would not be in the least bit surprised if Peter Collins put in a bid for the South Australian film collection from the Film and Video Centre. It would make a most wonderful starting point for a library, which he may be considering establishing. Given his energy and enthusiasm for film, I would not be surprised if that occurred. The vandalism of our Minister will lead to the complete loss of our cultural heritage to New South Wales. The action of the Minister, as I stated at the outset, was cultural vandalism. It remains cultural vandalism as well as being a complete mess administratively. Three months later we still do not know what is happening and this cultural vandalism should be condemned by this Parliament in the strongest possible terms.

The Council divided on the amendment:

AYES (8)

Davis, L. H.	Griffin, K .T.
Irwin, J. C.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I. (teller)
Pfitzner, B. S. L.	Schaefer, C. V.

NOES (9)

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

PAIRS

Redford, A. J.	Roberts, T. G.
Stefani, J. F.	Pickles, C. A.

Majority of 1 for the Noes.

Amendment thus negatived; motion carried.

[Sitting suspended from 6.15 to 8 p.m.]

EASTER (REPEAL) BILL

Second reading.

The Hon. T. CROTHERS: I move:

That this Bill be now read a second time.

This is a Bill for 'An Act to repeal the Easter Act 1929.' It is brief but very succinct in its length and in the manner in which it addresses that which it is aimed at correcting. In fact, it consists of only two very short clauses: clause 1—Short Title, states that 'This Act may be cited as the Easter (Repeal) Act 1994; and clause 2—Repeal of Easter Act, which states 'The Easter Act 1929 is repealed.'

I congratulate my colleague in another place for moving this private member's Bill, particularly in relation to its necessity, brevity and accuracy of drafting for the purpose of ease of understanding by anyone who reads it. However, I feel that a brief recital of some of the history of the anachronism is in order, so as people should understand why they should support the Bill. As some members may already know, Easter, although currently regarded as a Festival of the Christian churches, owes its very existence to the Pagan Anglo-Saxon goddess of spring, from whom the very name of Easter derives. When one considers that the southern hemisphere region—particularly that of the antipodean areas of Australia and New Zealand—had not been discovered at that time, one can then understand why all the dates that are associated with the various Christian beliefs of Easter are held in the northern spring as opposed to those of the southern hemisphere.

The Christian church, in one of its very early and productive councils, namely the council of Nicea held in A.D.325, at the time set the date for the Easter festival to be held, and that was the Sunday after the full moon after the vernal equinox; in other words, because of this qualification any Sunday falling between 22 March and 25 April, provided that that Sunday fitted the parameters of the dicta laid down by the council of Nicea.

There the matter rested until 1928, although the three major Judea-Hebrew religions, namely the Western branch, the Jewish branch and the Eastern Orthodox Church branch, differed as to the date on which this particular Christian festival should be held. As I have said, there the matter rested until 1928, when the then League of Nations sought to take the fixing of Easter away from the Christian authorities and fix it in the secular calendar as the first Sunday after the second Saturday in April. Parallel with this event, two members of the Westminster Parliament from the English cities of Oxford and Cambridge endeavoured to introduce mirror legislation complementary to that proposed by the League of Nations into the British House of Commons on the grounds that, owing to industrialisation, the moveable feast of Easter had become an inconvenience. In fact, it was said that Easter had become a relic from our agricultural and Christian past.

It was further said by Captain Bourne that his Bill should not be proclaimed until other civilised countries, such as the dominions, passed this Bill. I place on record that South Australia dutifully passed the Bill in 1929. Long live the republic! However, it has been unproclaimed ever since, simply because there was not enough support from the churches to justify proclamation. In calling for members to support the Bill, I can think of no better verbiage in which to put it to you than that used by that prince of wordsmiths, my colleague from another place, who was the progenitor of this private member's Bill when he said in speaking to the matter:

> It is time that the Easter Act 1929, this excrescence of 1920s liberalism and secularism, was struck from our statute book.

I commend the Bill to you and I would seek the support of all members.

The Hon. K.T. GRIFFIN (Attorney-General): The Government supports the Bill, as it has supported it in the other place. As members will most likely know, the public holidays for Easter in South Australia are prescribed in the Holidays Act 1910. Good Friday, the day after Good Friday and Easter Monday are public holidays as set out in the second schedule of the Act. The Act also provides for Sundays to be holidays. The Act does not define Good Friday, Easter Monday or Easter Sunday but, as is the position in all other States, by tradition Easter is celebrated as the Christian festival held on the Sunday immediately after the first full moon following the vernal equinox on 21 March.

As the Easter Act 1929 has never been proclaimed or the administration of the Act ever allocated to a specific ministerial portfolio, the Government takes the view that it is appropriate to repeal it, although I must say that, in supporting this, it does eliminate something over 60 years of history, even though that history is one of doing nothing. So I support the second reading.

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

SHOP TRADING HOURS (EXEMPTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 198.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government does not support this Bill; it opposes it as it opposed the Bill introduced by the Hon. Ron Roberts, which was seeking to do something similar but perhaps more extensively to the Government's powers in relation to the extension of shop trading hours. This Bill deals with the powers of exemption and proclamation and not the extended trading hours announced on 9 August. However, the Bill is different from the Bill introduced by the Hon. Mr Ron Roberts; it proposes to completely prevent the Minister or the Governor exercising their respective powers to issue section 5 certificates or make section 13 proclamations between 9 August 1994 and 28 February 1995.

Therefore, it has retrospective effect. Its effect would be to eliminate all certificates issued previously, or at least that is presumed to be the position. The proposal would make it impossible for the Government even to alter the Christmas/New Year 1994 trading arrangements on a temporary basis, which has been done by many Governments over previous years, but without legislative amendment by both Houses of Parliament. Somewhat peculiarly, the Bill would allow the Minister and the Governor to exercise their respective powers after 28 February 1995. As the Hon. Mr Elliot indicated, that was designed to give Parliament an opportunity to consider this issue.

I have already expounded on the reasons why the Government acted in the way that it did in relation to Sunday trading and an additional weeknight of late trading. The precedent has been well established over many years in relation to permanent certificates of exemption. On that basis, we see no merit in the Bill introduced by the Hon. Mr Elliott, and we oppose second reading.

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

CONSUMER CREDIT (CREDIT PROVIDERS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Consumer Credit Act 1972. Read a first time.

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

That this Bill be now read a second time.

In September 1994 the Consumer Credit Code was passed by the Queensland Parliament and it will come into operation in September 1995. Some members will be aware that the passage of that legislation is the first step in the fulfilment of a uniformity agreement between all the States and the Territories to implement consistent and comprehensive regulation of the provision of credit to consumers.

Pursuant to the agreement between the States and the Territories, the Government will be introducing a Bill for the purpose of applying the Queensland Code as a law of the State of South Australia with the expected date of application of that 'template' legislation being 1 September 1995. While the Code will provide comprehensive protection to consumers, one of the areas not subject to the Ministerial agreement is the issue of the regulation of credit providers.

From the commencement of the Consumer Credit Act in 1973, the majority of credit providers were, and are to this day, exempt from the requirement to be licensed under the Act as credit providers. Those credit providers, and others, have also been exempted from the requirement to comply with the substantive consumer protection measures set out in the Act, with the exception of Parts V and VI which deal with harsh and unconscionable terms and the procurement of credit. Section 6 of the current Act sets out the credit providers who are exempt from the provisions of the Act and includes a power of exemption by proclamation made by the Governor.

For many years it was accepted that the licensing of certain occupations or undertakings would weed out those persons with a propensity or predisposition to break the law. While that may still be relevant in a small number of areas, history has clearly shown that consumer credit is not one of them. The level of consumer complaint about the activities of credit providers in this State is extremely low and the complaints processed by the relevant authorities in the other States are principally centred on failure to comply with the extremely technical requirements of the present uniform Credit Act. In short, the licensing of credit providers does not seem to enhance the protection of consumer interests and it merely imposes an unnecessary administrative burden on governments and the finance sector.

In the case of some credit providers operating in this State, other State and Commonwealth legislation regulates their activities. I refer to the Banking Act 1959 and the Financial Institutions Scheme legislation. It is clear to the Government that the absence of licensing of the majority of credit providers has not prejudiced the interests of consumers and to extend the present licensing regime to those credit providers presently exempt would result in the duplication of regulation for no benefit. In fact there are constitutional reasons why the licensing of banks as credit providers under the State legislation may create difficulties.

For these principal reasons the Government has decided that the licensing of credit providers is no longer relevant or necessary for the protection of the interests of the consumers. Instead a 'negative licensing' regime, along similar lines to the present provisions of the Credit Act (Queensland) 1987, has been adopted and is reflected in this Bill.

Having made the decision to completely alter the method of regulating credit providers, the main issue for the Government was the question of the timing of the introduction of these changes. Although it may have been simpler to include this measure in the package of legislation which the Government will introduce to implement the adoption of the uniform Consumer Credit Code, we have decided to proceed with the introduction of this change as a separate measure with the earliest possible commencement date. Our primary reason is to remove the administrative burden which falls to a small number of credit providers.

In effect, the burden of licensing is now borne by the finance companies which have diminished in their historic role of providing the majority of loans to consumers. It is a fact that the vast majority of consumer credit, both in terms of volume and value, is provided to consumers in this State by unlicensed credit providers such as banks, credit unions, building societies and insurance companies. If there is no justification in continuing the present licensing regime then there is no justification in continuing to require one sector of the finance industry to bear a discriminatory burden. For these reasons the Government has decided to proceed with this deregulatory measure now rather than wait for the commencement of uniform Consumer Credit Code in September 1995.

For those credit providers which are presently exempt from the requirement to comply with the contractual and similar provisions of the Consumer Credit Act, those exemptions will have to continue until all credit providers become subject to the uniform code. To require those credit providers to comply with the substantive provisions of the Act would impose excessive and unnecessary costs on those parties to comply with an Act which has less than 12 months of life left.

The jurisdiction of the Commercial Tribunal over consumer credit issues will be removed. There is no longer any justification in terms of access to justice or cost for a specialist tribunal to hear only one sort of consumer complaint. Nor is there anything inherently more difficult about consumer credit disputes than personal injuries claims or contractual disputes which are presently dealt with by the civil courts. The Government therefore proposes that the District Court will deal with all matters arising under the new Act. Applications with respect to revolving charge accounts will be dealt with by the Commissioner for Consumer Affairs.

Under the new negative licensing regime, all matters with respect to discipline will be dealt with by the District Court. The court will have the power to fine, suspend or disqualify a credit provider from trading. The court will have to take into account the prudential consequences which a penalty may have on a particular financial institution.

The Commissioner of Consumer Affairs will have the power to require a credit provider to enter into a deed of assurance with respect to a particular conduct. A breach of an assurance is grounds for disciplinary action being taken against a credit provider.

The measures which this Bill seeks to implement will form the basis of a Credit Administration Act which will complement the Consumer Credit Code when it commences next year. The passage of this Bill will therefore send a clear signal to all credit providers about what they can expect to face in South Australia under the new credit legislation. I

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

Leave granted.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Repeal and saving provision

Section 4 of the principal Act is consequentially amended by removing those subsections which contained references to licensing under the Act. The repealed subsections dealt with transitional matters and are no longer necessary.

Clause 4: Amendment of s. 5—Interpretation

This clause removes definitions which are no longer necessary, due to the substitution of a new Part III in the principal Act, and inserts a definition of 'director'.

Director of a body corporate is given a wide meaning to encompass persons who control the body corporate. Under new Part III directors of a body corporate may be disciplined, or prosecuted for an offence, alongside the body corporate.

Clause 5: Amendment of s. 6—Application of this Act

This clause consequentially amends section 6 of the principal Act by removing references to licensing and the Tribunal.

Clause 6: Substitution of Part

This clause substitutes new Part III in the principal Act. This Part of the Act currently deals with the licensing of credit providers. Under new Part III there is no licensing scheme but the activities of credit providers are controlled through the ability to institute disciplinary proceedings in the District Court. New Part III contains the following sections:

28. Cause for disciplinary action

Disciplinary action may be taken against a credit provider if—

- the credit provider has acted contrary to an assurance accepted by the Commissioner under the Fair Trading Act 1987;
- the credit provider or any other person has acted unlawfully, improperly, negligently or unfairly, in the course of conducting, or being employed or otherwise engaged in, the business of the credit provider.

Disciplinary action may be taken against a director of a body corporate that is a credit provider if disciplinary action could be taken against the body corporate.

Disciplinary action may not be taken if it is not reasonable to expect the person to have been able to prevent the act or default.

29. Complaints

A complaint alleging grounds for disciplinary action against a credit provider may be lodged with the District Court by the Commissioner or any other person.

30. Hearing by Court

The District Court is empowered to adjourn proceedings to allow the Commissioner to undertake further investigations and to allow modification of a complaint.

31. Disciplinary action

Disciplinary action may comprise any one or more of the following:

- a reprimand;
- a fine up to $8 000;
- a ban on carrying on the business of a credit provider;
- a ban on being employed or engaged in the industry;
- a ban on being a director of a body corporate credit provider.

A ban may be permanent, for a specified period or until the fulfilment of specified conditions.

Before making an order under this section the District Court is required to consider the effect of the order upon the prudential standing of the credit provider.

32. Contravention of prohibition order

It is an offence to breach the terms of an order banning a person from carrying on the business of a credit provider or being employed or engaged in the industry or from being a director of a body corporate in the industry.

33. Register of disciplinary action

The Commissioner must keep a register of disciplinary action taken against credit providers available for public inspection.

34. Commissioner and proceedings before court

The Commissioner may be joined as a party to proceedings.

35. Investigations

The Commissioner may ask the Commissioner of Police to conduct relevant investigations.

