LEGISLATIVE COUNCIL

Thursday 24 November 1994

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

LAND AGENTS BILL, CONVEYANCERS BILL AND LAND VALUERS BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Land Agents, Conveyancers and Land Valuers Bills.

Motion carried.

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Correctional Services (Private Management Agreements) Amendment Bill.

Motion carried.

DROUGHT

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Primary Industries in another place on application for exceptional circumstances in relation to drought on the Upper and Western Eyre Peninsula.

Leave granted.

ABORIGINAL AFFAIRS MINISTER

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

Leave granted.

QUESTION TIME

CHILD PORNOGRAPHY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about child pornography.

Leave granted.

The Hon. CAROLYN PICKLES: On Tuesday of this week three Supreme Court judges, sitting as the Court of Criminal Appeal, handed down a judgment in the case of alleged child pornography offences. They had to decide if the defendant possessed indecent or offensive material. I will not name the accused man, although his name was published in the *Advertiser* yesterday. I am happy to provide the Attorney with details if the Attorney is not already aware of the matter. The man concerned was charged with two offences of having child pornography in his possession.

The subject matter of the alleged offences was a videotape showing men and boys of all ages dressing or undressing in public changing sheds or urinating at public urinals. The man made a habit of going to public locations such as the toilets next to the Brighton Surf Club with his video camera and secretly filming men and boys urinating. A number of people have expressed to me their astonishment at the legalism of the judges' reasoning. Justice Debelle gave the leading judgment and Justices Mohr and Nyland agreed with him. At page 22 of his judgment, Justice Debelle said:

> The filming constituted an appalling invasion of privacy of the individuals filmed for no other purpose than to satisfy the prurient interest of the appellant. Whatever might be said about his conduct in making the films, and even allowing for the fact that it might be highly offensive, if not an outrage, to the sense of decency of any decent-minded citizen. . .

Yet the judge concludes that these matters were 'irrelevant considerations'. Justice Debelle compared the videos to fountains in Western European cities which display statues of urinating boys. At page 23 of his judgment, Justice Debelle said:

> A young boy urinating is the subject of a well-known manikin displayed in public streets in at least two Western European cities, pieces of statuary which cause amusement, not offence, to reasonable decent-minded citizens.

Yet, by implication, this man's videos seem to have been placed in the same category as these statues. The child pornography convictions were quashed.

Does the Attorney-General agree with the Supreme Court? If not, will he instruct the Director of Public Prosecutions to appeal the matter; and will he immediately set about reforming the law so that people who carry out these activities can be appropriately dealt with?

The Hon. K.T. GRIFFIN: I saw the newspaper report and was somewhat surprised by what appeared to be the judgment of the justices of the Supreme Court. I have not seen the full transcript so I cannot make a proper judgment about either the law or the context in which the judges made a decision to overturn the conviction, but I was surprised by it. I am certainly prepared to examine this issue to determine whether there is any defect in the law relating to child pornography. Our law, under the Summary Offences Act in particular, is among the toughest in Australia in relation to the preparation, possession of or otherwise dealing in material of a pornographic nature relating to children. Certainly under the classification legislation, that is absolutely banned in respect of sale or exhibition.

As I have said, I have not seen the full judgment. I am always disinclined to make an off-the-cuff observation or judgment about the nature of these sorts of issues without seeing the context in which they are made and reading the full judgment, because frequently remarks are taken out of context. I am not saying that they have been in this instance. However, I am prepared to look at this issue.

As the honourable member will know, questions of prosecutions and appeals in the criminal law are now the responsibility of the Director of Public Prosecutions. That is under legislation which was introduced by the previous Attorney-General and supported by the then Liberal Opposition, so there is a significant measure of independence of the DPP from directions given by the Attorney-General of the day in respect of prosecuting or not prosecuting matters or even taking matters on appeal. Obviously, whilst directions may not be given unless they are given publicly and in the *Gazette*, there is an opportunity for Attorneys-General to talk to the respective DPPs. I will certainly raise the issue with the DPP to determine whether this is an appropriate matter to go on appeal.

In terms of the appeal, honourable members should realise that the next level of appeal is to the High Court of Australia. Unless there is a significant question of law involved, it is most unlikely to grant leave to appeal, but that should not be a deterrent to taking that step if the DPP is of the view that in the circumstances of this case it is an issue that ought to be appealed. If there are issues—

The Hon. T.G. Roberts: This is a DPP case.

The Hon. K.T. GRIFFIN: Well, the Director of Public Prosecutions, as I recollect, was appearing in the matter on appeal and has the overriding responsibility for prosecuting decisions and appeals, but I will certainly discuss it with the DPP. If there is no prospect of an appeal, but if there is a defect in the law, certainly that will be addressed by me and by the Government.

The Hon. CAROLYN PICKLES: As a supplementary question, can the Attorney advise me: is it the case that the appellant's video film is now his property to do with as he thinks fit?

The Hon. K.T. GRIFFIN: I do not think that really arises out of the answer or the question, but it gives the honourable member another chance to ask a question, I suppose. I am not in a position to give an answer because I do not know. I will have some inquiries made and I will bring back a reply. I think one should recognise that the Full Court did comprise Justice Nyland, Justice Mohr and Justice DeBelle—one woman and two men—so it is not as though it is an issue that involves any question of male or female—

The Hon. Carolyn Pickles: I did not suggest for one moment that it did.

The Hon. K.T. GRIFFIN: No, I am just making sure. I am just making sure that it is not a question of any male or female judicial bias or preference in this particular matter.

TAXI DRIVER CHARGED WITH RAPE

The Hon. DIANA LAIDLAW: I seek leave to make a ministerial statement on the subject of a taxi driver charged with rape.

Leave granted.

The Hon. DIANA LAIDLAW: Further to a report in this morning's *Advertiser*, entitled 'Rape case driver still on the road', I wish to report that late last night the Passenger Transport Board withdrew the driver's accreditation to operate as a taxi driver. He will be off the road as soon as the letter of notification from the board is served on him. I should add, when coming into this Chamber, I learnt that an inspector is outside the gentleman's house at the moment parked—camped there possibly. The gentleman under question is locked in the house and will not receive the notification at the moment, but that matter is being addressed.

The background to this case is that the accused was first arrested and charged on 11 April 1994 with one count of rape. The offence was allegedly committed on 27 March 1994 in a taxi driven by him at an unknown location in the metropolitan area of Adelaide. On 12 April 1994, the former Metropolitan Taxi-Cab Board (MTCB) suspended the accused taxi driver's licence pending the outcome of the court's determination. So, it acted the day after it received advice of the charge.

At a subsequent hearing the charge was withdrawn by the police due to shortcomings with the DNA testing. Following this information, and an application from the driver, the former board restored his licence to drive. I am advised that the matter of identification or DNA testing has now been resolved and the charges reinstated. The taxi driver is due to appear in court on 28 February 1995.

This further development was brought to my attention and to the attention of the Passenger Transport Board General Manager mid morning yesterday, 23 November. Immediate action was taken to suspend the accused's taxi driver accreditation pending the outcome of the court case and, as I indicated, he will be off the road after notification of suspension is served.

For years, the former Metropolitan Taxi-Cab Board, now the Passenger Transport Board, has been reliant on advice from the police and the courts about any criminal charges brought against a licensed or accredited person within the passenger transport industry. We have known that this system was not foolproof. Accordingly, steps have been taken this year to deliver a more professional system.

From early next year—after 1 February—the administrative responsibility for accrediting drivers will be taken over by the Motor Registration Division. With the support of computer links that have been operating for some years between the Motor Registration Division and the police, the new procedures will ensure that any criminal charges brought against an accredited driver are immediately brought to the attention of the Passenger Transport Board for action.

I wish to apologise to the victim, her family and friends that, in this instance, the taxi driver's accreditation, or right to drive a cab, was not withdrawn immediately after the rape charges were reinstated. It will not happen again after February 1995. I hope that heightened attention to this matter would ensure that in the intervening period it will not happen either. No victim of rape should face the possibility of confronting her alleged attacker when she hails a taxi.

HARBORS AND NAVIGATION ACT REGULATIONS

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DIANA LAIDLAW: On 24 October 1994 regulations under the Harbors and Navigation Act of 1993 were proclaimed. In part these regulations addressed the issue of recreational vessels and safety. The regulations require:

1. recreational boats operating more than two nautical miles off shore to carry one two-way marine radio;
2. recreational boats operating more than five nautical miles to seaward in Spencer Gulf or St Vincent Gulf, or more than three nautical miles seaward in any other area, to carry, in addition, one emergency position indicating radio beacon (EPIRB). Over the same distances, vessels in the five to eight metre range will also have to carry a V-sheet;
3. vessels operating more than 10 nautical miles out will have to carry all of the above, plus two distress rockets.

The regulations covering the carriage of EPIRBs have been adopted by South Australia following agreement by State, Territory and Commonwealth Ministers of Transport at the eightieth meeting of the Australian Transport Advisory Council in Perth in May 1990. At that time it was agreed that all States and Territories would implement legislation as soon as practicable for recreational vessels to carry EPIRBs and other safety equipment according to various conditions to be set, taking account of local conditions.