Clause 7: Amendment of s. 40—Form of credit contract

This clause consequentially amends section 40 of the principal Act to remove the reference to the Tribunal.

Clause 8: Amendment of s. 41—Form of contract that is a sale by instalment

This clause consequentially amends section 41 of the principal Act to remove the reference to the Tribunal.

Clause 9: Amendment of s. 45—Prohibition on procurement charges, etc.

This clause amends section 45 of the principal Act by striking out subsection (1). This subsection is no longer necessary as it deals with licensed credit providers.

Clause 10: Amendment of s. 46—Harsh and unconscionable terms

This clause consequentially amends section 46 of the principal Act to remove the references to the Tribunal and, where appropriate, replace them with references to the District Court.

Clause 11: Substitution of s. 59

This clause substitutes a new section 59 in the principal Act which imposes a time limit of two years, or five years with the consent of the Minister, on the commencement of prosecutions under the Act.

Clause 12: Amendment of s. 60A—Relief against civil consequences of non-compliance with this Act

This clause consequentially amends section 60A of the principal Act to remove the references to the Tribunal and replace them with references to the District Court.

Clause 13: Amendment of s. 61—Regulations

This cause makes a consequential amendment to section 61 of the principal Act, removing any reference to licensing under the Act.

Schedule: Transitional provisions

An order of the Tribunal suspending a credit provider's licence or disqualifying a person from holding a credit provider's licence is converted into an order of the District Court prohibiting the person from carrying on, or from becoming a director of a body corporate carrying on, the business of a credit provider.

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

SOUTHERN STATE SUPERANNUATION BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 237.)

The Hon. M.J. ELLIOTT: I rise to support the second reading. This is a piece of legislation which is going to slash superannuation benefits for public servants and the Labor Party, the champion of the workers, is not even making a second reading contribution.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: I have had a few surprises today in relation to this legislation and I suppose this one is not quite as big, certainly in the light of the others. After nine years in this place there are still times when I get surprised by what happens in legislation. I do not know why; I should be ready to expect some of the things that happen, but what has happened with this legislation has contained a number of surprises and perhaps a better word might even be shocks. Before the last State election we had a Government which posed as being a moderate Government, a Government which could be trusted, a Government that would do the right thing.

What we found after the election is a Government that is prepared to break promises, that has been far more extreme than it pretended to be, and a great deal of what it has done has been based upon an Audit Commission report. It is worth noting that every Liberal Government elected in recent years has set up an Audit Commission. In fact, one of the Audit Commissioners in South Australia sat on at least two, if not three, of the other audit commissions for other Liberal States, and one should not be surprised at the recommendations that came from such an Audit Commission.

Among the issues looked at were issues in relation to superannuation. The blow-out in debt that was claimed in the Audit Commission report in relation to superannuation was unbelievably high. It was based on premises that any reasonable person would have said were really not believable. There is no way known, for a number of reasons, that the debt from superannuation could have reached the sorts of levels that the Audit Commission suggested, and even more so since. With the number of public servants decreasing, one will expect the number of new entries into public sector superannuation to decrease. With people leaving, you would expect some of those people leaving would already be members of the scheme.

As we move into a time when there is a much higher turnover of public servants, why would they bother to join a public sector superannuation, which once used to be a 'for life' thing, when most people would be very unsure about their future in the public sector? They are more likely to have the superannuation guarantee and nothing else and go into private sector super, unless it is a good super scheme. The reality is that probably only about 25 per cent of public servants had entered superannuation schemes. Most of those were in the old pension scheme; very few, indeed, had come in to the lump sum scheme.

For a large number of reasons the Audit Commission numbers were beyond belief, and yet were used as a justification for a slashing of benefits to workers, and more than just simple benefits. The Audit Commission did not even look at the police superannuation scheme. What a pity they did not because, if they had, they would have found what the actuarial report presented in this Parliament some two months ago—a report on the police superannuation scheme done by Brenton Watson as at 30 June 1993—which really showed that there were no problems with the police superannuation scheme at all.

The Government extrapolated the wrong figures on the public sector generally across to the police. When you realise that the police scheme was a compulsory scheme; that all police had to be in it; that they themselves made a 5 per cent contribution of their own salary; that the Government itself put up money; and that this had been going on for some years. What we had with the police was a total remuneration package. What the Government proposes to do in this legislation before us right now is to slash the remuneration of police by a significant cut in superannuation, which, for them, had been compulsory. All new police coming into the force were going to be on a much lower remuneration level than existing police.

There were no two ways about it; the Government was simply slashing a remuneration package. No going to arbitration; no negotiation; no enterprise agreements, which the Government says are such a wonderful thing; they simply planned to do it by legislation—no justification whatsoever. What I found even more interesting in discussions with the Minister only last night in relation to the police superannuation scheme is that the Government will be lucky to be saving $100 000 or $200 000 a year, and yet they are proposing these quite draconian changes in relation to police superannuation. They had simply not done their sums.

When the Government proposed the closure of the superannuation schemes, at that stage the SSS was not on the table and the Democrats said 'We are not willing to close off the other schemes unless we know what is coming in its place.' It was only in this session that the Government finally brought to the Parliament the SSS scheme. Not only did we see the police being cut back, but we found the public sector being cut back as well. I asked the Government for the actuarial work upon which the savings they were claiming were based. There is an arithmetic mistake of $80 million within their savings and there was a further $80 million of savings, which, indeed, were highly arguable for the sorts of reasons that I discussed just a little earlier in my contribution.

Public servants are being asked to take a cut from approximately a 12 per cent contribution from the Government back to a superannuation guarantee. In other words, the Government wish to make a contribution to superannuation of nothing more than its legal obligation under Federal legislation. The Government were not prepared to give any more and yet previously they were giving 12 per cent. In fact, they were making a significant contribution well before the superannuation guarantee and now the Government is trying to walk away from it.

What makes it marginally different from the police situation is that, as I said, perhaps one quarter of public servants had taken up public sector superannuation. So, you could not say that it was a salary package which all were enjoying, but you could say that it was something which was available to all public servants and when they joined the public sector they had an expectation that they could go into that scheme or at some time during their service, and what the Government is proposing to do is to take away something which was available, even if they were not actively involved at the time.

The cut-back was going to be from 12 per cent to 5 per cent and by the year 2002 the contribution was to increase to 9 per cent under the superannuation guarantee provisions. This is from a Government that talks about a public sector that will be enlivened and wanting to play an active role in this State. Public servants have been hit from pillar to post on so many issues, and I wonder what the Government will wheel out next. We have already seen the draft replacement Bill for the Government Management and Employment Act, and we have a fair idea that the Government has not finished yet. The Government claims that it is trying to motivate the public sector, but the only thing the Government seems to want to motivate them to do is take one of the packages that have been on offer.

Further, I note that the Opposition was saying until 10 days ago, when Ralph Clarke was interviewed, that this measure was an outrage and that there should be no cut to public sector superannuation whatsoever. He was on the record saying that there should be no cut whatsoever. The Labor Party has always taken the high moral ground about workers' rights. It said, 'We are the Party that represents the workers and we represent labour.' I am not sure where the high moral ground is from what I hear of some dealings that have been done in the past 24 hours, and the Labor Party is well and truly in the pits.

Over recent months I have had ongoing meetings with various unions, the teachers, the PSA, the police, the UTLC and the Government. I have been going backwards and forwards exploring issues over an extended period trying to find what was and what was not the truth, to start off with, and that is never easy in some of these things. I have tried to work my way through the complexities of superannuation legislation with which I had not worked before, and I tried to find something that was reasonable. Of course, different people have a different interpretation of what is reasonable. I was trying to look at the Government's claim that it had a significant debt problem. I say here and now that the debt

problem is not good but it is not as bad as the Government claims, either.

As to the police, as I said, it is a total remuneration package and there is no justification whatsoever for tampering with it. I would never expect the Labor Party to use legislation to tamper with what is a right of a remuneration package. As to all other public servants, the fact that they had a right to receive a certain benefit that was going to be cut back dramatically meant that I thought they would be in the trenches to the very end, and that is where they were, so far as I knew, until last evening.

I do not know what precisely happened last night. Certainly, I had a two hour meeting with the Minister going through various issues and reiterating some points that I made publicly about 10 days ago. I indicated that I believed that things were not as serious as the Government claimed, that there was a problem but that the cut-back should not be so severe. I said that the police should be left alone, and last night I believed that the Minister virtually acknowledged that: that there were no savings—that there were savings of $100 000 or $200 000 in changing the scheme. That is absolute peanuts. I believe the Minister had already given totally on that issue.

The next issue was the level of benefit for public sector employees generally. From the beginning I have been saying that 9 per cent was the absolute minimum. The question then dealt with how we go about providing a 9 per cent contribution. Would it be an automatic right of entitlement? If it was an automatic right of entitlement, I realised that every public servant would be a dill not to join the scheme because they would get not a 5 per cent superannuation guarantee but 9 per cent. They would be a dill not to join and the effect would be to give an immediate increase in salary of 4 per cent to every public servant who was not in the superannuation scheme.

That would have been a significant cost to the Government. Clearly, that was not on, but I still believe that 9 per cent is a fair cut from 12 per cent, so it is a question of how to deliver the 9 per cent so that there is not a rush but so that it is still accessible. The proposal which I put to the Minister last night and which is in the amendments that I am moving today is that, to get the extra 9 per cent, public servants would need to put money in themselves. That works currently under the old scheme. I said that if public servants are to get the extra 3 per cent as of July next year when the guarantee goes to 6 per cent they should put in 3 per cent. If they put in 3 per cent, they get an extra 3 per cent and that takes them to 9 per cent.

We then have the next step within another two years or thereabouts and the guarantee is then 7 per cent and public servants will need to contribute 2 per cent. The following two years they will put in 1 per cent and they will get 1 per cent. It is fair to say that the Minister was not really happy with that but, political reality being what it is, with the Labor Party holding rock solid, claiming it was outrageous that there should be any cut, the Minister knew he was still going to make significant savings and really needed to accept the proposition, even though he would complain bitterly about it. I do not believe that what I asked of the Minister was unfair, and I expected the Labor Party to rant that I had been too reasonable with the Government. That is what I expected.

We discussed other issues such as the 4 per cent real and what it meant, and the point was made that the drafting as it currently stood did not make the position sufficiently clear. I have amendments to rectify that, indeed just as the Minister has. I made the point to the Minister that it seemed to be absurd that enterprise bargaining was not allowed to be involved with superannuation. Enterprise bargaining is about agreement from both sides, so why does the Government want to use legislation to say that an employer and employee cannot agree to discuss superannuation as part of the overall package? Yet this is from a Government that claims that enterprise bargaining is the way to go.

I am not sure how the Minister felt about that, but it was another issue which I believed had to be addressed. There is no doubt that the two biggest issues were the 9 per cent and how to get to it and what was going to happen to police. There was also the clarification of the 4 per cent real and what it did mean. It is supposed to mean that a public servant, if the fund underperforms, would be entitled as a minimum to CPI plus 4 per cent compounding on an annual basis. That is what public servants should be entitled to, and my amendments and those of the Government make sure that that is clear.

The Minister made a great deal about the importance of having superannuation fully funded up front. No State does that. Queensland does a paper shuffle which gives the appearance of doing it, but the money goes back into the coffers and is respent by the Government, but it appears to be funded on paper. No State does it, but the Minister said that we should be doing it and putting away money now. The PSA intimated to me that it would like to see the money paid up front and, if previous Governments had been putting the money up front, we might not be in the position we are now in, with the Government claiming it has a debt that it cannot service. Recognising the PSA's concern, I also have amendments in that regard.

The meeting with the Minister went on for some two hours. At the very beginning I raised with him my concern that public servants were being asked to take cuts that members of Parliament were not willing to. I said that either we are all in it together or no-one is in it. I said that we should take one cut that no-one would argue with, that is, the annual payment of superannuation to people who are still of working age and in good health. No-one can defend that. I said it was one thing we could do as a matter of good faith to show that we all realise that we must tighten our belts to some extent.

However, there are many other failings with the parliamentary superannuation scheme that I acknowledged and some are not in favour of members of Parliament. I said that there should be a full and independent inquiry so that we did not have the spectre of political Parties sitting down to work out what their superannuation is going to be.

Obviously it will be covered by an Act of Parliament, but it would be useful if it was done on the basis of an independent report at the very least. I raised those concerns at the very beginning, and the Minister did not dwell on them. When the meeting broke up, I believed that all the matters which I covered, and certainly all the important matters, the Minister was going to accept and realised that he had to.

The last five minutes were not particularly constructive. We talked about parliamentary superannuation and there was a complete breakdown in the discussion at that stage, so I left the meeting. I could not work out why the Minister had not made further contact today until this afternoon when I was approached by some people who said, 'It appears that a deal has been done between the Opposition and the Government.' A deal has been done by the Party which said—

The Hon. L.H. Davis: The Democrats would not know what the word 'deal' means, would they? You are the dervish of dealers!

The Hon. M.J. ELLIOTT: Everything I did was done with the full knowledge of the unions and the Government. I went backwards and forwards telling them where things were getting to, what was being discussed and what was not, and where we were at. The people involved know that to be the case. I suppose that is the important thing. The people involved do know what was going on, who was doing what and who was not.

The Hon. L.H. Davis: Do you know how to spell the word 'deal'?

The Hon. M.J. ELLIOTT: I probably do not know how to deal under the table as well as you do, Mr Davis.

The Hon. Diana Laidlaw: I wouldn't be too self-righteous.

The PRESIDENT: Order! Let's get on with it or we will be here all night. The Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: The shadow Minister, Mr Quirke, put out a press release today, 'Labor forces Liberal backdown on super. The State Opposition has forced the Government to back down over its plans to slash superannuation for public servants and death and disability pay for police.'