The resolution arose out of the increasing costs of mounting search and rescue missions for overdue vessels off

the coast and, in the case of many smaller craft, the inability to adequately fix their position. Another consideration was the growth in the number of people involved in recreational boating. Over 100 000 people are involved in recreational boating in South Australia and this figure is increasing by 7 000 per year.

The regulations introduced in South Australia last month follow similar measures introduced in Victoria, New South Wales and Queensland over the past two years. Since the regulations were introduced I have been advised by the Marine and Harbors Agency that EPIRBs are in short supply. This has been confirmed by the Group General Manager, Standard Communications Pty. Ltd., Mr Alan Stehr. The company which manufactures EPIRBs in Sydney is one of the largest manufacturers of such devices in the world. The company has experienced a production increase of some 500 per cent over the past six months to meet Australian demand alone.

With EPIRBs also being required in Queensland and New South Wales (and in Victoria from October 1995), the manufacturers are unable to increase their production capacity further and maintain their quality control. I quote from a letter from Mr Stehr, as follows:

> Critical components which we must purchase from Japan in our manufacturing process of EPIRBs have a five month's lead time, so for us to substantially increase capacity, there is a tremendous lead time on sourcing raw material and testing equipment. Obviously, as life saving devices, our procedures for testing and quality control cannot be downgraded in an effort to produce increased volumes. With the present legislation in Queensland, 60 per cent of our production is being shipped to their boating market.

For all the above reasons, at Executive Council earlier today a new regulation was approved stating that the carriage of EPIRBs on recreational vessels will not be introduced until December 1995. This moratorium will enable the manufacturers to ensure the availability of sufficient supplies of EPIRBs that have been properly tested. In the meantime, I urge owners of recreational boats who plan to venture more than five nautical miles to seaward on the low water mark in Spencer Gulf or Gulf St Vincent—or more than three nautical miles seaward of the low water mark in any other area—to start making provisions for EPIRBs.

I also wish to clarify the issue of a two-way or marine radio which from October 24 is required on all vessels proceeding more than two nautical miles off low water mark. The provisions in the regulations do not specify a particular type of radio or range of frequencies. The intention is that a range of different types of radios, including mobile phones, will be acceptable. It will be up to the operator to demonstrate that the unit used is capable of transmitting and receiving and to make themselves aware of the areas available for mobile phone usage. Traditionally boat owners in South Australia are responsible, but the increased number involved in recreational boating and the increased cost of rescues has made reform of boat safety regulations essential. The Government's aim is to provide a safer marine environment for the boating public of South Australia. The Government would be derelict in its duty not to do so.

ROAD TRAINS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about road trains.

Leave granted.

The Hon. R.R. ROBERTS: Most members would be aware of the recent alterations in the ability of road train operators to extend their operations south from Port Augusta to Lochiel. This was because of the Minister for Transport's direction to allow this to occur. A marshalling area is being constructed at Lochiel. There was some concern in Port Augusta with respect to road trains going through Port Augusta and, after consultation with the Minister for Transport, it was determined that it was safe for road trains to go through Port Augusta. I believe that this is principally because they are controlled by traffic lights and because there is a dual highway through that city. This has convinced enough people in Port Augusta to agree to the 12 months trial period.

In her answer to the Hon. Caroline Schaefer's question in this place approximately a fortnight ago, the Minister outlined that during the period of the trial it was her intention to have passing lanes constructed between Port Augusta and Crystal Brook, Crystal Brook and Lochiel and (I believe I heard) Lochiel and Port Wakefield. The Minister might like to comment as to why the passing lanes were not established before the trial started. My question goes further than that. As I understand it, not everybody in Port Augusta is entirely happy with the decision; however, most people accept that it will occur.

It has been put to me that it is the Government's intention to have road trains come as far as Bolivar. If it is safe to have road trains travelling on single lane highways, from the evidence that was given at Port Augusta in respect of the dual highway, it has been put to me that it would be eminently sensible to do that, now that we have the dual carriageway from Port Wakefield right into the city and as far as Port Adelaide, where much of the produce on these road trains would ultimately end up. It has been asserted to me that it is the Government's intention to allow this to occur. Will the Minister admit to the public of South Australia that it is her intention to have road trains travelling at least to the outskirts of Bolivar within two years and, given that it is considered safe to have road trains passing through Port Augusta, why can road trains not utilise the dual highway carriageway system right into Port Adelaide?

The Hon. DIANA LAIDLAW: I thank the honourable member for his series of questions. It was the former Government's intention that A-trains operate through Port Augusta and south to Adelaide when we had constructed a safer network of roads, and certainly when the dual road from Adelaide to Port Wakefield had been completed. That will be completed some time next year, I hope.

The honourable member would be aware that that roadway has been constructed to take heavy vehicles, probably of the capacity of a triple road train. However, we are talking in this instance of a double road train, which is considerably shorter in length. I believe that, in time, the road trains not only will but should travel to Adelaide, but there are a number of matters that have to be addressed in the meantime. The working party that I established earlier this year included Mr McSporran, representing the Port Augusta council, and it was at his urging that any introduction of this measure permitting road trains through Port Augusta be introduced on a trial basis, and I agreed to that. As I have indicated to the Hon. Caroline Schaefer, I will not go through all the precautions or safety measures that will be implemented at the request of the local member, who is the Hon. Mr Gunn, the mayor, and his councillors, but they include, for instance, a 40 kilometre speed limit through Port Augusta.

It was not considered by the working party that the double road trains should come any further south than Lochiel at this stage. The roadway between Lochiel and Port Wakefield is very windy and is also much more undulating than the road further north between Lochiel and Port Augusta, and it was considered that it would be unwise to bring double A-trains south of Lochiel until passing lanes had been constructed. I understand that there is some concern in Port Augusta that passing lanes should also have been constructed between Port Augusta and Lochiel before this trial began. However, it was seen that, because of the better roadway and topography in that northern area, that indeed was not necessary.

At Port Augusta and elsewhere, when the subject has been raised, I have undertaken that I will speak with the Federal Minister for Transport to see whether we can proceed with more haste on, first, road designs and then road construction between Lochiel and Port Augusta. It is a national highway; it requires Federal Government cooperation and funding, and that is not in great supply—the cooperation is, but the funding is not. So, the department is speaking with Federal officers about that matter at present. We would also wish to ensure that there was community consultation, as there is with any major roadworks. I would think that it is most unlikely that road trains, whether double or triple, would be venturing as far south as Bolivar or Port Adelaide within the next two years. However, within the next decade I suspect that it will be so, but only when more substantial roadworks have been completed.

ALDINGA SEWERAGE WORKS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for Infrastructure a question about the Aldinga Sewerage Works.

Leave granted.

The Hon. T.G. ROBERTS: In the policy statement put out by the Liberal Party prior to the 1993 election, the Liberal Party's position on the Aldinga works was as follows:

> The Liberal Party, on coming to office, will immediately commence a sewerage treatment works at Aldinga Beach to service the far southern section of the electorate. This will be an on-land effluent system, linked to water re-use for agriculture. This will give the best of both worlds by retaining the basin's rural character and preventing more pollution to sea. It will also relieve the excessive pressure on Christies Beach Treatment Works which is already at capacity. The area around the scrub should be retained as a buffer.

I guess in an ideal world and with ideal conditions, those plans may have been able to be commenced now and the Aldinga sewerage works would be under way. The Liberal candidate for the area, Lorraine Rosenberg, who was successful in winning the election, put out the following press release, headed 'Liberals to build sewerage treatment works at Aldinga':

> The Liberal Government will take immediate action to construct a sewerage treatment works at Aldinga. As soon as it comes to office, a Brown Liberal Government will invite registration of interest from the private sector through the build own operate and transfer scheme to construct the project. The treatment works will cater for southern areas including Sellicks Beach, Aldinga, Maslins Beach and Port Willunga.
>
> The Liberal Party is also preparing detailed plans for land use of the effluent after treatment. Further details will be announced before the election.
>
> Recognising the conservation values of Aldinga Scrub Conservation Park, a Liberal Government will consult with the friends of Aldinga Scrub to ensure that these values are enhanced as a result of the project.
>
> Existing sites owned by EWS for future sewerage facilities will be sold and a more suitable site for this purpose will be purchased. The proposed treatment works will be constructed in a modular form to enable it to be expanded as demand increases.

That came from the then candidate, now member for Kaurna, Lorraine Rosenberg. So, filled with excitement and glee, the good people in the southern region were expecting an immediate start.

The Better Cities program that is being advertised by the Federal Government to provide infrastructure for expanding service areas in expanding cities has developed plans and programs for providing infrastructure development. The Federal Government has encouraged State Governments to take up those moneys to better the quality of life for people living in those marginal outlying areas.

What progress has been made on a starting date for the Aldinga sewerage works? What community consultation has taken place? Have registrations of interest been called for this project and, if not, why not?

The Hon. R.I. LUCAS: I will be delighted to refer the honourable member's questions to the Minister and bring back a reply.

LIQUID WASTE DISPOSAL

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Minister for Transport, representing the Minister for Environment and Natural Resources, a question about liquid waste disposal.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to a major chemical spill which occurred on 28 July this year on the premises of Castalloy Manufacturing at North Plympton. The spill occurred when a driver from the liquid waste disposal company Collex began pumping 1 000 litres of liquid waste into his tank. I understand that fumes and almost all the waste acid escaped from the tanker, causing a first-alarm dangerous substance incident. I have been told that a report is being prepared on that incident.

This spill caused great concern to the local community, and particularly the residents near the site of a proposed liquid waste treatment plant at Kilburn. The local residents action group has said that this is the type of accident that Kilburn residents have been afraid will happen on their doorsteps if the Collex plant goes ahead. Group spokeswoman Johanna McLuskey says residents had specifically asked Collex management at a meeting in September whether the company had experienced accidents in its operations. She said they admitted to minor incidents in the past but they did not mention the July incident. This has made the residents more concerned about the proposed plant at Kilburn. My questions to the Minister are:

1. Will the Minister increase controls over the handling of dangerous and hazardous wastes to ensure that there is no repeat of the 28 July incident?

2. Will the Minister ensure that the environmental protection regulations are adhered to by ensuring sufficient staff to police the regulations?

3. Will the Minister reconsider the location of the liquid waste plant to ensure that it is not located too close to a sensitive urban area such as Kilburn?

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

UNION FEES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about unpaid Public Service Association union fees.

Leave granted.

The Hon. L.H. DAVIS: The Liberal Government earlier this year advised public sector unions that they would have to pay a 3 per cent fee to Government agencies for processing automatic payroll deductions, which was a fee already being paid by insurance funds and health insurers. The previous Labor Government had exempted the unions from any fee. The Liberal Government had also required unions to ensure that their members signed an annual authorisation for the deduction of union fees from their pay.

Following this change in the collection of PSA union fees, which took effect on 30 May 1994, the PSA General Secretary, Jan McMahon, estimated that the union had lost 30 per cent of its 24 500 members. That represented a loss of over 7 000 members.

I have been contacted by a public servant who has received a final notice from a collection agency for an amount of over $150, which is said to be for unpaid union fees for the period 11 June to 10 December 1994 owing to the Public Service Association of South Australia. The notice advises that unless all the moneys are paid immediately legal proceedings will be instituted without further notice and this will involve further costs. The last day to pay this amount is tomorrow, Friday 25 November. The letter attached to this final notice states:

> The constitution of the PSA provides that members must pay fees as set down in the rules. Where a member ceases to be a member, outstanding fees as at the date of cessation shall be paid. In addition, where a member wishes to discontinue membership, notice in writing must be given to the General Secretary and arrears of subscription must be paid.

In fact, the constitution of the PSA states:

> Any member wishing to discontinue his membership of the Association shall give notice in writing to the General Secretary of his intention to do so and shall pay all arrears of subscriptions, fines and levies owing by him to the Association.

This sexist language is surely politically incorrect for such a politically correct union.

The Hon. G. Weatherill: Where is that quote from?

The Hon. L.H. DAVIS: It is from the constitution of the PSA.

The Hon. G. Weatherill interjecting:

The Hon. L.H. DAVIS: Exactly; they do not have any women. George, you have hit it right on the head. That is the point I am trying to make.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Thanks, George, you're with us.

An honourable member interjecting:

The Hon. L.H. DAVIS: I know that.

The PRESIDENT: Order! The questioner will get on with the question.

The Hon. L.H. DAVIS: Although this public servant had received earlier accounts for her fees from the PSA she not unreasonably assumed that an error had been made. I understand that the PSA is sending out thousands of these notices, and, in fact, is also sending out the notice for the collection agency and then sending the agency a copy. There are apparently too many notices for the collection agency to send out itself, so the PSA is doing it for the agency.

The public servant has described this attempt to rip money out of public servants who are no longer members of the union as a 'despicable act', because at no time in the media comment or in its own official monthly publication has the Public Service Association made clear that notice of resignation had to be communicated in writing.

The fact that apparently thousands of final notices from the collection agency are being sent would strongly suggest this is true. Presumably, these thousands of members have also been given a deadline of 25 November, or a date shortly thereafter. The amount being pursued by the PSA on my estimation could be anywhere between $300 000 and $600 000. The *Public Sector Review*, an official publication of the Public Service Association of South Australia, on the front page of its March 1994 issue, carried a story under the banner headline, 'Government rips up your payroll deduction'. There was a smaller headline which stated, 'No service for financial members after 1 April'. That was the original cut-off date; it was subsequently amended to 30 May. The story claimed—

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: Listen to this, Ron. You should stick to fishing.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Try to catch the one that got away because you have not caught anything yet.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The story claimed it is important that current members understand that after 1 April—

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: Listen to this Ronald—radiant Ron; it might do you some good.

The PRESIDENT: Order! The honourable member will refer to the honourable member as 'honourable'.

The Hon. L.H. DAVIS: The story claimed—

The Hon. Anne Levy: That's an opinion.

The Hon. L.H. DAVIS: It is an opinion whether or not he is radiant; I accept that.

The Hon. Anne Levy interjecting:

The Hon. L.H. DAVIS: It is quite an opinion whether he is radiant.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The story claimed:

> It's important the current members understand that after 1 April they will effectively become non-financial members unless they transfer to a new payment system. Non-financial members will not be able to make use of the services such as personal assistance with individual grievance appeals, unfair dismissal, workers compensation. Non-financial members will have to return their PSA/SPSF Presidential Cards.

On page 3 of the same issue there was a full page advertisement asking PSA members to fill in the form for union membership and either pay by direct debit or by cheque, credit card or cash. But nowhere in this official publication of the PSA, or in any other published material on this subject that I have seen, was there any discussion about the fact that the PSA constitution requires a resignation to be in writing.

Quite clearly the person complaining to me and thousands of others not unreasonably believed that by not continuing to have their union fees taken out of their payroll they ceased to be members of the PSA. That certainly was a very clear inference in the PSA monthly publication. The public servant complaining to me has said that if such a misrepresentation

occurred in the private sector the PSA would be the first to scream.

Certainly, by failing to advise members of their financial liability if they did not provide a resignation from the union in writing the PSA has acted in a deceitful fashion. My questions to the Minister for Consumer Affairs are:

1. Is he aware of the predicament that thousands of former PSA members find themselves in?

2. Will he make inquiries into the matter?

3. Does he have any views on this extraordinary deception carried out by the PSA?

The PRESIDENT: There was a considerable amount of opinion in that question. I ask that members—

The Hon. L.H. DAVIS: Brought on by the other members interjecting.

The PRESIDENT: It is very difficult—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! It is very difficult for the Opposition to restrain themselves if they are provoked by questions such as that.

The Hon. L.H. DAVIS: It was a very good question; I can understand why they were provoked.

The Hon. K.T. GRIFFIN: It was a very provocative question. I must say that, over the years, I have been somewhat puzzled by a lot of union rules which do in fact provide that formal notice of resignation is required and that notice has to be in writing. I have always been somewhat puzzled by it because it seems to me that it is not the way—

The Hon. T. Crothers: We have to do it when we resign. We have to give the President formal notice in writing.

The Hon. K.T. GRIFFIN: This may be a good club but it is not a Public Service union, is it?

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Here, you do not pay anything to belong; we pay you. It is not the right analogy, I might suggest. As I said, I am a bit puzzled by it in the sense that from a public relations point of view it is not particularly astute because it seems to me it will mean that when a former member receives a notice either from the union or the collection agency, or ultimately a summons from the courts—and there have been a few of those, not so much in relation to the PSA but other unions—once and for all the former member has been alienated by that heavy-handed approach.

I would have thought that it is a matter for the PSA as to how it handles its financial and membership affairs. I certainly do not want to make any judgment about the way in which it handles them. All that I can say is that what the Government was seeking to do was provide an opportunity for public servants to make a choice whether or not they should belong to a trade union, and we gave them an option in relation to whether or not fees or portions of fees should be deducted from the payroll. And, in the context of that choice, if 7 000 former members have decided not to continue their weekly or fortnightly deductions that is their entitlement.

I must say, though, that in the context of this one would have expected that the fact that the weekly deductions were no longer being made should have been signal enough to the PSA that these people quite obviously ceased to be members, or at least that the PSA itself would have followed it up to find out why they had ceased to have their union deductions made. It may have been better public relations than final notices being sent from a collection agency.

The sums are not small. For most people $150 is a significant amount. The fact that it has been allowed to drift on for about six months suggests that there has not been a desire to restore confidence in the PSA. The fact that there has been no mention, other than in the rules, about resignation being required in writing suggests to me that the PSA has not been on the ball.