The Hon. R.I. Lucas: Is this why you are angry? He got to the media before you did.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: It continues: 'Shadow Treasurer John Quirke says that, despite written guarantees to the Public Service Association before the last election, the State Government planned to cut superannuation to almost halve the superannuation contributions for new Government workers including police.' He then went on to expound on what deal he had managed to do. As a result of what he has done, the police will not retain their own scheme. They will be going into SSS and they will be getting improvements in two features of the SSS but will certainly lose some aspects of the police superannuation scheme. The police did not know this had been done. In fact, when I rang the Police Association this afternoon, they had no idea what deal had been done and with which, I was assured by some Labor members, the Police Association was quite happy.

Similarly, the PSA representatives were in here today discussing this deal with Labor members, because they realised that this deal was less than what they were expecting to get according to earlier negotiations.

In relation to the 9 per cent guarantee that I discussed earlier, the hard deal that Mr Quirke has managed to do is that to qualify for the full 9 per cent a public servant must put in an absolute minimum of 4.5 and that will go right through to the next decade until the 9 per cent is reached. It is therefore far less attractive than the proposal that I already had on the table. So, hard dealer John Quirke had done in the PSA, had done in the Police Association, and claimed a victory as well, without either the Public Service Association or the Police Association having the vaguest idea that the Opposition had moved from its position of implacable opposition to any change whatsoever to superannuation.

So, one can only wonder what happened after 7 o'clock last night and what transpired in the conversations between Mr Baker and Mr Quirke. I am only left to wonder. I will be watching carefully to see what happens when the question of parliamentary superannuation emerges later on this evening. I would hate to think that that would have been a possible explanation as to why Labor would do a deal with the Government. I would hate to believe they would do a deal over a perk that was absolutely indefensible.

So, the only other potential explanation is that in fact Mr Quirke, who had not spent a great deal of time talking with the unions and working on the legislation, did not realise the intricacies or what other deal was around the place that would be better for the public servants. That is the generous explanation: that he really just messed it up. What a disappointment!

The honourable member may or may not get away with making certain claims to the public, but the people in the know do know who did what and what happened. They will certainly be drawing their own conclusions about what deals were done and why those deals were done. It is no wonder that people are so damn cynical about politics, Governments and politicians generally when this sort of performance occurs.

As I said at the start, I should cease to be surprised, but I am indeed surprised. In this case, the Opposition did not even give a second reading speech at the time it normally would do so, and this must mean that it must be mightily embarrassed about what indeed has been done on these issues.

I will get an opportunity to discuss individual aspects of the legislation during the Committee stage. I really will be interested to see whether or not Opposition members will vote to close the police superannuation scheme or whether or not they will just vote for a slightly modified SSS for the police. I will be really interested to see if they will vote to reduce benefits for public sector workers according to Government amendments more so than the amendments that I am putting up. It will be most informative.

The Hon. R.R. ROBERTS: I did intend to confine my remarks in this debate to the Committee stage, but some of the comments made by the previous speaker have prompted me to get to my feet. He said in his contribution that the Labor Party was implacably entrenched that there should be never any change in conditions or lowering of conditions. Members would recall that when we had a debate about the closure of the superannuation scheme before the last mini break I stated in my contribution that the Government was the worst employer in Australia in that it would not engage in enterprise bargaining with its employees. It would not discuss it. We have said continually that the Opposition is committed to enterprise bargaining and we in fact invited those sorts of discussions to take place.

I think that some credit needs to go to the Hon. Mike Elliott in the conduct of his affairs in this issue because the Opposition has called on the Government from the very first day of the announcements of the changes to the superannuation scheme to engage in their own proposition and sit down with the appropriate unions and discuss this matter. Perhaps there may be some ways to make adjustments to the scheme which were agreed by the principal players in the exercise so that we could perhaps get a win-win situation. That clearly was not going to happen.

When the Hon. Mike Elliott moved the sunset arrangement in relation to the closure of the superannuation schemes, it allowed consultation to take place and, despite his assertions in his second reading speech that discussions with the Opposition and the unions did not take place, quite the contrary is the truth. Since I have been a shadow Minister

assisting on industrial relations matters, I have engaged vigorously in consultation with the trade union movement and offered them the opportunity to attend my office and that of the shadow industrial relations Minister to put their case, to lay their contribution before me and in fact to assist us with the drafting of regulations and appropriate amendments from time to time.

So, it allowed us, the shadow Treasurer (John Quirke) and Ralph Clarke to be in constant touch with the PSA and the Police Association. Like the Hon. Mr Elliott, I have not been engaged in the actual negotiations, but the effect of the actions of the Hon. Mr Elliott in setting this sunset clause has been to set up *de facto* consultations, an enterprise bargain or tripartite discussions among the unions, the Government and the Opposition. If the Hon. Mr Elliott is offended that he was not part of those discussions I understand his concern but, in fact, as the commissioner in this, he has allowed the opportunity for a *de facto* enterprise agreement to be reached among the Government, the Opposition and the union movement. As I understand it and as I have been advised, John Quirke and the shadow Minister (Mr Ralph Clarke) had extensive discussions last night and it was certainly not a done deal.

There were extensive and at times heated discussions. Mr Elliott's assessment of the package is not the assessment that has been put to the Opposition in this place on behalf of the three parties that were in the discussions. I am advised that while the deal is not utopian for the PSA and the Police Association in particular, they are agreed on the situation. So, we have an enterprise agreement in place. Given that the superannuation scheme is now to be reconstructed and set in place, and given that the Government has been dragged into the enterprise bargaining system and can see the advantages of those sorts of discussions, I hope that this agreement will provide an opportunity for the PSA and the Police Association to continue discussions with the Government from time to time.

I certainly commit the Opposition to assist in those discussions to see that we get an efficient Public Service and that there are proper standards of superannuation for Government services which are constructed on proper principles of industrial relations and which give all parties the credibility to negotiate amongst themselves and get a tripartite result for the Government, the workers and the community of South Australia so that they all win. We do not intend to say very much in Committee. However, I state to the Council, on behalf of the shadow Treasurer and the shadow Industrial Relations Minister, that it is the Opposition's intention to support the proposed amendments foreshadowed by the Minister for Education and Children's Services.

The Hon. L.H. DAVIS: I had not intended to enter this debate.

The Hon. M.J. Elliott: Do us a favour, then.

The Hon. L.H. DAVIS: You can blame yourself for the fact that I have entered the debate. The Hon. Mr Elliott has just made an extraordinary speech, and I think that was unveiled quite accurately by the Hon. Ron Roberts in his contribution. It is important to recognise where we have come from and where we are currently with public sector superannuation. In 1986 South Australia had the most generous superannuation scheme not only in Australia but arguably also the world. In fact, in a motion moved in this Council the Liberal Party called for the Labor Government to review the public sector superannuation scheme. It was so generous that some of its imperfections were bizarre. For example, the inflation-indexed pension was not just based on inflation. If it was running at 10 per cent, the pension did not go up by 10 per cent in the first year; it went up by a factor that was more than 10 per cent. It could have been 13 or 14 per cent in the first year before it moved down to go up in line with the CPI.

In the case of a public servant who died shortly after retirement, if he had taken a mix of a lump sum and a pension, his widow would not take two-thirds of the pension that she was entitled to if she commuted 30 per cent of the total superannuation package; she would not get two-thirds of the pension of, let us say, $18 000: the two-thirds that she took was based on the total package as if the public servant had taken the total superannuation package out in the form of a pension. Those are just two examples of how generous the scheme was. The Government of the day, the then Bannon Government, recognised that and, instead of supporting the motion which had been moved by me in the Legislative Council, it closed off the scheme. It froze that public sector scheme and had an inquiry into the public sector superannuation scheme led by prominent public chartered accountant Peter Agars, who recommended a substantially modified lump sum scheme, which was introduced in legislation in 1988.

Let us be quite clear about this, because the Australian Democrats certainly have an attack of Alzheimer's when it comes to arithmetic and also history. In 1988 the scheme which was introduced and which has now been frozen was at the very top end of benefits compared with the private sector. That scheme was very generous indeed. It offered a package which was certainly more flexible than the previous scheme which closed in 1986; it had that advantage and certainly it was easier particularly for younger people to join the scheme. However, that was right at the top end of the private sector superannuation schemes and also it had the benefit of a pension that was adjusted for CPI, which very few, if any, private sector schemes have.

The scheme that we are debating in this current package of legislation is still at the top end of generosity. The Australian Democrats have not acknowledged that fact. They do not live in the real world, so it is not surprising that they do not acknowledge that fact. In the superannuation total package, if you wrap up the employer and employee contributions you find that in aggregate they run at around 15 per cent in this SSS scheme, which we will debate in this legislation. That compares with the mainstream private sector superannuation packages which are of the order of 10 to 12 per cent, and many are less than 10 per cent.

Another very relevant point is that, going back into the 1970s and 1980s, superannuation was seen as some form of compensation for public servants whose salaries and wages tended to lag behind those in the private sector. I do not want to start another debate here tonight which is not relevant to the legislation before us, but it is pertinent to note that public sector salaries and wages are much more in line with those that can be found in the private sector. The gap has certainly changed markedly in the past five years. In other words, I think you can reasonably sustain the proposition that superannuation as an add-on benefit to the total salary and wage package within the public sector does not necessarily have the same prominence that it had in the 1970s and early 1980s, because of the greater parity that exists in remuneration between the public and private sector salary packages.

It is also pertinent to note that this new scheme before us is certainly more generous than the New South Wales and

Victorian proposed schemes. The Australian Democrats have not acknowledged for one moment that one of the factors which has pushed the Government to the Audit Commission and to make some cuts and reductions across the public sector and which has forced it to review the public sector scheme is the little matter of the $3.15 billion loss in the State Bank.

We are not about reminding the Opposition of that bad news, but there is a reality that if the Elliott household had been struck down with such a savage loss their cloth would have been cut according to their coat. They would have had to adjust in their family budgeting. This State has had to do the same. It is painful, but it is a fact of life. We have seen in Victoria and Western Australia Liberal Governments having to do the same thing. Even in Queensland we have seen Labor Governments recognising economic reality and making adjustments in the public sector. This legislation before us proposes a final superannuation package of seven times final salary, which is at the very top end of private sector schemes.

It has flexibility and, as the Hon. Ron Roberts has said, this has been brokered: a deal has been negotiated, there has been some give and take, there has been some discussion and some heated argument, apparently, between the Opposition, the Government and the public sector unions, and they are happy with the deal. That is a nice way to resolve what is an important matter for the tens of thousands of public servants who are members of this scheme. But what do the Democrats do? The Hon. Ian Gilfillan was formally regarded by all as the duke of deals, and his dervish of dealers the Hon. Mike Elliott here tonight complains that a deal has been done.

'How terrible,' he says. Why is he complaining? Because he was not part of the deal. He was left holding the aces but no-one wanted to play with him. I feel sorry for the Hon. Michael Elliott: he has been left out of the deal, but it is a welcome change for the Government, because there was many a time, I remember, when we were in Opposition when the Democrats were in our nest. You would come back from the dinner break and they had flown away and done a deal somewhere else. I will not embarrass the Hon. Michael Elliott by quoting chapter and verse but I am sure he can remember a few examples.

Let us move on and talk about the majesty of the arithmetic of the Australian Democrats. The honourable member said that the Minister had not made proper calculations, that he had made an error, and that the savings were not $200 million at all. I am sure, when the Minister takes him gently through the arithmetic and I would suggest very slowly—

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: Just listen while I blow you away. He talks about the Audit Commission which put down a table that we have all seen and which proposed indicative savings over a 10 year period from 1992 to 2002. Correct? Do you remember?

The Hon. M.J. Elliott: I remember that. I have probably read it more than you.

The Hon. L.H. DAVIS: The honourable member says that in fact the savings are not this at all in this new scheme. He has got calculations from 1994, but he has not taken it 10 years through to the year 2004: he has stopped at the year 2002. So, bingo, snap, whatever it is, you have been caught short. I just think that the Democrats yet again have exposed their naivety when it comes to financial calculations. I think the scheme is reasonable. Future applicants will be joining a scheme not as generous as those which were closed in 1986 and in 1994. But let no-one say that the public servants through the 1970s and 1980s did not have the opportunity of joining the old scheme and, in particular, there was an enormous amount of work done to promote the new scheme when it came in during the period 1986 to 1994.

We would also know that over the past decade there have not been a huge number of public servants joining the public sector as the cuts have bitten. The public sector employment pool in fact has contracted in recent times; there has sadly been a slow down in the intake of the public sector. At the moment everyone who is in the old scheme, which was closed down in 1986, and the lump sum scheme which operated for seven years through to 1994, have their benefits preserved. They are not impeded in any way from taking the benefits which operated under the old scheme and the more recent lump sum scheme.

The Hon. M.J. Elliott interjecting:

The Hon. L.H. DAVIS: The Government has been totally up front about its approach to superannuation. It has said that all public sector schemes are up for review: the judges' pension scheme; the parliamentary superannuation scheme, as well as the public sector schemes. I think we would all accept, and perhaps even the Australian Democrats, that there should be no retrospectivity in these schemes: that it would be grossly unfair to public servants to dip back in time and say, 'The benefits that operated for you in the scheme you joined in 1971 or 1988 will be changed.' That would be a very unfair proposition, and the Government quite clearly has resisted any proposition along those lines.

It is interesting to hear the version from the Hon. Ron Roberts of what has happened. It has confirmed the reasonableness of the Government's position, the fact that there has been some give and take on both sides. The public sector accepts the reality of the financial situation in South Australia and recognises that this new scheme that we are debating now still is at the top end of public sector schemes in Australia. I support the legislation.