As I said at the beginning, it is a matter for the PSA as to how it conducts its affairs. If it wants to alienate 7 000 public servants, if that is the figure, that is a matter for the PSA, recognising that it will be not just 7 000 but all those with whom those 7 000 might associate—their families, friends and others. I suggest that there ought to be a more accessible mechanism in place for resolving membership issues; but, again, that is a matter for individual unions. My experience is that not too many people rush to the rule book as soon as they join to find out what their obligations are. Although legally they should, most do not. I would be surprised if many of those 7 000 who have withdrawn their periodic deductions are aware that there has to be a formal notice in writing to resign from the union. On the consumer affairs issue, if there are matters that need to be pursued which I have not covered in my answer, I will bring back an appropriate reply.

The Hon. T. CROTHERS: As a supplementary question, is it not a fact that if there are any disgruntled members of the Public Service Association or any other union—

The Hon. L.H. Davis: There are 7 000.

The Hon. T. CROTHERS: I am not going to debate quantum with you. As an economist you are fed all the guidelines. As George Bernard Shaw said, if all economists were stretched end to end they would never reach a conclusion.

The PRESIDENT: Order! The honourable member will come to the question.

The Hon. T. CROTHERS: I will not reply to the Hon. Mr Davis's interjection. Is it not a fact that disgruntled members of the Public Service Association or any other industrial body have a right of access in respect to redressing matters of the nature contained in the question by the Hon. Mr Davis before the Industrial Registrar or the State Industrial Court or the Federal Registrar or the Federal Industrial Court or even the small debtor court, as the case might be?

The Hon. K.T. GRIFFIN: It was not a question of what access disgruntled or former members have to redress. If they believe that they have been treated unfairly or prejudice has been shown against them or if they have been an oppressed minority, of course they have rights under industrial legislation. However, that is not the point that I was making. The point that I was making was that if they determined not to belong to the union and decided to withdraw their authority to continue with the deduction of periodic payments to the PSA, they certainly have a right to make that choice. I should have thought that in circumstances where deductions have not been continued the union, if it was on the ball, might have made an approach to them and asked, 'What is the problem?' As a matter of public relations or good membership relations, the PSA should perhaps have been on the ball to find out what the problem was. It was a question not of what rights of access there may be for disgruntled members to the appropriate structures under the industrial relations system, but whether, in terms of good relationships with members—this is a matter for its decision; I am not seeking to say that it cannot make that decision as a union—the PSA, as I would

expect, should have tried to find out from members whether there was a problem and, if so, how it could be resolved.

CHILD PORNOGRAPHY

The Hon. K.T. GRIFFIN: Mr President, I seek leave to make a brief ministerial statement on pornographic tapes.

Leave granted.

The Hon. K.T. GRIFFIN: At the commencement of Question Time, the Hon. Carolyn Pickles asked a question about a matter which had appeared in the press relating to a decision of the Court of Criminal Appeal, and she particularly asked whether the tapes which were the subject of criminal prosecution had been returned to the defendant. The information that I have is that the Director of Public Prosecutions has retained the tapes pending the consideration of an appeal to the High Court. They may be held without question for at least 28 days. That will give more than ample time for the DPP to consider the matter. The question of possession or return of the tapes will be an issue that I will proceed to investigate.

SALISBURY STRATEGIC PLAN

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Transport a question about Salisbury council's strategic plan.

Leave granted.

The Hon. BARBARA WIESE: Yesterday, the Salisbury council released details of its new strategic planning document. The Mayor of Salisbury is quoted in this morning's *Advertiser* as being confident of achieving the proposed changes within the next three years. Included in the plan were some ambitious and potentially costly transport ideas; in particular, a plan to transform the existing rail service into a light rail or O-Bahn busway and the creation of a new transport interchange at the Greater Levels industrial area. My questions to the Minister are:

1. Was the Government involved in the preparation of these transport plans?

2. Does the Government agree with these objectives?

3. Will it contribute funding within the timetable outlined?

4. How does the Minister rank these plans alongside other ideas for which she has expressed support, such as the light rail extension to Port Adelaide?

The Hon. DIANA LAIDLAW: The transport portfolio, as the honourable member will know, could almost soak up the whole State budget if we tried to meet all the requests of every member of Parliament and local council. The Salisbury strategic plan, to my knowledge, was prepared in isolation from the transport policy unit or the planning section within the Passenger Transport Board or Department of Transport. Certainly no contact was made with me or my ministerial office, but that is not unusual.

When the Adelaide City Council released its vision with great fanfare, there was no consultation anywhere. It was developed in isolation and it then had an expectation that we were all meant to group around and find the funds to do what it wished to do. Another concern is that it has not been developed in consultation not only with the Government but with neighbouring councils. Neighbouring councils often have a very strong view about the impact of road infrastructure on their area.

There is a lot to do in relation to the Adelaide City Council plan and the Salisbury strategic plan. Planning officers within the various sections of the transport portfolio will no doubt be contacted by Salisbury council to look at some of the initiatives proposed. I would think it most unlikely that the major initiatives, if agreed by the Government and neighbouring councils, could be achieved within three years, but I might be wrong about that. In terms of new and major infrastructure development for transport along a corridor, the Government would also want to look at how we can encourage urban consolidation so that we get a much higher proportion of people living or working along those corridors to make our systems generate more income than they are generating today.

TUBERCULOSIS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about tuberculosis in Australia.

Leave granted.

The Hon. BERNICE PFITZNER: Under our current immigration laws migrant children under 16 do not need to be screened for TB prior to entry into Australia. They do not need to have the routine chest X-ray and Mantoux test, or skin test, for TB. These children account for a large number of cases of active TB infections, according to the Director of TB Services in Victoria. A further problem is that the adult migrants who are found to have some TB lesions before entry into Australia—and they are classified as TB undertakings or TBUs—are not legally required to attend a medical follow-up. It is reported that a first visit is usually made, but after that there is a 40 per cent drop-out rate. It has been found that 50 per cent of these TBUs revert to an active contagious form of TB within five years and that of these cases half of them again have the active form in the first 12 months.

The health profession has been combating TB successfully over many years here in Australia, to the extent that GPs seldom suspect a TB infection. Further, because of the low incidence of TB in the past 10 years, children are now not vaccinated against TB in schools. So, we now have the scenario of a population vulnerable to TB, together with migrant children who have not been screened for the disease and adult migrants who have not been followed up properly—a very volatile situation. In identifying this problem we are not discriminating against migrants; rather we are trying to identify a disease that can be treated and cured and also protecting the uninfected.

The Department of Immigration has been loath to apply more stringent follow-up methods on the premise of breaching confidentiality. The issue of confidentiality should not enter into this debate if it is to do with the prevention of the spread of infection and maintaining the good health of the Australian community. My questions to the Minister are:

1. Will the Minister request the Federal Minister for Immigration and Ethnic Affairs to look into applying TB screening tests for migrant children similar to those applied for adult migrants in view of the significant infection rate of these children?

2. Will the Minister request the Federal Minister for Immigration and Ethnic Affairs to investigate the implementation of a follow-up program so that the TBU migrants must be followed up once a year for at least five years, which is

possibly the maximum time for a dormant TB lesion to become active?

3. What is the compliance rate for the follow-up of TBU migrants here in South Australia?

4. What are the numbers and the rate of new TB cases here in South Australia and what is the age range of these new cases?

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

SECOND-HAND VEHICLES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about used car guides.

Leave granted.

The Hon. ANNE LEVY: The Office of Consumer Affairs in Queensland has produced a booklet called 'Your First Used Car—Buy With Your Head, Not Your Heart'. This is a booklet directed at school leavers and sets out the complete legal situation regarding buying a second-hand car and also tips on what to look for when examining a used car in a used car yard. This booklet has been distributed to every year 12 student in Queensland, and this seems most appropriate given that many used cars are purchased by young people when they first leave school or not long thereafter. They are of an age to have a vehicle themselves and are not usually in a financial position to buy other than a used car.

This booklet has received great acclaim throughout Queensland and, as I say, has been distributed to every year 12 student, both in Government schools and throughout the independent and Catholic school system, with the complete cooperation of the independent system. I realise the fate of the Bill currently being considered by this Parliament is not yet determined, but whatever its fate there will be legislation relating to buying used cars. There is currently legislation in relation to buying used cars, and tips on what to look for when buying a used car would, I am sure, be welcomed by many young people buying cars and probably many older people also.

Will the Minister consider the production of a similar booklet for distribution in South Australia as its benefits to the young age group and potential buyers of used cars must be obvious to everyone? It would be too late to produce it for this year's year 12 students, but hopefully it could be produced in time for next year's year 12 students. I am sure if he has not seen it that the Queensland booklet would be made available to him from Queensland, which could serve as a model, with obvious changes required for the South Australian legislation and situation.

The Hon. K.T. GRIFFIN: I have not seen the Queensland publication. I am certainly prepared to have a look at it. A number of items have been prepared by the Office of Consumer and Business Affairs about consumer protection generally. I am not sure whether it has progressed so far as to prepare a brochure in relation to second-hand motor vehicles. Certainly, it was an issue that I have already raised—not specifically directed towards school leavers, but more generally about how the law relating to second-hand vehicles operates.