The Hon. R.I. LUCAS (Minister of Education and Children's Services): I intend to be brief at the conclusion of the second reading and make but three or four points. I thank members for their contributions. The Hon. Ron Roberts, either directly or through his colleagues, has had discussion with the two key unions: the PSA, and the Police Association. As I recorded it, the Hon. Ron Roberts said that the PSA and the Police Association had agreed. As I say, I have not had direct discussions with those associations but clearly they are not fools in relation to their judgments of what is attractive to them. They knew what was in the package of amendments from the Hon. Mr Elliott. They also knew what was in the package of amendments moved this evening by me in this Chamber representing the Government. I presume that they have looked at both packages and decided they prefer one package over the other.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I can only say that the Hon. Ron Roberts, either directly or through his colleagues, has obviously had discussions with both unions, and I can only take the Hon. Ron Roberts at his word. Clearly, what he is saying is that the two unions have looked at it and decided on which particular package of the two. Clearly, neither of the packages is their preferred position, as the Hon. Mr Elliott indicated in his contribution. They would have preferred, I presume, no change or very little change at all. Nevertheless, they have had to make a judgment, I guess, between the two packages, and they have made that judgment. I am sorry for the Hon. Mr Elliott if their judgment is that they did not

prefer the package on which the Hon. Mr Elliott was prepared to concede.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott was prepared to concede on that package and, if they have decided, that is a judgment for them—

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! It is fairly unparliamentary to refer to an honourable member as a liar.

The Hon. M.J. Elliott interjecting:

The PRESIDENT: I distinctly heard the honourable member say that the honourable member tells lies. I ask the honourable member to withdraw.

The Hon. M.J. ELLIOTT: I withdraw on this occasion.

The Hon. R.I. LUCAS: I do not intend to say anything more at this stage on that particular matter. Secondly, I acknowledge the contribution that the Hon. Leigh Davis has made over almost a decade in relation to reform of public sector superannuation. He, more than any member in this Chamber, has followed this particular debate in intimate detail over a long period of time, and he has demonstrated his understanding of the scheme and its relative attractiveness when compared to public schemes in other parts of Australia and other private sector schemes.

The third point I would make is that, as I said, I am representing the Government. I have not been intimately involved in these discussions but I am advised that in the package of amendments that we intend to move, whilst there has been give and take and some vigorous discussion, I am told, in relation to the final package, the Government is happy to move this package of amendments as it sees over a period of some 10 years the introduction of the new SSS scheme and the closure of the existing contributory lump sum scheme, a saving to the taxpayers of South Australia in the order of some $170 million over the next 10 years.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: That is the advice provided to me, representing the Government. So, it is a significant saving to the taxpayers following on the recommendations of the Audit Commission. The fourth and concluding point I make is similar to the one made by the Hon. Mr Davis, and I therefore do not intend to labour it, but I have spent 13 years in this Chamber and I can only chuckle at the suggestion in relation to deals, because the simple rule of thumb it would appear from the Democrats is that, if a deal is negotiated which involves the Democrats it is a good one; if a deal is negotiated, which does not involve the Democrats, it is a either a bad or a dirty deal, or you are in the pits. That seems to be the rule of thumb as to how the Democrats in this Chamber make a judgment about how deals that are negotiated are to be judged.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. M.J. ELLIOTT: I move:

Page 2, lines 1 to 8—Leave out definition of 'charge percentage' and insert definition as follows:

'charge percentage' means the percentage set out in schedule 1;

This amendment actually has a couple of purposes. During the second reading debate, I made comment that I believe there really should be an available 9 per cent rather than the situation we have at the moment where superannuation is available at 12 per cent, will drop to 6 per cent in July next year, and then work its way back to 9 per cent in the year 2002. I frankly find that unacceptable and I believe that, if there is going to be a drop, it should drop to a set level and stay there, and I have argued that that level should be 9 per cent. It is no good simply relying entirely upon the superannuation guarantee itself, because you do not know if that legislation will change. So, by introducing this particular schedule, I am essentially entrenching the principles found in the superannuation guarantee, that is the 6, 7, 8 and 9 per cent increments, into this legislation so that it is no longer reliant upon what might happen at a Federal level. There will then be a further linkage to the schedule in terms of the way a further increment can be added to the superannuation guarantee figures to get up to the 9 per cent.

This amendment will lead to other amendments, but having made that point, I must respond to some comments made in the second reading. The Hon. Mr Lucas regularly in this place has a habit of saying things to simply get them onto the *Hansard* record even when he knows they are not correct. When he has a good reason to believe that they are not correct, it does not worry him; he does it on a regular basis in this place, and during the second reading he did it again when he suggested that the public sector unions preferred one set of amendments over the other. He was simply defending his position; he would have no idea whatsoever about that, and I can tell him without any doubt, having spoken to both the PSA and the Police Association—I haven't caught some of the other groups as yet—that that indeed was not the situation.

In fact, the Police Association did not even know what the contents of the deal were until I had spoken with Mr Alexander late this afternoon and suggested that he might like to talk to the Opposition because a deal had been done. So, he came in to find out what it was. He made it quite plain to me that they preferred to keep their current scheme absolutely in tact. There is no doubt about that, and it must go on the record. The PSA also can see a number of things that are a greater disadvantage under the deal that has been done than under my proposal, so for the Hon. Mr Lucas to say otherwise, either he is making things up or he is not telling us the whole truth; but he is certainly doing one thing or the other.

A deal has been done. I believe that the Government has done a deal with the Opposition to ensure that my proposals in relation to MPs' superannuation do not go ahead. What other reason would the Opposition have to offer a worse deal to public servants that what they were already going to get? There is no other reasonable explanation. As I said, the only other possible explanation is that the shadow Minister just messed it up badly, but if that is the case why, when he has been lobbied by the unions to change his position, has he refused steadfastly to do so? He has been lobbied, and he has steadfastly refused to change his position.

There is no other reasonable explanation than members of the Government, in particular, who have initiated all of this, are willing to cut the benefits of other people but are not willing to do it themselves. They are absolute hypocrites of the worst sort. We are living in a society now where the 'haves' are getting more and the 'have-nots' are getting less, and the members of the Government in particular—and the Opposition are joining in—are willing to play that game, and it is an absolute disgrace. I do not know how some people in this place, who claim to be moral people, who claim to be Christians, etc, can carry on with that sort of behaviour. It is an absolute outrage.

Mr Chairman, I had to take that opportunity to respond to what the Hon. Mr Lucas said, because he quite plainly was misleading this Chamber in what he had to say. As I said, the purpose of the amendment is to make it quite plain that the superannuation guarantee figures will be written into this legislation so that, if there are any changes federally, they do not create uncertainty—and that means uncertainty either for the State Government or for public servants. It is to the benefit of both that we know what the figures are and, as I said, linked to that will be the way that increments can be made to achieve the change up to 9 per cent.

The Hon. R.I. LUCAS: I am sorry that the Hon. Mr Elliott has lost his cool this evening in relation to this particular debate. I certainly do not back off and have no intention of backing off from what I said in the second reading debate, and I will repeat it again in Committee very succinctly and very briefly. I said that I had had no discussions, as I am not the Minister involved with the respective unions. I noted the comments of the spokesperson for the Labor Party in this Chamber, the Hon. Ron Roberts, who also has not been involved in the intimate discussions about this but he is handling the Bill for his Party, as indeed I am doing in the Chamber. I noted his comments that there was an agreement with the PSA and with the Police Association, and I said that—and I do not back off from this—I inferred from that that if they have agreed in relation to this particular arrangement I presume they have done so on some rational basis of making a judgment as to whether they preferred one package of amendments as opposed to another package of amendments—nothing more, nothing less than that.

The PSA and the Police Association can speak for themselves. As one member in this Chamber I am entitled to listen to what members say. Perhaps the Hon. Mr Elliott does not like listening to what members say, but I am entitled to listen to what members say and to make a judgement. It is all right for the Hon. Mr Elliott to disagree with my judgement, but for him to lose his cool and go over the top and start talking about morality, christianity and a whole variety of things like that in relation to this Bill is a little sad.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Well, it is just a little bit sad. I do not intend to persist in relation that. Whilst this is not a substantive clause in the package of amendments moved by the Hon. Mr Elliott and I know there are other issues to be tackled as well, I intend to treat this as a test clause. I want to know whether there is a majority in the Chamber to support the package of amendments moved by the Hon. Mr Elliott or the package of amendments which I shall move later. I am prepared to accept the majority view of members in this Chamber.

In speaking to this amendment, which the Government will be opposing, I will indicate briefly the detail of the package of amendments that I will be moving consequential to what I hope will be the defeat of this amendment and therefore the movement of amendments by me as to the essential features of the changes to the Bill.

The amendments to be moved by the Government tonight address technical aspects and introduce some variations to the original scheme design as set out in the Bill. The variations to the scheme design will result in the following modifications. The SSS scheme will provide an employer level of support equal to 9 per cent of salary before 1 July 2002 provided that members contribute at least 4.5 per cent of salary to the scheme. The level of employer support will move to 10 per cent of salary from 1 July 2002 for those persons who contribute at least 4.5 per cent of salary to the scheme. Police officers will be required to contribute at least 4.5 per cent of salary to the scheme: the Bill currently requires police officers to contribute 5 per cent of salary to the scheme.

The maximum amount of death and disability insurance available under the scheme provided through the supplementary future service benefit arrangements will automatically be provided to police officers and police cadets. I am advised that is a new provision in this package of amendments as opposed to the Bill originally introduced into this Chamber. Obviously there is other detail in relation to the package of amendments, but that summarises the essential features of the amendments. Therefore, I will oppose this clause and use it as a test case for a package of consequential amendments.

The CHAIRMAN: I wonder whether the Minister would consider moving his amendments now, because they run parallel quite a way through this clause. It might be a good idea to do that and we can cut it up at the end.

The Hon. R.I. LUCAS: I shall be pleased to do that. I move:

Page 2—

Lines 5 and 6—Leave out 'charge percentage applicable under the Commonwealth Act' and insert 'value prescribed by paragraph (b) or (c)'.

Lines 7 and 8—Leave out paragraph (b) and insert paragraphs as follows:

(b) in the case of a member who is not a member referred to in paragraph (a) but who is making contributions under Part 3 Division 3 at a rate of at least 4.5 per cent—the percentage set out in schedule 2 or the charge percentage applicable under the Commonwealth Act to the employer of the member, whichever is the greater;

(c) in any other case—the percentage set out in schedule 1 or the charge percentage applicable under the Commonwealth Act to the employer of the member in relation to whom the term is used, whichever is the greater;.

Page 4, lines 1 to 3—Leave out 'that provides that the value of the charge percentage will be greater than the value applicable under the Commonwealth Act' and insert 'as to the value of the charge percentage'.

The Hon. R.R. ROBERTS: The Opposition has been a party to an agreement which has been described as a deal, which I consider to be somewhat offensive. Of course, I understand the spirit in which it was made. It is a deal, and as I stated earlier my instructions are that an agreement has been reached. Comments have been made about the unions and their attitude to it. I am certain that the trade unions have fought the best fight they can and promoted the best deal that they can get for their members. My experience in the trade union movement over 30 years is that trade unions are realistic and they have to get the best they can for their members on the day, and at the worst that is the situation we face today. I am told that the trade unions agree on the deal, the Government agrees on the deal and the other party to the discussion has also agreed on the deal. I am too old to rat, so I shall support the package of amendments moved by the Hon. Mr Lucas.

The Hon. M.J. ELLIOTT: My clear understanding is that the unions are relieved that they will not be lumbered with the SSS scheme as it was to be and are pleased that things have been improved significantly. However, it is stretching a point to suggest that they would be anywhere near fully satisfied with it. I guess that what would have surprised them the most was that there were a few more things that reasonably could have been there, and the people on whom they thought they could rely most let them down,

so those extra things will not be there. That has shocked and surprised them a little.

The Hon. R.I. Lucas: You were going to cut a deal anyway.

The Hon. M.J. ELLIOTT: Yes, and the unions had a pretty good idea what it was going to be.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: You only had to ask. As the negotiations were proceeding, there was a constant backwards and forwards discussing where the issues stood, how things were going, what issues appeared to be resolved and where difficulties still stood. I think they clearly understood where things were moving. What was announced today came out of left field as far as they were concerned. They had no idea what was in the package after the package had been cemented and the press release had gone out. Some of the unions did not find out what had been agreed to until after the press release had gone out. It is true that they are relieved that things are not as bad as they could have been, but they would be bitterly disappointed. It is not that they did not achieve the unachievable, that the old schemes would be reopened totally, although the old police scheme could and should have been. There is no argument why it should not be, and we will get to that issue later.

Looking at the issues in the Minister's amendments, we have a fundamentally important difference as to how the 9 per cent Government contribution is to be achieved. There is no doubt that it will be far more difficult for a public servant to get the 9 per cent contribution. There is less incentive in the Minister's proposal than in my proposal. It was an issue on which the Minister was trying to move me last night, but I refused to budge. Then he managed to find John Quirke who, quite surprisingly, was an easier person to move. That can be a shock for many reasons. I am bitterly disappointed by the Opposition's indications. I realise that members know they have not done the right thing and nothing other than blind Party loyalty at this stage has got them to say what they have said on this clause.

The Committee divided on the amendment:

AYES (12)

Cameron, T. G.	Davis, L. H.
Griffin, K. T.	Irwin, J. C.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.(teller)	Pfitzner, B. S. L.
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	Wiese, B. J.

NOES (2)

Elliott, M. J.	Kanck, S. M.

Majority of 10 for the Ayes.

Amendment thus carried.

The Hon. R.I. LUCAS: I move:

Page 4, lines 1 to 3—Leave out 'that provides that the value of the charge percentage will be greater than the value applicable under the Commonwealth Act' and insert 'as to the value of "E" in the formula in section 28'.

As this amendment is consequential on two or three previous amendments, it needs no further explanation.