The Hon. Anne Levy: That was not distributed to schools.

The Hon. K.T. GRIFFIN: I am not sure what has happened to it, but I will make some inquiries about the current extent of the material that is available and its distribution and whether something similar to that which is apparently published in Queensland might be adaptable in South Australia.

TRANSADELAIDE CAR PARKS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about the security at TransAdelaide car parks.

Leave granted.

The Hon. CAROLINE SCHAEFER: For some time now there has been considerable community concern, together with media reports, of security problems at TransAdelaide car parks, especially those at major interchanges such as Paradise, Modbury and Salisbury. Will the Minister indicate whether there has been any progress made in the attempt to fix these problems?

The Hon. DIANA LAIDLAW: I thank the honourable member for her question, and she alerted me that it was to be asked today. There has been considerable alarm in recent times about security problems at TransAdelaide stations and interchange car parks, but no more than has been continuing over some years, I suppose, and no more than occurs at car parks at major shopping centres and in the city, and certainly no more than transport operators cope with in any other cities. Nevertheless, there is a problem and we have to address it, because it certainly deters passengers from catching a train, in particular, or the O-Bahn bus if the car they leave all day is either going to be broken into, stolen or scratched.

Because of continuing reports of assault, unruly behaviour and interference with customers' cars, particularly at Salisbury, Modbury and Paradise interchanges, TransAdelaide has contracted the security firm MSS to patrol those sites on a daily basis. The patrols started on 7 November for a six week trial. Already public reaction has been very positive, including reaction from the Salisbury council. The patrol is in the form of a mobile officer or a car patrol visiting each of the sites about nine times a day during a 10 hour period, paying attention not only to car parks but also to passenger platform areas. I wish to highlight that we are going further in this area and we are investigating the use of camera surveillance.

The installation costs of a small site such as Brighton would be $35 000; in a larger car park such as Paradise it would be $80 000; and the cost of camera surveillance in the majority of car parks could be as much as $1 million. The cost of the MSS patrol at all major TransAdelaide car parks for a 10 hour period, five days a week would be over $182 000 a year. I also note that a survey is to be conducted at Modbury to check passenger or customer reaction to money being charged for car parking at interchanges to fund the staffing of those interchange car parks. This suggestion has been put to me from time to time. Certainly, I know a similar survey by TransPerth indicated that the customers would not use the car park because of the cost.

In addition to those measures we have a situation where local police stationed at Salisbury and elsewhere are keeping an eye on these car park issues because, if we do not get the situation under control, we will not be able to realise our objective of winning more passengers back to public transport. Indeed, they will continue to use their cars, and in fact bring them all the way into the city and use the cheap car parks that are available. They do not want to leave their car

at a metropolitan railway station car park or bus interchange and find that they have incurred damage, as one gentleman highlighted to me this week, of $1 600 to his car. He has been without his car for about a week. The issue is a real one and is one that we are seeking to address. Ultimately it will cost money for us to do so effectively, and that is always a problem in this climate.

WORK INJURIES

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Industrial Affairs, a question about worker related injuries and deaths in South Australia and the Government white paper 'Future options for injured workers in South Australia'.

Leave granted.

The PRESIDENT: I point out to the Hon. Mr Crothers that there is only one minute to go. If he has a long question, he might prefer to ask it on another day.

The Hon. T. CROTHERS: Mr President, it is a long question which is of such good value that I am willing to ask it on another day.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

On 8 August this year the State Liberal Government delivered generational change to South Australia's industrial relations system when the *Industrial and Employee Relations Act 1994* came into operation. That Act, passed by this Parliament in May of this year, laid the foundation for a new era of industrial relations for South Australian employers and employees. For the first time in a generation, South Australian employers and employees have been given real options to improve their industrial relations outcomes in a system which openly embraces the dual principles of flexibility with fairness.

When the *Industrial and Employee Relations Bill* was introduced into this Parliament in March of this year, the Minister for Industrial Relations indicated that the State Liberal Government was committed to one overriding principle, to construct so far as is possible, the best and fairest industrial relations legislative framework for South Australia in 1994 and beyond. Throughout the course of discussion, consultation and debate on that Bill and in the State Government's extensive discussions with employers, employees and their representatives since the passing of this historic reform the State Government has maintained the view that it will leave no stone unturned to build on the legislative foundation passed last May and respond whenever necessary to improve the Act's operation or protect the State industrial relations system.

The Government is delighted with the already very positive response from employers, employees, independent commentators and the South Australian community to our new industrial relations system.

This Bill has been introduced to amend nine sections of the new *Industrial and Employee Relations Act 1994*. These amendments, in the main, clarify the Government's legislative intent in areas where clarification is considered necessary, and in other respects improve the Act's operation, particularly in the enterprise agreement provisions.

This Bill has been designed and introduced by the State Liberal Government in the context of constructive discussions with those trade unions, employer associations and the industrial relations community who are working constructively to build upon the smooth operation of the new industrial relations system.

The major area of amendment proposed by the Bill relates to various machinery provisions in the enterprise agreement provisions of the Act.

The Bill proposes to enable associations who enter into enterprise agreements on behalf of a group of employees to prove their authorisation by statutory declaration, rather than having to provide individually signed authorisation forms. This amendment will simplify the process of making an enterprise agreement, particularly in some larger businesses where employees rarely meet as a group due to shift work practices or work at remote locations. This issue was first raised with the State Government by a number of State based trade unions who are negotiating enterprise agreements with employers on behalf of their members under the new South Australian industrial relations system. In proposing this amendment the Bill only deals with the issue of proof of authorisation, but does not compromise the fundamental principle enacted throughout the industrial relations system that associations can only participate in the enterprise agreement process as a representative of their members in the enterprise and on their members authorisation.

The Bill also proposes to enable the Enterprise Agreement Commissioner to approve a provisional enterprise agreement where an employer is yet to commence employment of a group of employees. This initiative is necessary to give new businesses in greenfields sites commencing employment for the first time in South Australia, or existing businesses commencing employment of new groups of employees (such as trainees under the Australian Traineeship System) the option to employ those employees under an enterprise agreement from the commencement of the employment relationship. Due to the structure of existing provisions in the Act, such employers currently have no option but to commence employment under an industry wide award before seeking the approval of an enterprise agreement. In order to protect the interests of the employees to be employed, the Bill proposes that the employer can only establish a provisional enterprise agreement if agreement is reached with the Employee Ombudsman and approved by the Enterprise Agreement Commissioner. The award will remain the safety net for the purposes of the approval process. In addition, the Bill provides that the agreement must be renegotiated within six months of its commencement and if not ratified or varied by the employer and the group of employees it will lapse. This scheme ensures that the group of employees, once employed, retain all rights to negotiate with their employer, ongoing terms and conditions of employment pertaining to their enterprise. If no agreement is reached, then the relevant award will apply.

The Bill also clarifies the Government's original policy intention that the negotiation of enterprise agreements can be initiated equally by employees (or their representatives) as well as by an employer. The Government has been advised that the existing provisions of the Act already provide for this position. However, as one union in South Australia has raised a concern at the interpretation of this provision, the Bill proposes to express this principle in a clearer fashion.

The Bill also makes a consequential amendment to the transitional provisions enabling enterprise agreements under the new system to be regarded, for the purposes of all other legislation, as comparable to industrial agreements under the former Act. This amendment is necessary, for example, to recognise enterprise agreements under the Long Service Leave Act in the same manner that this Act recognises the former industrial agreements.

The Bill also proposes a redrafting of the representation provisions of the Act to clarify the Government's original policy intention that a party can have a representative or agent of their choosing appear on their behalf in all Commission proceedings without that agent requiring registration as a registered agent when representation is made without charge.

The final area in which the Bill proposes amendment is in relation to the unfair dismissal provisions. In the Bill originally proposed by the State Government in March this year the Government sought to provide for a six monthly limit on compensation in cases of unfair dismissal. This provision was ultimately struck out of the Government's original Bill in the Legislative Council and was not then pursued further by the State Government as such a provision

was then in conflict with the open ended compensation under the Federal Industrial Relations Reform Act 1993.

Since the passing of our new State Act in May of this year, the Federal Government has performed a complete about turn on this issue and has enacted amendments to the Federal Act giving effect to this very principle which the South Australian Government sought to enact in March. In these circumstances, this Bill proposes an amendment to the unfair dismissal provisions applying the limits on compensation and limits on access to the jurisdiction which have now been recognised as necessary and desirable by the Federal Government. These limits will ensure that the unfair dismissal jurisdiction remains primarily focused on employees at the award and enterprise agreement level, and its remedies remain focused on re-employment with fair but not excessive claims for compensation.

This Bill represents a further stage in the smooth introduction of South Australia's new industrial relations system. It demonstrates the State Government's willingness to respond constructively to issues raised by employers, employees and their representative organisations in relation to the systems operation.