Amendment carried; clause as amended passed.

Clauses 4 to 8 passed.

Clause 9—'The Southern State Superannuation (Employers) Fund.'

The Hon. M.J. ELLIOTT: I move:

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

(2A) The Treasurer must invest the fund in a manner determined by the trust but in making a determination under this subsection the trust is subject to the same restrictions as it is when investing the Southern State Superannuation Fund.

The Treasurer has repeatedly claimed that he believed that our superannuation schemes should be fully funded. That is a view which, I understand, certainly some of the unions also uphold. Perhaps if previous funds had been fully funded from the beginning we would not be in the position that we are in now. I am sure that that, in part, would be one of the concerns that perhaps the unions have: that some time in the future a Government might say, 'Look, the scheme is not fully funded; we cannot afford all this, so we have to change.' With the Treasurer saying that he believes in full funding, I believe that we should ensure that indeed that happens. That is the purpose of this amendment. The danger is that in relation to the employer's fund amounts will be credited, but not necessarily be invested ultimately for the employee's benefit—that in fact the crediting which occurs is simply a book entry, but the moneys themselves do not go into the fund but can simply be held by the Treasurer and, being so held, might be applied for other purposes in the meantime. Of course, every time that sort of thing happens there is a very real chance of things going wrong.

My recollection is that the Treasurer in this budget year has set aside about $200 million in regard to superannuation liabilities. It may be more than that, but it is at least of that order of magnitude, paying off past liabilities and also to meet new liabilities as they occur. A reasonable estimate, as I understand it, of the new scheme cost so far as employers' contributions are concerned is about $4 million. In other words, it is a small percentage—a couple of per cent of the total moneys that the Treasurer intends to spend on superannuation. In those circumstances, my request to the Treasurer is not unreasonable.

It is not asking the Treasurer to find extra moneys but it requires that from the very beginning the new scheme be fully funded and remain fully funded, and at the same time the Treasurer and future Treasurers may decide whether they wish to discharge future liabilities in advance or whether they want to meet them later as every State Government does, with the exception of Queensland. Since the Treasurer says he believes in full funding up front, here is the opportunity for him to support in legislation what he says he supports in principle. I thought it was one of the justifications for the changes to the legislation.

The Hon. R.I. LUCAS: The Government opposes the amendment. Of course, the Government supports full funding of the scheme and the Bill provides for that in clause 9.

The Hon. M.J. Elliott: Where?

The Hon. R.I. LUCAS: In clause 9(2), I am advised. Therefore, the Government does not need to support this amendment to ensure full funding of the scheme. On behalf of the Government I advise that the Treasurer would like to ensure flexibility of control concerning that aspect of the scheme and, for that reason, and also for the reasons indicated earlier, we do not need to support this amendment to ensure full funding of the scheme. The Government does not therefore intend to support the amendment.

The Hon. R.R. ROBERTS: The Opposition's attitude to full funding of superannuation has been discussed in other places. We will be opposing the amendment and voting with the Government.

The Hon. M.J. ELLIOTT: The Hon. Mr Lucas suggests that clause 9(2) provides that the scheme is fully funded, but that is not the legal intent of clause 9(2): the amounts are

credited and that can work in exactly the same way as in Queensland, where the crediting is a book entry but the funds are not being invested on behalf of the employees to whom they will be of ultimate benefit. In my discussions with the Minister only last night he acknowledged that the Government may or may not in real terms fully fund—there may be partial funding.

I express concern that it is possible that when one goes to calculate 'I' in one of the later formulae in clause 27, 'I' is the interest rate and is equivalent to the rate of return of the investments of the Southern State Superannuation (Employers) Fund determined by the board; and it is possible that the employer's fund has no money or very little money in it that is actually practically invested. How is 'I', which is used in the calculation of interest, calculated?

There is a possibility that some Treasurers, perhaps not as highly moral as the current Treasurer, could be tempted to see this as a cheap source of money, because you can get the money at the cost of CPI plus 4 per cent. They might decide that they want that; I do not know, but in some circumstances it might be cheap money. They may not think about how much it costs, but the money is credited to the fund, held by the Treasurer and then spent on other purposes. I ask the Minister to respond because I do not believe that crediting means putting the money in, in the sense that most people would understand full funding to mean.

The Hon. R.I. LUCAS: I cannot add any more to that. My advice is as I have indicated to the honourable member. I am told that there are a number of other provisions through the Bill, such as clause 26(1), which stipulates:

> Within seven days after salary is paid to a member, the members's employer must pay to the Treasurer an amount calculated as follows—

A formula follows. The advice provided to me is that the whole Bill relies on fully funding the scheme. I cannot add any more. If the Hon. Mr Elliott cannot accept my explanation, that will have to be it.

The Hon. M.J. ELLIOTT: When one reads other legislation one sees that what happens to employees' funds is obvious. Employees' funds do not just go in but are actually invested and there are discussions about how they are invested. If we look at what is happening here, we see that there is no guarantee that any funds at all have to be invested. All that has to happen is a crediting of the employer's amount, and there need be no investment at all. I do not believe the Minister has answered that question.

I cannot find the letter for which I was looking, but I received a letter from the PSA which made quite plain that it wanted to see full funding. It gave support to that concept, and I wanted to bring that to the attention of Opposition members. As I see it, it does not have any cost implications. I am not sure that the deal which was done last night even looked at this issue one way or another, but it is something that the Treasurer previously said he wanted. The legislation does not guarantee it, and I know the PSA had been seeking it. I cannot find the letter but I wanted to make that point to the Opposition.

The Committee divided on the amendment:

AYES (2)

Elliott, M. J. (teller)	Kanck, S. M.

NOES (14)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Griffin, K .T.
Irwin, J. C.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I. (teller)
Pfitzner, B. S. L.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Weatherill, G.	Wiese, B. J.

Majority of 12 for the Noes.

Amendment thus negatived; clause passed.

Clauses 10 to 21 passed.

Clause 22—'Acceptance as a supplementary future service benefit member.'

The Hon. R.I. LUCAS: I move:

Page 10, after line 34—Insert subclause as follows:

(2a) All members of the police force and all police cadets who are members of the scheme are supplementary future service benefit members and are entitled to the highest level of supplementary future service benefits prescribed by the regulations and are obliged to make contributions in respect of those benefits at the corresponding level prescribed by the regulations.

This amendment has been moved as a result of a request from the Police Association representing police officers. I am told it provides automatically for the maximum amount of supplementary insurance for death and invalidity for its members. As I said, it is at the request of the Police Association on behalf of its members. It is an additional benefit for Police Association members and I therefore have pleasure in moving the amendment.

The Hon. R.R. ROBERTS: The Opposition supports this amendment. I also understand that this will now ensure that, despite any other changes, new recruits and cadets who have been in limbo in the past couple of months will receive the same death benefits as those members who are presently members of the fund.

The Hon. M.J. ELLIOTT: Could the Minister clarify exactly where the benefit moneys come from to pay the supplementary future service benefit?

The Hon. R.I. LUCAS: I am advised that members will be paying for that out of the employers' support in the scheme.

The Hon. M.J. ELLIOTT: Is an implication of that that employers of public servants other than police will be providing a contribution towards the supplementary future service benefit of the police?

The Hon. R.I. LUCAS: If I have understood the question correctly, I am advised that public servants will have to actually apply to get the benefit, but if they do they will have to pay the same rates as police officers.

The Hon. M.J. ELLIOTT: What I am trying to determine is whether or not this supplementary future service benefit is in itself fully self funding or whether or not there is any sort of cross subsidy within the scheme in the provision of the supplementary future service benefit?

The Hon. R.I. LUCAS: I am advised by someone who knows insurance very well that the whole nature of insurance has some element of cross subsidy in it.

The Hon. M.J. ELLIOTT: This is like pulling teeth. Can we get some indication as to the significance of the level of cross subsidy likely in relation to the supplementary future service benefit?

The Hon. R.I. LUCAS: I am advised that the answer to that is 'No.'

The Hon. M.J. ELLIOTT: Does that mean this Committee is being told that the Government is moving an amendment and it has no idea about what the impact of that amendment will be in terms of its impact on the scheme itself?

The Hon. R.I. LUCAS: I am advised that we have information in relation to costs but we do not have information in relation to the elements of cross subsidy. The bottom line is that the Police Association has made this request to members. We see it, and clearly they do, as an additional benefit for members. Certainly the Government intends to support it. The Opposition, it would appear, intends to support it. If the Hon. Mr Elliott does not like it because he was not part of the arrangement, that is fine. It is as simple as that, really.

The Hon. M.J. ELLIOTT: This matter does have a great deal of significance for public servants other than police. I am pleased to see that police are getting the supplementary future service benefit, and I am pleased to see that the question generally of death and disability for police is being tackled. What I was trying to clarify was that, if the police had their own scheme, which I have already argued they should have been keeping, we would know what they would be getting. I have a very strong suspicion that, in the case of death and disability generally, because there is a cost involved in it, there will be a cross subsidy from other public servants to the police because they are in the same scheme. As a consequence, the benefits to people in the scheme other than police in fact will be lower than one might first expect because of some cross subsidy.

I am forced to come to that conclusion at this stage because I have been asking questions and I cannot get answers to them. The Minister's response is, 'There could be', but as to how much, he does not know, and then will not take it further. I do not know whether or not there is a cross subsidy, but I do know that death and disability cover in the current public sector superannuation is said to cost between 2 per cent and 3 per cent of salary. Death and disability generally is not being offered to public servants in the way it was before, but it is being offered to police. On that basis, it appears to me that we are opening up a significant cross subsidy which means that for the public servants who are not involved in this, who will be mostly non-police, there will be some impact on the benefit they will later receive. I do not know whether the Minister will refute it or not, but I am not sure how he will refute it when he said he did not know the answers to the previous questions.

The Hon. R.I. LUCAS: All I can say is that my advice is that there are no grounds for the honourable member's concerns or argument. I cannot be any clearer or plainer than that.

The Hon. M.J. ELLIOTT: The Minister is saying he cannot be clearer or plainer than that. If he cares to look back at the answers he has given so far, he will find that he said that there may be cross subsidy; how big, he does not know. Then he says, 'Look, I am sure there will not be a problem.' Those answers do not seem to be internally consistent with each other. I am simply trying to ascertain whether there is a significant cross subsidy and whether it has an impact. I know it sounds repetitive, but we will be voting on something on which perhaps the most important questions were met with 'I do not know.' I am happy with the general concept of giving the police these things; that is why I wanted to retain the old scheme, but by retaining the old scheme I knew precisely what they were getting and where the costs were coming from, etc. Here, I do not really know. So, whilst in principle I would like to support the motivation of this, I will be opposing it in the light of an amendment I have elsewhere, where the impact is certain. The impact of this is highly uncertain and potentially a negative impact for some persons.

The Hon. R.I. LUCAS: I think Mr Elliott will be pleased with this response. I am advised that the elements of cross subsidy to which I referred earlier relate to cross subsidy within a group of public servants on one side and cross subsidy within a group of police officers, and we are not able to determine the elements of cross subsidy that exist within those separate pools. My advice is that, if the Hon. Mr Elliott's question is about the public servants' pool—there is a whole range of different people there—and the police pool, there will be no cross subsidy between those two pools. If that is the Hon. Mr Elliott's question, my advice is that there will not be cross subsidy between the pools. Within each pool, with different categories of officers and people within the pools, there is cross subsidy as an essential element of insurance, and there will be some notion of cross subsidy. If the question is whether there is cross subsidy from public servants to the police, I am told there will not be.

The Hon. M.J. ELLIOTT: There is nothing in the legislation which creates pools. It is not as if we have one set of funds set aside in relation to police and another for the other public servants, so there is no physical pool of persons. If there is potential for cross subsidy, I am not sure how there will be cross subsidy between one police officer and another, other than the fact that one makes a claim and one does not. I understand that, but as all the claims will be made only by people who have supplementary future service benefit, will any contribution they make meet the cost, or will the contribution they make be inadequate and therefore will money need to come from elsewhere? I am not sure whether that clarifies the question further, but that is the sort of cross subsidy I am talking about. Will any moneys being put in by these people be sufficient to meet the demand they may make on the fund?

The Hon. R.I. LUCAS: I can only say again that there will be no cross subsidy from that group of public servants to the police officers, which I understood was your question.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 11, lines 1 to 3—Leave out subclause (4).

This is consequential on the last amendment.

Amendment carried; clause as amended passed.

Clause 23—'Variation of benefits.'

The Hon. R.I. LUCAS: I move:

Page 11, line 19—Insert after 'member' '(other than a member of the police force or a police cadet)'.

This amendment is consequential on the last two amendments.

Amendment carried; clause as amended passed.

Clause 24—'Election to terminate status as a supplementary future service benefit member.'

The Hon. R.I. LUCAS: I move:

Page 11, line 27—Insert after 'member' '(other than a member of the police force or a police cadet)'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 25—'Contributions.'

The Hon. R.I. LUCAS: I move:

Page 12, after line 8—Insert '4.5%'.

This is consequential on the earlier package of amendments.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 12, line 17—Leave out '5 per cent' and insert '4.5 per cent'.

This amendment is consequential.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 13, after line 22—Insert subclause as follows:

(11) A member whose membership of the scheme commences on the commencement of the member's employment will commence making contributions on a date fixed by the board.

I am advised that this is a technical amendment which would provide flexibility for the board to determine the commencement date for contributions for new employees.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27—'Employer contribution accounts.'

The Hon. R.I. LUCAS: I move:

Page 16, lines 8 and 9—Leave out 'determined by the board under Part 2 Division 3' and insert 'estimated by the board'.

I am advised that again this is a technical amendment and that it provides power for the board to provide an interim interest rate where a member has to be paid out before the end of the financial year.

The Hon. R.R. ROBERTS: What is the difference between 'determined' and 'estimated'? Even if it is estimated it is determined.

The Hon. R.I. LUCAS: I am told that 'determined' is based on the actual figures at the end of the year, when you can determine something precisely and explicitly. As I indicated before, in those special circumstances the estimate will need to be done not based on the final or actual figures but on the interim interest rate, and that is why the advice has been to use the word 'estimated' as opposed to 'determined'.

The Hon. M.J. ELLIOTT: I notice that even a supporter of the negotiated agreement still did not understand a bit of it. I would have thought a determination by a board is simply what it said that it is. That is what 'determination' normally means. If it is part way through a year a board still has to make a determination. Why there is a need to change the word 'estimated' does not seem to make a great deal of sense to me.

The Hon. R.I. LUCAS: All I can say is that it is a technical amendment based on the legal advice available to the Government. It is not taking away a benefit or providing an additional benefit; it is a technical amendment on advice provided to the Government.

Amendment carried; clause as amended passed.

Clause 28—'Annual employer contribution.'

The Hon. M.J. ELLIOTT: My amendment to this clause is consequential and I will not be proceeding with it.

Clause passed.

Clause 29 passed.

Clause 30—'Interpretation.'

The Hon. R.I. LUCAS: I move:

Page 18, lines 5 to 22—Leave out these lines and insert

'the employee component' in relation to a member means an amount that is equivalent to the greater of the amount standing to the credit of the member's contribution account and the amount that would have stood to the credit of that account if instead of the Board adjusting the balance to reflect a rate of return determined by the Board the balance had been adjusted to reflect a rate of return equal to movements in the Consumer Price Index plus 4 per cent.

'the employer component' in relation to a member means an amount that is equivalent to the greater of the amount standing to the credit of the member's employer contribution account and the amount that would have stood to the credit of that account if the amounts credited to the account had not included an interest component but the balance of the account had been adjusted to reflect a rate of return equal to movements in the Consumer Price Index plus 4 per cent.

Again, I am advised that this is a technical amendment providing greater clarification of how one calculates the 4 per cent real rate of return underpinning the scheme.

The Hon. M.J. ELLIOTT: I move:

Page 18, lines 11 and 12—Leave out paragraph (b) and insert paragraphs as follows:

(b) an amount calculated in accordance with the regulations at the rate of 4 per cent per annum on the amount of the member's contributions or, if that amount has been adjusted under paragraph (a), on the amount as adjusted; and

(c) an amount calculated in accordance with the regulations at the rate of 4 per cent per annum on the amount calculated under paragraph (b):

Both the Government and myself have an amendment to clause 30, which tackles the question as to how employee components and employer components are determined. I have had the Government's amendment for a relatively shorter time than my own, and what I have not been able to convince myself of is whether or not they have exactly the same effect. Certainly, what I am seeking to do with my amendment is to ensure that, in determining the components that CPI plus 4 per cent was to occur, the SSS scheme as first drafted appeared to have an error as the Government seemed to be offering the choice of CPI or 4 per cent. Clearly, if one is to talk about a real 4 per cent then it must be CPI plus 4 per cent. I am not sure what drafting instructions the Government gave but we have things that look different, yet purport to be producing the same result. I was certainly wanting to make it quite plain that what we had was CPI plus 4 per cent and that it was compounding on an annualised basis. Those were the instructions I gave and, as I understand it, that is what my amendment is producing. I am not convinced that the Government amendment is achieving exactly the same ends.

The Hon. Mr Lucas's amendment carried; clause as amended passed.

Clauses 31 to 37 passed.

Clause 38—'Exclusion of benefits under awards, etc.'

The Hon. M.J. ELLIOTT: I move:

Page 28, line 15—Leave out 'enterprise agreement,'.

I referred to this matter during the second reading debate. I said that it appears absurd that a Government that says it believes in enterprise agreements should not see superannuation as being part of a remuneration package, and that, as such, during enterprise agreements it might be a subject of negotiation. The whole idea of an enterprise agreement is that an employer and employee need to strike an agreement, so for the Government to deny itself the opportunity to be able to discuss these matters with unions and with employees generally really seems absurd.

Perhaps what makes it even more absurd is the amendment the Government proposes to move; it proposes to move an amendment which strikes out 'contract of employment'. In other words, it is going to allow individual employees to negotiate their own contract of employment in relation to superannuation, but it will not allow the work force as a whole, by way of an enterprise agreement, to discuss superannuation. I really do not understand the logic of that. It is a great pity, and I note that, in his second reading contribution, the Hon. Ron Roberts talked about the great shame it was that, during the break since the Government first introduced earlier legislation in May this year, the Government did not sit down with the unions and look at the overall situation in terms of the public sector and try to strike some enterprise agreement which looked at superannuation and

other matters. Nevertheless, as the champions of enterprise agreements, the Government still should be leaving flexibility for it to be able to discuss these matters with its own employees.

The Hon. R.I. LUCAS: The Government opposes the amendment. The Hon. Mr Elliott's amendment would, in effect, open up the situation where there could be massive inconsistencies between differing groups of public sector workers.

The Hon. M.J. Elliott: Individual contracts will do that.

The Hon. R.I. LUCAS: We will get to that in a minute; just hold your horses. Let us talk about the Hon. Mr Elliott's amendment first, which relates to enterprise agreements. So, this amendment would, in effect, potentially open up the situation where there would be significant inconsistencies between public sector workers; teachers, for example, might have a different arrangement to other public sector workers, such as clerks, administrative officers, and so on, in this whole area where there is intended to be some consistency across the public sector in terms of superannuation.

The Hon. M.J. ELLIOTT: The Hon. Mr Lucas talks about consistency across the public sector, yet the Government has an amendment which will allow individuals to have their own superannuation arrangements determined. This is where there are going to be some amazing perks offered to individual public servants, although it will be probably at the very upper end of the scale and probably will involve a lot of their own mates. This is where the big deals are going to be done, and the Government is ensuring that it is going to allow individual arrangements for superannuation as a major perk, but it is not willing to allow enterprise-wide discussion of superannuation as part of an overall package of remuneration, which quite clearly superannuation has become.

The Hon. R.I. LUCAS: I cannot add anything more to the explanation I have given on behalf of the Government. The Government will not be supporting the amendment.

The Committee divided on the amendment:

AYES (2)

Elliott, M.J. (teller)	Kanck, S.M.

NOES (14)

Cameron, T.G.	Crothers, T.
Davis, L.H.	Griffin, K.T.
Irwin, J.C.	Laidlaw, D.V.
Lawson, R.D.	Lucas, R.I. (teller)
Pfitzner, B.S.L.	Roberts, R.R.
Roberts, T.G.	Schaefer, C.V.
Weatherill, G.	Wiese, B.J.

Majority of 12 for the Noes.

Amendment thus negatived.

The Hon. R.I. LUCAS: I move:

Page 28, lines 15 and 16—Leave out 'industrial agreement or contract of employment' and insert 'or industrial agreement'.

There will be within the public sector, as there has been for some time, greater flexibility for those senior officers who are on contract employment. Contract employment will be, even under the changes currently being discussed with public sector unions, limited to the senior levels of the Public Service, and there always has been some provision there for greater flexibility in relation to superannuation. This particular amendment will allow that flexibility to continue for those members of the public sector.

The Hon. M.J. ELLIOTT: Here we are dealing with individuals who will have made available to them much higher superannuation benefits than are available to public servants generally. I fail to see why a particular class of employees who are already on the best salaries should have their packages nicely padded out by various superannuation agreements which, as far as I know, will not be public and might be a significant cost to the public purse. We are cutting back on public servants generally. It appears that we are not willing to tackle the judiciary and parliamentarians, but we are about to look after the fat cats.

Amendment carried; clause as amended passed.

Clauses 39 to 49 passed.

Schedules.

The Hon. R.I. LUCAS: I move:

Page 31, after line 36—Insert schedules as follows:

SCHEDULE 1

Percentage for definition of charge percentage	Period during which percentage applies
6	1 July 1995 to 30 June 1998
7	1 July 1998 to 30 June 2000
8	1 July 2000 to 30 June 2002
9	1 July 2002 onwards

SCHEDULE 2

Percentage for definition of charge percentage	Period during which percentage applies
9	1 July 1995 to 30 June 2002
10	1 July 2002 onwards

These are consequential on earlier amendments.

Schedules inserted.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 August. Page 176.)

The Hon. M.J. ELLIOTT: I support the second reading of this Bill, which we first saw in the previous session of the Parliament. Within days of the Audit Commission report coming out, the Government, by way of this legislation, set about closing off the existing superannuation schemes for public servants—the lump sum scheme and the police scheme. At that stage there was nothing on the table for a replacement. A reasonable assumption was that it would have been replaced by the superannuation guarantee and nothing else.

Some members may recall that when this legislation first came before Parliament we were busily engaged in industrial relations and workers compensation legislation debates. This came out of left field, and at that stage I said that I was not in a position to examine its ramifications. I was concerned about the potential ramifications, and as such I moved an amendment which put a sunset clause on the legislation so that during the break there could be discussions and we could come back in the next session with a clear idea of the impact of the closure and what might take its place.

I had hoped that the Government would use that period of three months to have a constructive dialogue with public sector employee representatives about superannuation and come up with something which was fair. That did not happen. It appears that very little constructive dialogue took place. In fact, when the session commenced we still did not know precisely what the Government intended. Eventually the SSS scheme emerged and the Opposition and the Democrats made

it plain that that scheme was plainly inadequate for public servants generally and for the police.

It is pleasing that at least by using the device of the sunset clause, under which the old scheme could have reopened—and if this legislation does not pass now it still could reopen—the Government was forced to reconsider its position. It would be wrong to say that the Government has reconsidered its position willingly. In fact, I do not think that it wanted to do anything at all. However, at the end of the day even the Treasurer can count in the Upper House. I do not think that he would want a number much bigger than we have here because that would cause him extreme difficulty. However, that is really another matter. Luckily, there were a few members paired tonight, and that made it easier for him, as long as he took off his shoes.

The Treasurer knew that he was going to have the old schemes with him again and he was forced to negotiate. It appears that one way or another negotiations finally resolved things last evening. I thought they were close to being resolved at 7 o'clock, with a few minor hiccups, but it seems that a couple of hours later they were resolved elsewhere with a similar result.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: I did not say there was. You clearly were not listening. Go and read *Hansard*. I said that I thought it was pretty close. The fact is that we now have something which is a significant improvement on what was otherwise on offer, although far less than what public servants previously had.

I will be moving amendments to this Bill. In particular, I am tackling the question of the police superannuation Act because, as I said, the Treasurer in discussions with me only last evening acknowledged that the cost of leaving it open was of the order of $100 000 to $200 000 a year. It really was an absolute pittance, and there are some losses for police by the closure of their scheme. They have written to me an extensive letter which I will not read into *Hansard* now, but they list quite a number of matters, only a few of which have been tackled now by the changes to the SSS legislation, as I said, for the cost of a paltry—in budgetary terms—$100 000 or $200 000. I will pursue that amendment because, as I said, it really is a no cost amendment as far as the Government is concerned, but it does mean a great deal to the police; it is their preference.

I do believe that it is likely that there will be a little bit of cross subsidy in some areas, which means that some of the other public servants will be getting a little less because the police have been incorporated within their scheme. So, I will continue to pursue that. At the end of the day the result that we are ending up with is not a good result, but it is certainly a far better and fairer one than we would otherwise have achieved. I personally feel it could have been a little fairer, but two votes are not enough alone to ensure a better result. I thought those two votes might have been working with nine others in this place, but that has not been the case.

The Hon. R.R. ROBERTS: Just to close this particular operation down, I must state that this Bill did have its genesis in what I have described in other areas as an act of industrial bastardry and it did not have a very good start. I reiterate that it was because of the introduction of this Bill and actions largely taken by the Democrats in this place that extended the process and, obviously, not in the style or at the pace with which the Hon. Mr Elliott would have been happier.

However, the actions taken in extending those sunset clauses did, as I said earlier, trigger a series of negotiations and discussions, although not in a traditional sense. However, it has forced the parties to discuss the different possibilities. It is very clear that Mr Elliott had taken a very strong stance in some areas and that it was necessary to bring this matter to conclusion.

I have been in this place some five years and when I came into the Council I was always intrigued by the enthusiasm and the faith of people like the Hon. Dr Ritson in particular and other longer serving members in the faith of the parliamentary system. I was a little sceptical. I have heard the Hon. Rob Lucas on occasions comment that, despite the quaintness, as it has been said of this Council from time to time, it does have a pretty unique record in getting a resolution at the end of the day.

We have instituted something which is dear to me, namely, consultation and some enterprise bargaining, albeit not in the traditional sense that we normally like to see it in an industrial situation. In fact, we have triggered that. We have got a result which has been agreed by all the parties, and I indicate that the Opposition will be supporting the amendments as being proposed to be moved by the Hon. Robert Lucas on behalf of the Government, and, as a reflection of the agreements between all the parties, including the Government and the Opposition and the principal players, we see this as concluding this matter in the best possible way under the circumstances.

The Hon. R.I. LUCAS (Minister of Education and Children's Services): It is not often that I follow my friend and colleague, the Hon. Ron Roberts, and say that I can only agree with the statements, at least toward the latter end, anyway, of his contribution to the—

The Hon. M.J. Elliott: What about industrial bastardry?

The Hon. R.I. LUCAS: As I said, I did limit it to the latter end. I am feeling generous of spirit this evening and can agree wholeheartedly with the importance of the role of the Legislative Council, the fact that there has been consultation and discussion, and that an overwhelming majority of members in this Chamber, together with the key representatives of the unions involved, have been able to reach an agreement, and certainly the amendments that I see and will be moving briefly in the Committee stages of this debate are really part of an overall package. I see them as essentially consequential to the long debate that we had on the earlier piece of legislation and do not intend to unduly delay the second reading and Committee stages of the Bill.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. R.I. LUCAS: I move:

Page 1, after line 12—Insert subclause as follows:

(2) The Statutes Amendment (Closure of Superannuation Schemes) Act 1994 is referred to in this Act as 'the principal Act'.