The highly successful and smooth operation of the new industrial relations system since 8 August 1994 has been a credit to South Australian employers, employees, their industrial associations and the Industrial Relations Commission. With these amendments the State Government will move even closer to having achieved its goal of implementing the best possible working model of industrial relations of all Australian jurisdictions.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure will come into operation on a day (or days) to be fixed by proclamation.

Clause 3: Amendment of s. 4—Interpretation

This clause relates to various definitions that are relevant to the substantive provisions of the Bill.

Clause 4: Substitution of s. 75

This clause provides for a new section 75 relating to enterprise agreements. New subsection (2) provides that an association may act on behalf of a group of employees if authorised to do so by a majority of employees constituting the group. The authorisation will not necessarily need to be a written authorisation. Subsection (3) ensures that an authorisation cannot be given generally, but must be specifically related to a particular proposal. Subsection (4) introduces a new concept of a provisional enterprise agreement. Such an agreement will be available to an employer who is yet to employ employees to be covered by the agreement. The interests of the potential employees will be represented by the Employee Ombudsman.

Clause 5: Amendment of s. 76—Negotiation of enterprise agreement

This clause inserts a new section 76(6) to provide expressly that employees or an association of employees may initiate negotiations on a proposed enterprise agreement (subject to an employer then giving the notice and information required by section 76). New section 76(7) clarifies that an employer is not required to comply with this section if the enterprise agreement is to be entered into on a provisional basis.

Clause 6: Amendment of s. 79—Approval of enterprise agreement

New section 79(1)(c) is related to the proposal that an authorisation given to an association by employees in respect of negotiations on an enterprise agreement does not necessarily need to be in writing, but an appropriate officer of the association will be required to lodge a statutory declaration with the Commission verifying that a majority of the employees have authorised the association to act on their behalf. The Commission will also be able to require further evidence of an authorisation as it thinks fit. New section 79(7) provides that an enterprise agreement entered into on a provisional basis may only be approved on the condition that the agreement be renegotiated within a period, not exceeding six months, determined by the Commission. The employer and employees will be able to renegotiate an agreement during that period, subject to obtaining appropriate approval under the Act. Otherwise, the agreement will lapse at the end of the period fixed for its renegotiation.

Clause 7: Substitution of heading

This clause corrects an incorrect heading to Division 2 of Part 3 of Chapter 3.

Clause 8: Amendment of s. 105—Unfair dismissal

It is proposed that an application will not be able to be made by an employee under section 105 of the Act ('Unfair dismissal') if the employee's employment is not covered by an award, industrial agreement or enterprise agreement and the employee's remuneration immediately before the dismissal took effect was $60 000 (indexed) or more a year.

Clause 9: Amendment of s. 108—Remedies for unfair dismissal

This clause places upper limits on the amount of compensation that can be awarded in unfair dismissal cases.

Clause 10: Amendment of s. 148—Time and place of sitting

This clause makes an amendment that is consequential on amendments that were made to the original Bill when it was before the Parliament at the beginning of 1994 (to include a reference to the Senior Judge of the Court).

Clause 11: Substitution of s. 151

This clause clarifies a party's right to representation by an agent (who is acting gratuitously), and provides a 'link' to section 77(1)(d) of the Act in respect of enterprise agreements that give exclusive rights of representation to particular associations.

Clause 12: Amendment of Schedule 1—Repeal and Transitional Provisions

This clause ensures that references in other Acts and statutory instruments to industrial agreements extend to enterprise agreements under the principal Act.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

NATIVE TITLE (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 23 November. Page 912.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their contributions to this and the other Bills. As other members have spoken on the Native Title (South Australia) Bill and addressed issues in relation to the other Bills, I plan to do the same. It is important in the context of the consideration of these Bills for me to make several general observations. The first is that, when the Government came to office in December, the debate in Federal Parliament was still running at a fast and furious pace in relation to the Commonwealth Native Title Bill as it then was, and it was not until some time in late January or early February that we finally had copies of the Act that had been passed by the Federal Parliament. When we took office we immediately established a Cabinet subcommittee to address the issues of native title in so far as they affected State responsibilities and, since that time, we have been working through a number of the issues to both bring our laws into a position where they are consistent with the Commonwealth Racial Discrimination Act and, secondly, where appropriate, that they should be not inconsistent with the Commonwealth Native Title Act.

It is important to recognise that a very large part of the substance of these Bills before us now, and of other Bills which will be introduced early next year dealing with other State laws, is very much directed to ensuring that our laws are not inconsistent with the Commonwealth Racial Discrimination Act 1975. That has to be recognised. We are endeavouring to put in place, whether it be in relation to mining, land acquisition or other areas of the law, a structure which is non-discriminatory in so far as the Commonwealth Racial Discrimination Act applies. That has meant that we have had to make a number of judgments about the amendments that will be required to our laws and to ensure that we meet the objectives that this Government has set.

The Hon. Sandra Kanck made some rather gratuitous remarks about this Government's adopting a paternalistic

attitude. The point is that we have been endeavouring to reform our laws to ensure that they are non-discriminatory. That means that not only will the laws apply to non-Aboriginal interests and people but, equally, to Aboriginal interests and people, and in relation to acquisition with which I will deal later.

For example, it is discriminatory if the law in South Australia provides for the right of a Government to compulsorily acquire land, for example, of a non-Aboriginal person or body on the one hand and prevent compulsory acquisition of native title interests on the other. It is clearly discriminatory and it would be in contravention of the Commonwealth Racial Discrimination Act. What we have been trying to do with land acquisition is to put in place a law in South Australia which is even-handed. It makes no distinction in essence between native title interests and other interests in land. It applies equally across the whole spectrum of interests and peoples in South Australia even-handedly. If that gives the impression to the Hon. Sandra Kanck that we have adopted a paternalistic approach, she misrepresents and misunderstands the essence of what this Government is trying to do. She makes reference to the Tonkin Liberal Government's approach under the Pitjantjatjara Land Rights Act. I was very much involved in—

The Hon. T. Crothers: The problem is whether you can deal with this problem even-handedly.

The Hon. K.T. GRIFFIN: I think you can deal with it even-handedly. What we are trying to do, and we will deal with this in more detail during the Committee stage, is to deal with it in a way that is non-discriminatory; that is the criterion. The High Court and the Racial Discrimination Act have said that our laws must be non-discriminatory in a racial sense. That is what we are moving towards with this legislation. I have some amendments on file which will make that somewhat clearer and, if members have concerns about the application of the Bill and amendments in the context of whether or not they are non-discriminatory, I will be pleased to pursue that in Committee.

The Hon. T. Crothers: Does that include the discrimination of the past as well as the present? That is the question I asked.

The Hon. K.T. GRIFFIN: The Hon. Mr Crothers asks whether this includes the so-called discrimination of the past as well as the present. The Commonwealth Government is trying to set up a $1.4 billion land fund, which is attempting to address those sorts of issues. There has been some debate in the Commonwealth Parliament—

The Hon. T. Crothers: Only in part.

The Hon. K.T. GRIFFIN: It is attempting to address that issue in the Commonwealth Parliament, because it is to make funds available to enable Aboriginal people who have been dispossessed (and they put it in that terminology) to acquire property interests to compensate them in some measure for their losses in the past. In that context, the Commonwealth Government constitutionally having this responsibility, it seeks to address that issue through that fund. The controversy in relation to the Commonwealth legislation is that it is seeking to give control of that to certain organisations in the Aboriginal community which are not necessarily representative of all Aboriginal people. That is very largely what the debate is about at the Federal level: who should control the fund and what the fund should be available for. I do not want to get into a big debate about that; all I am saying is that, in terms of so-called past problems, by establishing this fund the Commonwealth Government is attempting to rectify that problem in some measure.

It is another debate, of course, as to whether there should be that focus, but again I do not want to get into that debate. This Government has the task of addressing the consequences of the Commonwealth Native Title Act, and I have said, and the Government has made observations in the public arena, that the Commonwealth Act is largely unworkable. It is vague, contradictory in some respects and largely unworkable, and we have made representations to the Commonwealth Government in very clear terms as to those areas of the Commonwealth law which we say need attention. It was one of the reasons why we took a decision to intervene in the High Court case; not to undermine the whole basis of the native title legislation but to say, 'Look, these are issues which are more in the area of the responsibility of the States in respect of land management and administration. They are not functions of the Commonwealth, and therefore they are invalid constitutionally.'

We have also said there are overlaps between Commonwealth and State responsibilities and legislation which ought to be removed to enhance certainty in the way in which this whole scheme operates. We have said that we accept that the High Court has made a decision that native title is part of the common law of Australia. We have said that we are not seeking to undermine that concept. What we are seeking to put into place is a fair, reasonable, workable and not confusing system which will enable all interests within the community to be addressed properly and particularly for claims by native title claimants to be fairly and reasonably assessed, determined and ultimately recorded, either in land tenure or some other form in this State.