I am advised that this is a technical amendment.

The Hon. R.R. ROBERTS: The amendment is supported.

Amendment carried; clause as amended passed.

Clause 2—'Commencement.'

The Hon. R.I. LUCAS: I move:

Page 1, line 14—Leave out '30 September' and insert '20 October'.

Amendment carried; clause as amended passed.

New clause 2A—'Commencement.'

The Hon. M.J. ELLIOTT: I move:

Page 1, after line 14—Insert new clause as follows:

2A. Section 2 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Parts 4 and 5 will come into operation on 21 October 1994.

All the amendments I will move relate to the closure of the police superannuation scheme. Before I debate the amendment I have one question to put to the Minister. Several hundred people applied to join the scheme the day it was frozen. Many people have made applications and even commenced having medicals who initially were not accepted into the old schemes. Can the Minister advise the Committee what has happened to those people who are probably in two groups? One group comprises several hundred people who put in applications on the day of the closure of the scheme and there is a myriad of individuals whose applications were in the works in various ways.

The Hon. R.I. LUCAS: I am advised that the applications lodged either with the employing agency or with the board prior to the date of closure have been accepted.

The Hon. M.J. ELLIOTT: In previous debates I have made points on several occasions and I do not believe that the Minister has responded. First, as to the Police Superannuation Scheme, because it was compulsory, it should have been seen as being a total package of remuneration. By legislation the Government is trying to change that remuneration package without the consent of those involved, and all officers coming into the force will be on a lesser package, although not quite as great a difference as it was going to be, than their colleagues. Can the Minister justify that? Secondly, I understand that the savings for the Government are minuscule. The Audit Commission did not do any analysis of the Police Superannuation Scheme and the decision to close that scheme was done on the assumption that it had all the same sorts of difficulties that the other schemes had, which I understand is not really the case. For a start, the investment pattern is quite different. Police come in young and, because the scheme has been compulsory, they have been making contributions for the whole time they are in the public sector. That is a significant difference. Will the Minister address my questions and substantiate why the police scheme should be changed or needs to be changed?

The Hon. R.I. LUCAS: I am advised that there is a simple reason. It is the question of equity. The Government believes there should be equity across the public sector in the way the Government treats, by way of employer support, superannuation for its employees. It is a simple question of equity across the various groupings within the public sector. As to the second question about costs of the scheme and the $200 000 to which the Hon. Mr Elliott refers, I have not had discussions with the Treasurer. The Hon. Mr Elliott says that $200 000 is minuscule.

I can tell the Hon. Mr Elliott that as Minister for Education and Children's Services I will fight any Minister or any member of Parliament for $200 000. It is equivalent to five or six extra teachers in the Government school system. If that figure is correct, I do not look on it as minuscule. This new Government wants to save ever last dollar and ensure that we use moneys in the best way possible. If the figure is $200 000, $500 000 or $1 million, we do not look upon it as being minuscule, as do the Hon. Mr Elliott and the Australian Democrats.

If I had $200 000, that would represent another five or six teachers within the Government school system. The Government's perspective of financial management is different from that of the Australian Democrats. If the Australian Democrats consider $200 000 is minuscule, the Government does not. Whether we are talking in terms of millions, billions or hundreds of thousands of dollars or, indeed, the last $10 or $20 within Government agencies, the sum is all important in terms of accountability and financial management and, if there is a buck to be saved somewhere, a dollar to be used more efficiently, certainly the Government will go right to the end to ensure that we get a cost effective, efficient and very good delivery of public services in South Australia.

The Hon. M.J. ELLIOTT: One of the arguments that the Minister used was the question of equity, yet he failed to address the question of equity amongst police: some police will be on a different remuneration package from other police because they will be in a different superannuation scheme. He talked about equity between public servants, but has not addressed the more fundamental question of equity amongst people doing exactly the some job. I also note that he did not think that a few hundred thousand dollars was inconsequential. I am heartily pleased to hear that, because I presume I now have his support for the next piece of legislation, the private member's Bill on parliamentary superannuation, whereby a few hundred thousand dollars will be saved in relation to a number of members of Parliament. I am glad he has a use for the money we will save in that regard.

The Committee divided on the new clause:

AYES (2)

Elliott, M. J. (teller)	Kanck, S. M.

NOES (12)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Irwin, J. C.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I. (teller)	Pfitzner, B. S. L.
Roberts, R. R.	Schaefer, C. V.
Weatherill, G.	Wiese, B. J.

Majority of 10 for the Noes.

New clause thus negatived.

The Hon. M.J. ELLIOTT: All other amendments are consequential, so I will not proceed with them.

Clause 3—'Amendment of Superannuation Act 1988.'

The Hon. R.I. LUCAS: I move:

Page 2, line 33—Leave out '5 per cent' and insert '4.5 per cent'.

It is consequential.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PARLIAMENTARY SUPERANNUATION (COMMENCEMENT OF RETIREMENT PENSIONS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 372.)

The Hon. R.I. LUCAS (Minister of Education and Children's Services): I have only had the opportunity to have a look at this piece of legislation over the past 12 to 18 hours or so. It is part of this overall package of Bills that has to be considered in relation to superannuation. There is, of course, a necessary linkage between the parliamentary superannuation scheme and the Public Service superannuation scheme, but the linkage has been made by the Hon. Mr Elliott and the Australian Democrats in indicating that their

attitude towards the Public Service superannuation scheme was dependent upon the Parliament's attitude towards the Parliamentary Superannuation Amendment Bill.

The Hon. Mr Elliott issued a challenge earlier to members—to anyone in this Chamber—to stand up and mount a defence for this aspect of the parliamentary superannuation scheme. I am only too happy, on behalf of the Government, to stand in this Chamber and provide that defence in relation to this scheme. The Government has no intention of supporting the amendment that is being moved by the Hon. Mr Elliott on behalf of the Australian Democrats.

For the benefit of members who might not have had an opportunity to look at the Bill, I point out that it seeks to provide that, in the future, when a former member under the age of 60 years becomes entitled to a pension, that pension will be payable for a period of three years only and then be suspended until the former member reaches 60 years of age. The pension may recommence before age 60 on total and permanent incapacity, and only on those grounds—total and permanent incapacity—would the pension be regenerated or commence operation again. There are other provisions in the Bill which, in effect, prevent any commutation of the pension for members who retire before the age of 60 years.

As my colleague the Hon. Mr Davis indicated earlier, the Premier and Treasurer have indicated that the parliamentary superannuation scheme and the superannuation scheme that applies to judges is being reviewed at the moment by the Government under a general review. It is currently being undertaken by the Treasury. I understand that the Hon. Mr Elliott has been having some discussions with the Treasurer in relation to an independent review of the parliamentary superannuation scheme. I am not sure whether or not those discussions also extended to the scheme that relates to judges, because I have not been a party to the discussions between the honourable member and the Treasurer on these issues. Nevertheless, at this stage the Government has commenced a review, as recommended by the Commission of Audit, of the parliamentary superannuation scheme and the scheme that applies to judges.

One could, if one did not look at the other aspects in opposition to this Bill, mount a case to oppose this Bill on the basis that it is, in effect, an attempted pre-emptive strike by the Australian Democrats before we have had an opportunity to look at the review. There is a commitment to a review; the Hon. Mr Elliott says he wants a review; yet, before the review has been conducted, before he sees the review, before he takes actuarial advice and before he gets any information, he indicates that he wants to commence the amendment of the parliamentary superannuation scheme.

I am told that one of the other major concerns about the Bill is that it proposes a concept that is likely to be in conflict with the standards for paying superannuation pensions laid down under the Commonwealth's Superannuation Industry Supervision Act. Clearly that is a matter of some concern. It is an issue that obviously has not been thought through by the Hon. Mr Elliott in relation to what he is attempting to do in the legislation. I am advised that the States are expected to comply with the essential components of these standards. There is some concern that this Bill, which has been introduced by the Hon. Mr Elliott, is likely to be in conflict with the standards for paying superannuation pensions laid down under that Commonwealth legislation.

That is a brief explanation of what the Bill seeks to do and some reasons for opposition to the legislation. As I said, the Hon. Mr Elliott laid down a challenge earlier in relation to this aspect of the superannuation scheme. I want to have a look at it and argue a case very strongly against what the Hon. Mr Elliott is seeking to do.

At least in relation to the superannuation arrangements for the public sector it has been accepted by all members of this Chamber that there are two divisions, whether or not one agreed with the changes. One was that you did not retrospectively affect the financial arrangements that members and their families may have entered into in relation to their futures. So, in the changes which have been conducted and which have now been passed through this Chamber we treated those members with current entitlements with the respect they and their families deserved and we did not affect their financial arrangements and future financial planning prospects that they and their families might have entered into in career planning and a variety of other things. The changes that have been implemented have been for new entrants to those schemes.

What the Hon. Mr Elliott is seeking to do here is quite different from his attitude to the Public Service superannuation scheme. What he is saying is that retrospectively he will affect the entitlements of those members of these Chambers who have an expectation in relation to their benefits. When they first came into their job some years ago, they and their families, their spouses and children had and still have an expectation in relation to their future financial planning as to what they can do as a family unit if in certain circumstances they are forced to leave Parliament due to ill health, for example, or for a variety of other reasons. They have made those decisions; they have given up perhaps lucrative, interesting and exciting careers, perhaps not quite as attractively paid as others, to be of service to others.

The Hon. Sandra Kanck: Tell that to the public servants.

The Hon. R.I. LUCAS: The Hon. Sandra Kanck interjects, but I say to her that there has been no effect to those members of the Public Service with existing entitlements within schemes. Even the Hon. Sandra Kanck cannot deny that fact. We have not retrospectively affected those people with entitlements within schemes. What we have done is ensure that future entrants to schemes will have a different range of benefits. That is a principle which on a number of occasions in this Council her Leader has espoused and supported. Why is it different for the family of a member of Parliament who has supported the member of Parliament for 10 or 20 years in the sort of sacrifice that members of Parliament have to make in service to the community? In doing their job they are supported by wives or husbands at home and by their children, who put up with all the public disfavour that members of Parliament of all persuasions receive. They make those sacrifices on the basis of an expectation of what will happen.

If the Australian Democrats have their way, those rights of those families—generally (because of the numbers of men in this Chamber) wives at home with children—the benefits they feel they are entitled to will be swept away retrospectively with a stroke of the legislative pen in relation to their future career planning. That is what the Hons. Sandra Kanck and Michael Elliott want in relation to retrospective changes to the superannuation entitlements of existing members.

Let us just look at someone, irrespective of their career, who is very successful, who is at the top of their profession, career or occupation, who is in their early to mid 30s and who decides to be of service to the community and enter Parliament to do a job. They give up those career prospects in their occupation or career and they serve for 15 or 20 years

in the Parliament so they are in their late 40s and are just about to turn 50. They have given their service, they have lost all contact with their previous occupation or profession and their family has an expectation of what will occur. Let us say they have reached the top of their parliamentary career and that they are a Minister or have been the Premier and they suffer from ill health. In effect, they are able to be excluded from the scheme and from the Parliament on the basis of ill health, but they are not totally or permanently incapacitated, which is the definition suggested by the Hon. Mr Elliott: you have to be totally or permanently incapacitated before you can get this sort of escape clause within the Hon. Mr Elliott's provisions.

However, there are many members of Parliament, nation wide, and there have been a number in this State, who have left the Parliament on the basis of ill health, who have not been totally or permanently incapacitated, but whose ill health has in large part been caused by the stresses and strains on them and their families in relation to the work that they do in this Parliament on behalf of the community and the Parties that they represent. They leave with those sorts of illnesses and health problems or for a variety of other reasons but, under the scheme of arrangement that the Hon. Mr Elliott is proposing, at the age of 50, having worked for 15 years in the Parliament, with an expectation of what would happen, they will be told, 'We will look after you for three years but, at the age of 52 or 53, if you cannot get a job, you can get social security.'

That is what the Hon. Mr Elliott and the Hon. Ms Kanck are saying to someone in precisely that situation. Perhaps the Hon. Mr Elliott and the Hon. Ms Kanck have the attitude of some members of the public—a plague on all members of Parliament and that they are not worth anything; they do not do a job; they are overpaid; and they do not do enough work. But they should think of the families of the members of Parliament who, through no fault of their own, because a member of their family has chosen to be a member of Parliament, have had to put up with all that families have to put up with for 15 or 20 years. Children are teased, bullied or harassed at school, and all members know about that. Wives or husbands put up with going to dinner parties and being attacked because of what their husband or wife does as a career. They show that loyalty for 15 or 20 years with an expectation that, when their husband or wife leaves Parliament at the age of 50, at least the family and the children will be looked after.

However, the Hon. Ms Kanck and Mr Elliott want to say, 'Don't worry about the families, the children or the supporters of members of Parliament. We will look after them for three years.' Everyone knows the prospects of someone in their mid or early 50s making, in effect, a major change in career and finding alternative employment in the difficult employment circumstances that prevail nationally in Australia at the moment.

What the Hon. Mr Elliott is saying to them is, 'That's all right. After three years you can spend the next seven years on the dole or on social security and look after your family that way.' That is what these members are saying in relation to families and family support. I think that is totally abhorrent. All decent members of the community, if they thought this issue through, would not want to subject the wives, husbands, spouses and children of members of Parliament to the situation that the Australian Democrats want to impose by way of this amendment.