The Hon. Sandra Kanck has made criticisms that some of this legislation bears no comparison with the Commonwealth legislation. Although she says she spent 50 hours on it, I have spent 50 weeks on it and at times I still have difficulty in understanding all the nuances of the legislation. I sympathise with her, but the fact of the matter is that there is no significant inconsistency between the State and Commonwealth provisions. We have had discussions with the Commonwealth. I cannot get up here and say that the Commonwealth unequivocally supports what we are doing, but I can say that the Bill and the amendments we have on file are seeking to reflect some of the issues raised by Commonwealth officers.

There have been very productive meetings with the Commonwealth. We have been open about what we are endeavouring to do, Commonwealth officers have been equally open with us about their criticisms and we are at a point where in our view a significant amount of this legislation, if not all of it, is in line with what the Commonwealth believes is at least consistent with the Commonwealth Native Title Act. I am not saying that we have been given a final tick for what we are doing, but we are very close to that point.

The Hon. Sandra Kanck needs to recognise that these are not pieces of legislation that we have drafted in isolation from the real world. We have had numerous meetings both at the ministerial and officer level with the Chamber of Mines, the Aboriginal Legal Rights Movement, the Opposition, the Australian Democrats, the South Australian Farmers Federation and other interest groups, and we have been prepared to make available to the Opposition and the Australian Democrats full briefings on where we are going. We recognise that this is a complex piece of legislation. We recognise that it takes a long time to come to grips with all

the legislation and what we are allowed to do under the Commonwealth enactment. So, we have deliberately gone out of our way to ensure that all those who have to make decisions and who need a briefing have that briefing, and we have held nothing back. I think it needs to be recognised that we have been open about where we are going in relation to this piece of legislation. There are some concerns about it. The mining industry has concerns about the direction that we are taking, in part. The Aboriginal Legal Rights Movement, which has been making representations to us as well as to the Opposition and the Australian Democrats, also has concerns.

So, there are concerns about it; we have tried to accommodate at least the majority of the concerns. There are some issues of principle from which the Government is not prepared to budge, and one of those refers particularly to the issue of a reiteration of the law that native title has been extinguished by the granting of pastoral leases.

The Hon. Sandra Kanck has made an observation about that and says that there is doubt about whether native title has been extinguished by pastoral leases. The fact is that the Prime Minister has said that, in the Federal Government's view, native title was extinguished by pastoral leases. The Prime Minister has said, 'We will fight in any case which challenges that position, and ensure that the courts uphold and, if they do not, we will legislate to ensure that the primary position is that native title has been extinguished by pastoral leases.' So, there is a very strong view—and I suspect also a view held by the Australian Democrats at the Federal level—that native title has been extinguished by pastoral leases—

The Hon. R.R. Roberts: Is that specific to our pastoral leases, with traditional access being a part of it?

The Hon. K.T. GRIFFIN: There is an interesting argument about traditional access; there is an argument that at least part of native title has been retained by virtue of the reservation in the pastoral leases and, more recently, in the statute. That is an argument that we will have to have on another day; it is not affected by this legislation. There is already a case in the Federal Court in the Northern Territory, and a case in the Federal Court in Queensland in relation to whether or not pastoral leases have extinguished native title.

The Aboriginal community makes no secret of the fact that it will be challenging at the first opportunity the issue of pastoral lease extinguishing native title by asserting that Governments over the years, since the establishment of the colony when they began to issue pastoral leases, were in breach of a fiduciary duty to Aboriginal people in the issuing of those pastoral leases. That may be an arguable point, although the Government does not believe that there is any substance in it. But, it is an argument that the Aboriginal Legal Rights Movement and others will undoubtedly want to push at some stage.

However, even if native title continues to exist in relation to those reservations which have been made in pastoral leases, it can exist only in relation to the rights that have been reserved. The Government does not agree with the argument that native title has not been extinguished. The Government's view is that native title was extinguished, and the rights that were recognised were not native title rights but were contractual rights reserved in the pastoral lease. We will argue about that; it will go to the High Court undoubtedly at some time in the future. By the specific provision in the Native Title (South Australia) Bill, we are saying what we regard as merely a reflection and a restatement of the current law: that native title has been extinguished by the granting of pastoral leases. Although that provision is there, some concern has been expressed by the Aboriginal Legal Rights Movement, the Australian Democrats and the Hon. Carolyn Pickles about it, and hopefully we can explore it more when we get to it. I stress that it will not make any difference to the common law; it is a restatement of the common law position, as expressed by the High Court and as expressed in the Native Title Bill.

So, that is one of several issues that we will debate. However, in the consultation process we have responded to some of the matters which have been raised by providing for amendments, which are on file. I suggest that most of those amendments will address the majority of the concerns raised by the Hon. Carolyn Pickles and the Hon. Sandra Kanck.

I think the Hon. Sandra Kanck raised some question as to why there is haste with these Bills. I remind members that the three main Bills were introduced in April, and were allowed to sit on the table. So there was no secret about the direction the Government was taking. We started consultations even before that point with the Aboriginal Legal Rights Movement, the mining industry, farmers and others. We started at that very early stage, and we offered briefings to the Opposition and to the Democrats.

Certainly, there have been changes to the Bills and amendments proposed because of the continuing consultation. It is not good enough to say, 'Let's start afresh and introduce new Bills in the new year.' The fact is that there may still need to be more amendments in the new year as this legislation is worked through, and as the Commonwealth Native Title Tribunal and the courts make judgment about the effect of the Commonwealth Native Title Bill. So, it is not good enough to say, 'Let's put it off until next year.'

The Commonwealth has said, 'If you do not pass validating legislation—that is, to validate Acts between the end of October 1975 and the end of December 1993—the State will not qualify for compensation which it may subsequently have to pay out in relation to grants made in that period which, by virtue of the validation legislation, extinguish native title.' Provided that there is an adequate recognition of the need to pay compensation, that is not contrary to the provisions of the Racial Discrimination Act.

This legislation has to pass in this session before we get up for Christmas, because if we do not pass it, particularly that part which relates to validation, we are out of the ballpark in relation to a claim against the Commonwealth for reimbursement of compensation that might be paid to those claimants whose interests have been extinguished since 31 October 1975. So, there is a sense of urgency about it.

I remind members that these Bills were introduced into the House of Assembly quite some time ago and were introduced into this Council on 2 November, three weeks ago. Even before they came into this Council the Government offered briefings, and it is prepared to continue to offer briefings to members in an attempt to resolve outstanding issues.

I acknowledge that there may be some issues of principle that will have to go to a deadlock conference, but I would hope that what we have now proposed will enable us to address all the major concerns raised by members opposite and the Australian Democrats.

Some issues were raised by members which need some more specific responses. The first was a question raised on 17 November by the Hon. Jamie Irwin, who queried the reference to 'Aboriginal peoples' and the definition in section 253 of the Commonwealth Native Title Act as 'peoples of the Aboriginal race of Australia'. A three part test of Aboriginality was established by Mr Justice Deane in the Tasmanian

dams case, involving Aboriginal descent, although mixed descent; self-identification as Aboriginal; and recognition by the Aboriginal community as Aboriginal. That three part test has now been adopted in numerous pieces of Commonwealth legislation.

State legislation contains varying definitions, giving greater or lesser weight to some or all of the factors to which I have referred, depending on the context. Of all the factors, genealogical descent is the most determinative. Clause 3 of the Native Title (South Australia) Bill reproduces the Commonwealth definition; it was impossible to do otherwise, as it would have built uncertainty on uncertainty to have two different definitions of Aboriginal peoples. I acknowledge that there is some lack of a clear definition, but by the very nature of Aboriginality it is difficult to go much further.

The Hon. Carolyn Pickles raised a number of issues, but one which she had in common with the Hon. Sandra Kanck was the issue of conjunctive agreements. I suppose I should say before I deal with that specifically that, in the approach to all these Bills and the principal Acts which they seek to amend, we have sought to deal only with those parts of the substantive law which are necessary to be amended to ensure that our law is not inconsistent with the Commonwealth Racial Discrimination Act and the Native Title Act.

There are other more substantial changes to the substantive law which might affect the whole of, say, the mining industry or the whole of the land acquisition area and which might have been good ideas but were not essential to our approach to amending the laws in so far as they related to native title.

With respect to conjunctive agreements, for example, it may well be that, in an overall review of the Mining Act, greater attention might be given to the way in which mining interests might be issued. At the moment I think it can be up to a four stage process: the mining right, the right to prospect and explore, the right to mine and the right to produce and dispose of minerals. At each of those stages there is an opportunity for review of the appropriateness of issuing the next tenement up the ladder. In modern bureaucracies, one has to consider whether it is necessary to have four stages or whether one has just one stage. That, I suppose, is the issue which is addressed by conjunctive agreements, which do allow negotiation at an early stage to build more certainty into the system. There is no reason why we should be suspicious of them. If parties wish to negotiate them, they ought to be allowed to do so. In negotiating, they can build in safeguards as they move from one stage of a mining tenement to another. With conjunctive agreements, I do have on file some further amendments which I hope will at least address the concerns raised by the Opposition.