I am advised that a good number of other schemes—most schemes, in fact—make provision for early retirement with superannuation benefits at the age of 55, for example. However, the Australian Democrats, of course, say, 'No, we are not going to do that. We are going to grandstand. We are going to try hunting the odd headline in the media.' They know very well the prospects of the amendment's being passed. It is similar to their attitude to a whole range of other things relating to members of Parliament that will not or are unlikely to get through. They know that they can grandstand and that the amendment will not be passed. They can have their vote of 20 to 2 or 18 to 2, or whatever it might be, and then go to the media and indicate that they have fought the good fight, whilst at the same time ensuring that the benefit for their families will continue.

I do not begrudge it for the family of the Hon. Mr Elliott. I know them well and they deserve it; they have supported him loyally for nine years, as he has indicated, and they will continue to support him loyally, as I am sure will be the case for the Hon. Ms Kanck.

In the case of the Hon. Mr Elliott, his family deserves some recompense and some support by way of a future benefit should the honourable member, as a result of 14 years in this place, have to resign due to ill health, but not be totally or permanently incapacitated, rather than our saying that we will give the honourable member three years of support and then he can go on unemployment benefits or social security whilst we wait for the age of 60 to tick over.

As I said, the Hon. Mr Elliott issued a challenge perhaps thinking that no-one would be prepared to get up in this House and defend this aspect of the parliamentary superannuation scheme. I do so proudly on behalf of Government members and, I hope, the majority of members in this House. I have no fear at all of standing up and defending this aspect of the legislation and, in particular, the abhorrent way in which the Australian Democrats are trying to affect retrospectively the present and future expectations of families of members of Parliament who have supported them so loyally through the years.

The Hon. R.R. ROBERTS: I am conscious of the hour and I do not know that I would put the arguments any more eloquently than the Leader of the Government in this place, but the Opposition will be opposing this Bill for largely the same reasons. Our concerns have been in the area of retrospectivity. I disagree with the perception that somehow the families of members of Parliament should lose any security they had an expectation of when a person decided to become a member of Parliament. I certainly looked at the package before I accepted a nomination to enter the Parliament, and there was an expectation there. I agree with the point made by the Hon. Mr Lucas in respect of 52 or 53 year old members of Parliament. I have been following the papers for sometime and have not seen too many advertisements offering employment to ex-members of Parliament.

Indeed, when you have people in Parliament with professions that are outstanding you find that, unless they are very young and are looking for another career, there are not too many who go automatically into another career. The Hon. Chris Sumner retired from this place recently with a very distinguished career. He has touched the lives of probably every South Australian. He has suffered the barbs and the effects of the infighting of politics and from time to time has paid a price in relation to his health. He was supported—along the lines mentioned by the Hon. Rob Lucas—by his

family right throughout that period. He has now left the Parliament and I believe he deserves to receive the entitlements and expectations that he earned over the period of time. His family deserves those benefits. Chris Sumner is about 51 years of age, and to go through the exercise, again as outlined by the Hon. Rob Lucas, is an appalling suggestion.

I have never underestimated the worth of members of Parliament. Since being in this place I do not know of any member of Parliament on either side of the House who comes in here with any other intention but to do his absolute best for the community he represents. I am sure that, despite the often disparaging remarks about members of Parliament, there is an expectation in the community that members of Parliament will undertake certain tasks, and there is an acceptance that because of the often onerous aspects of the job there will be a superannuation scheme different than the mainstream, and we saw that tonight in the discussion involving the SSS scheme.

People readily accept that some professions, because of their very nature—and I refer specifically to the operations of police and the often dangerous circumstances in which they are placed—need a different determination from one class of employee to another, and this happens not only in superannuation but in industrial awards, where one sees that different classes of workers receive different levels of remuneration. I see this falling in the same basket.

As part of the discussions that took place last night I understand that the whole question of superannuation is under review, and again this was reported by members of the Government. Before we go off into these rather bizarre publicity stunts, to be blunt, we ought to think long and strong about this, especially in respect to retrospectivity. The Opposition will not be supporting this Bill, but we will be looking, as will the Government, at all aspects of the life of parliamentarians and the remuneration and duties of politicians from time to time. I indicate that we will not be supporting this Bill.

The Hon. M.J. ELLIOTT: That was a very rousing speech by the Minister. I do not need to be lectured on how difficult the job of being a member of Parliament is or how hard it is on the family. My family is only a little smaller than his. I have three children at home, one of whom was born after I came into Parliament and is now almost seven; another child has no memory other than my being in Parliament; and even the oldest was only three when I came into Parliament. The big meal of the day is breakfast because on most mornings we manage to catch up with each other unless I am on a trip to the country or I have a breakfast meeting as that is the only time I have been free to arrange a meeting. There is no question that enormous sacrifices are made not just by members of Parliament, who basically give up their social life, but also by their family.

When I spoke earlier, I made the point that I believe that in some areas parliamentary superannuation is quite deficient. The superannuation return for a member of Parliament who has served for two terms (eight years) is quite appalling. An eight year interlude in a career can be quite devastating in itself, and the return if they leave voluntarily is quite appalling compared with someone who stays for an extra five years. In fact, a person may voluntarily leave after 12 years and get what they contribute but virtually nothing more. If a person stays one more year and leaves voluntarily, some will get as much as $70 000 or $80 000 a year for the rest of their life. There are amazing inconsistencies, and there is no doubt that elements of the parliamentary superannuation package are plainly deficient in a negative sense.

Looking at parliamentary remuneration in general, I have never at any stage argued that the remuneration is too much. Frankly, I was much better off living on a teacher's salary in the Riverland. I had a two year old house that I would have paid off by now, and I had a genuine social and family life. From a simply selfish, personal perspective, I would have been far better off not to have entered Parliament.

What I have found difficult recently has been the willingness to ask other people to take a cut-back. We debated this earlier tonight in relation to superannuation for public servants. We have seen it in schools. The Minister said that he would not mind an extra few hundred thousand dollars to put a few teachers into schools. The school my children attends has lost teachers. The principal is now spending his time doing jobs that were formerly done by SACON.

I know that the lack of money in that school is having a serious effect. Cut-backs are biting into ordinary people's lives. The Minister, of course, has his children in a private school, so he has not seen a change in relation to their particular lifestyle, but I can tell members that most people whose children are in the public system have had a cut-back; and if you rely on public health you have suffered a cutback, although I imagine that most members of Parliament go to private hospitals whenever they can. The fact is that the cut-backs in our society are not falling evenly. Within days of the report of the Audit Commission the Government acted decisively in relation to the superannuation of public servants. You could not say that it acted decisively—

The Hon. R.R. Roberts: It did that before the Audit Commission.

The Hon. M.J. ELLIOTT: Yes; it had it ready before the Audit Commission report came out. How decisive has the Government been on the question of looking at superannuation for other people who are receiving money from the public purse? The Government is still talking about it some six months after it acted decisively in relation to the Public Service.

I mentioned the word 'morality' before, and I meant it. Morality has quite a wide meaning, and I believe that we are failing to see the impacts we are having on others and failing to put a mirror on ourselves. It is not to say that life is wonderful as a member for Parliament; I have never said that. On many occasions I have asked myself: why bother; why make the sacrifices? It certainly was not for the money. Any person who comes into Parliament for the money really needs their head read, because there is not enough money for what you have to go through, but that really is not the point.

The Minister said that it was grandstanding; I must say that I honestly believed that this Bill would pass. I had no reason to believe that the Opposition would act in the way in which it has acted. I thought that the Opposition would have looked carefully at what was happening in society generally and at what was happening to those who were not so well off, and that it would have thought about that and the particular issue that I was addressing—

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: If the pain was being shared around. I do not think they will pay much respect to the people who are passing the pain on if they do not appear to be taking some of it themselves. The State Government and the Opposition appear to have done deals to knock on the head the Democrat proposal to cut superannuation entitlements for members of Parliament. That is really the way it

looks, and from what the Hon. Mr Ron Roberts said it appears quite clearly that that subject was involved in the discussions that took place last night.

I can only now, bearing in mind the numbers involved, express my grave disappointment. If parliamentarians want to be treated seriously they must be willing to share at least some of the pain that our society is generally experiencing at this stage, and that unfortunately is not happening. I urge members to support the Bill.

Second reading negatived.

SELECT COMMITTEE ON THE STRUCTURE OF GOVERNMENT IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. C.J. Sumner:

1. That a select committee of the Legislative Council be established to consider and report on the structure of government in South Australia and its accountability to the people with particular reference to:

(a) recognition of the original inhabitants of the State;

(b) the relations (including financial relations) with the Federal Government and:

(i) whether powers should be referred or transferred to the Federal Parliament and/or Government;

(ii) whether powers should be referred or transferred from the Federal Government and/or Parliament to the State Parliament and/or Government;

(c) whether responsibilities and powers should be devolved on local government;

(d) the sources of funding for the three tiers of government;

(e) the modernisation of the South Australian Constitution Act, including the role, functions and structure of the Executive Government and whether it should be recognised in the Constitution Act;

(f) the entrenchment in the Constitution of the independence of the Judiciary;

(g) the accountability of the Judiciary;

(h) the appointment and powers of the Governor including the need for a Head of State;

(i) the need for a bicameral legislature and the number of members of Parliament;

(j) the implications for South Australia's constitutional structure of proposals for Australia to become a republic;

(k) the desirability of the establishment of a Charter of Rights for South Australians to be incorporated in the Constitution Act and the desirability or otherwise of entrenching such a Charter;

(l) the education of members of the community (including school children) in issues relating to the constitution and government, and civil rights and responsibilities.

2. That Standing Order 389 be suspended to enable the Chairperson of the committee to have a deliberative vote only.

3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

4. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 3 August. Page 26.)

The Hon. T.G. ROBERTS: This motion, to which there are a number of aspects, was moved to highlight the changes that are occurring in Australian society today. The Hon. Mr Elliott moved a similar but far more restrictive motion in relation to the issues on the republic, and the Hon. Mr Feleppa made a contribution to that earlier in the day.

The motion moved by the Hon. Chris Sumner, prior to his leaving, not only tackled the issue of the emerging republic but also tied in a lot closer the aspects of restructuring State Parliaments and their constitutions in relation to those projected changes.

I suspect that the Hon. Mr Sumner wanted to recognise that the original inhabitants of this State do not have a voice in this Parliament or an Aboriginal Federal member, yet they constitute a large number of voting constituents in this State. I think that Parliament needs to look at how Aboriginal people within the State of South Australia can make their voice heard. They have their own organisational structures at Federal and State levels, but they do not have any recognition in either House of this Parliament.

The matter really needs to be discussed through a select committee, as the motion indicates. We need to call evidence from a wide range of people to establish what role and recognition has to be made of the original inhabitants of this State.

There are many other parts to paragraph 1, and there are references to changing Standing Orders and the disclosure of information. I will refer to those matters at a later date. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (TOURING PROGRAMS) AMENDMENT BILL

(Second reading debate adjourned on 11 October. Page 335.)

Bill read a second time and taken through its remaining stages.

APPROPRIATION BILL

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

LAND TAX (SCALE ADJUSTMENT) 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 explanation has been given in another place and due to the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

In the 1993-94 Budget, the previous Government extended its policy of limiting growth in land tax receipts to no more than estimated inflation for a further three years beyond 1993-94.

Implementation of the policy has required increases in the land tax scale in each of the last three years to offset the impact of falling land values.

Land values have fallen again in 1993-94.

This Government is not prepared to increase marginal tax rates again in order to offset the impact of declining land values. To achieve in real terms the same level of land tax receipts in 1994-95 as in 1993-94 would require an increase in tax rates sufficient to yield extra revenue of $7.5 million. Instead, the Government has decided to maintain aggregate land tax receipts in 1994-95 at close to their nominal level in 1993-94. To do this, the Government will lower the general exemption from $80 000 to $50 000 at an estimated revenue yield of $4.8 million in 1994-95.

The general exemption of $50 000 will remain significantly more generous than in Western Australia, Tasmania and the ACT (where respective exemptions of $9999, $1000 and zero apply) and relative to land ownerships held by companies and trusts in Queensland (where no threshold applies on ownerships above $40 000).

The Government has also decided to close off a tax "loophole" whereby land subdividers are obtaining effective land tax exemptions through trust arrangements. By placing subdivided land into separate trusts for each title the benefit of the general exemption is gained for each allotment subject to a house and land package contract. Such

arrangements tend to be capitalised into the value of the land providing windfall gains to existing landowners rather than price reductions to home buyers.

Given that the reduction in the general exemption will raise less revenue than would be required to maintain the real value of land tax receipts, the Government has decided to defer for one year consideration of its undertaking to exempt for a one year period valuation increases arising from land subdivisions.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be taken to have come into operation at midnight on 30 June 1994, being the time at which land tax is calculated for the 1994/1995 financial year (on the basis of circumstances then existing).

Clause 3: Amendment of s. 4—Interpretation

This is a consequential amendment that relates to proposed new section 15A.

Clause 4: Amendment of s. 12—Scale of land tax

This clause adjusts the scales upon which land tax is calculated on the basis that the level of the general exemption will be reduced from $80 000 in taxable value to $50 000.

Clause 5: Amendment of s. 13—Minimum tax

It is proposed to raise the minimum amount of land tax payable to $10.

Clause 6: Amendment of s. 15—Tax in cases where there are two or more owners

This clause is consequential on clause 7.

Clause 7: Insertion of s. 15A

It is proposed to enact a new provision relating to multiple ownerships. The current provisions are found in subsections (2)—(6) of section 15. The new provision basically replicates those provisions, but excludes from the qualification to the principle of aggregation under the Act a trust that arises because of a contract to purchase or acquire an estate or interest in land.

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

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

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

ADJOURNMENT

At 11.50 p.m. the Council adjourned until Thursday 13 October at 2.15 p.m.