The Hon. Sandra Kanck suggested that the Bills in their current form are in conflict with the Native Title Act. I repeat what I said earlier: our discussions with the Commonwealth officers suggest that the Commonwealth officers do not think that is the case. There remain some areas of minor disagreement, but these will be fixed or negotiated out. As a Government, we are confident that our scheme will be recognised ultimately by the Special Minister of State for the Commonwealth under the provisions of the Commonwealth Native Title Act.

The Hon. Sandra Kanck suggests that the Land Acquisition (Native Title) Amendment Bill is an outrage. I take exception to that description of it. Hopefully mature reflection will suggest that she ought to move away from such a description of the Bill. It is in fact a nonsense. The Native Title Act specifically (and I stress 'specifically') refers to and contemplates compulsory acquisition Acts, being laws of the Commonwealth or a State, providing for the compulsory acquisition of native title rights and interests. I need only refer to section 253 at page 123 of the Commonwealth Native Title Act. Section 23(3) of the Commonwealth Native Title Act then makes specific provision for the extinguishment of native title by compulsory acquisition (page 14).

A compulsory acquisition of native title is a matter to which the right to negotiate applies. I draw attention to section 26(2) of the Native Title Act. So long as the State law permits the acquisition of native title rights and interests in the same manner as it permits the acquisition of other interests in land, provides for payment of compensation and requires negotiations to take place to determine whether the acquisition should proceed, it will be an acceptable law as far as the Native Title Act is concerned.

The State has acted perfectly logically and properly in amending the Land Acquisition Act to make it a compulsory acquisition Act. The Land Acquisition Act in South Australia has been in place since 1969. I think there was other legislation relating to compulsory acquisition well before that. The 1969 Act, and therefore the current Act, allows for the acquisition of all sorts of interests in land. It provides for the payment of compensation. It would be anomalous—and this comes back to my even-handed approach that I expressed earlier—if other interests in land could be compulsorily acquired by the Crown under this Act but native title could not.

The Land Acquisition (Native Title) Amendment Bill does all the things required by the Commonwealth Act. I emphasise that. It amends the Act to apply it to native title interests. It provides for native title holders or their representatives to avail themselves of the same rights of objection, and so forth, as others have. In all instances, the relevant representative Aboriginal body—and in most cases that will be, I suspect, the Aboriginal Legal Rights Movement—will also receive notification and have rights of objection, and so forth.

The Bill contains special provisions requiring an acquiring authority to negotiate with native title holders concerning the acquisition. If agreement cannot be reached, the ERD Court decides whether the acquisition can proceed. No other holders of interest in land have such rights. These are special rights required to be conferred by the Commonwealth Act. The Bill provides for compensation to be paid to native title holders for the loss of their interests. The provisions have been tailored to ensure that they are suitable in their application to native title holders.

The Hon. Sandra Kanck also suggests that the Mining (Native Title) Amendment Bill changes the Act as it applies across all South Australia and refers particularly to section 58A, which deals with notice of entry. The changes made to the notice of entry provisions have been the minimum necessary to accommodate the recognition of native title as another interest in land that should be taken into account.

The Act has always drawn a distinction between entry on freehold land as distinct from entry on other land. It is important to recognise that. There has always been a legal difference between entry on freehold land, which has been significantly protected, as opposed to entry on other land. Native title holders who have rights of exclusive possession, like those of freehold owners, have the same rights of objection, and so on, as freehold owners. Those who do not have rights equivalent to freehold receive the same right as the holders of non-freehold interests in land.

So, we have sought to achieve an equivalence between freehold owners and those native title owners whose rights are comparable with freehold. The right to hunt, the right to cross, or the right to conduct ceremonies can in no way be equated to rights akin to freehold ownership. That is one of the problems with native title. When you mention the word 'title', it conjures up the concept of ownership of a piece of land. That is not what the Commonwealth Native Title Act addresses. It is not necessarily what the High Court decision in Mabo addresses. It deals with rights as much as title. I am not sure why they called it 'title' and not 'rights' because it is more rights that are affected rather than title.

It can be a misconception to regard native title as in all respects equivalent to freehold, but where the rights are equivalent to freehold then their interests will be protected in a similar manner to those interests of freehold owners. Again, as I have mentioned earlier, the Hon. Sandra Kanck has concerns about conjunctive agreements. I would suggest that she has misunderstood the provisions. They are not fast tracking by stealth, as the miner still has to go through the usual procedures to secure the appropriate tenement for the activity to be conducted. The conjunctive agreement provision simply allows for the mandatory negotiation with native titleholders to be done all at once if all parties think it is feasible, or if the court so determines.

They are some of the issues raised by the Hons Sandra Kanck, Carolyn Pickles and Jamie Irwin. I have not made specific reference to the contribution of the Hon. Robert Lawson because that was, might I say, a good exposition of the application of the Mabo decision and the Native Title Act, and I have no disagreement with the views which he was putting.

I now deal briefly with issues I picked up from the second reading speech of the Hon. Sandra Kanck. She makes the point that this State will be in conflict with and in contravention of the Federal Native Title Act. I believe I have adequately addressed that. That is just not correct and it is a misunderstanding of what our legislation does. She says that this State legislation will be a year-round food and wine frolic for the lawyers. That, I would suggest, is nonsense. We are trying to ensure that the law is clearer in this State than it is at the Commonwealth level. I would suggest that some of the things we have done in this package of legislation will be much clearer than the Commonwealth Act. If the High Court makes a decision about some aspects of the Commonwealth Native Title Act being invalid then, of course, the objections which we have to the Commonwealth Act and its uncertainty and its unworkability will be able to be addressed afresh.

The Hon. Sandra Kanck makes an observation about the matter ending up in the Supreme Court; that the ERD Court and the Supreme Court will have jurisdiction, and that serious cases will end up in the Supreme Court. She wonders whether a little bit of the Government's paternalistic, 'We know best' attitude might be behind that. Again, I very vigorously refute that. We are seeking to provide a workable mechanism to deal with the issues raised by the High Court and by the Commonwealth Native Title Act. It is not a question of having a paternalistic approach: it is a question of having an even-handed approach, which makes justice accessible to those who are native titleholders as well as to those in respect of whose property those native titleholders will have some interest. And so, in what may be an imperfect society, we are endeavouring to provide appropriate independent forums by which disputes can be resolved. That deals more than adequately with the issues that have been raised in the second reading debate. Further aspects of them can be explored in the Committee consideration of the Bill, which I would hope we can undertake next Tuesday. I repeat that if there are matters which members wish to raise on an informal basis or with officers the opportunity to do that will certainly be available. I would invite them to continue to achieve the access which the Government has up to the present time made available to them.

Bill read a second time.

MINING (NATIVE TITLE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 735.)

The Hon. K.T. GRIFFIN (Attorney-General): I have replied on the previous Bill to most of the issues raised by members in relation to this and the subsequent Bills, which are all part of the package. This and the next two Bills ought to go into Committee, again to be considered at the same time as we are considering the Native Title (South Australia) Bill during next week.

Bill read a second time.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT (NATIVE TITLE) AMENDMENT BILL

(Second reading debate adjourned on 2 November. Page 735.)

Bill read a second time.

LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

(Second reading debate adjourned on 2 November. Page 737.)

Bill read a second time.

PUBLIC SECTOR MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 838.)

The Hon. R.R. ROBERTS: I rise on behalf of the Opposition to oppose this Bill as proposed by the Government. It is not the intention of the Opposition today to go into a long dissertation on this Bill. Most of it has been amply covered by my colleague in another place, Ralph Clarke, who has pointed out many of the anomalies. However, it is necessary to make some points in respect of this Bill. This Bill is a manifestation of a massive dupe on the Public Service in South Australia by the Liberal Party in this State.

An honourable member interjecting:

The Hon. R.R. ROBERTS: Public servants have a right to be angered by the introduction of this Bill. An honourable member opposite made a comment on my previous remark that I may be overstating the case. However, prior to the election the Public Service Association approached the Premier, and he was unequivocal in his response that the GME Act would be retained. This was a direct quote given by the Leader of the Liberal Party to members of the Public Service Association. That was dutifully reported in a special edition to the 25 000 members of the Public Service Association at that time. Therefore, the Public Service

Association had some right to be confident that the protections provided by the GME Act would be retained and would not be usurped by different authorities and regimes, as has occurred in other States.

In his contributions in another place, the Premier talked about the responsibility for general employment determinations being moved from the Commissioner for Public Employment to the Minister with responsibility for the Act. He said:

> It is appropriate for the employing authority—the Government—to be responsible for setting the general personnel and industrial relations framework for the Public Service. This is consistent with other States.

Why wouldn't it be? Most of the other States these days are graced, if that is the right word, by Liberal Governments, all being driven by the same ideology as is driving the Liberal Party in this State. Therefore, to say that the standard that has been set is the correct standard is laced with political bias.

This Government wants not only to dupe public servants with a lie, but to take away many of the conditions that they work under. One of the worst aspects in this Bill is the proposition in clause 30 where it wants to introduce to CEOs and others within the Public Service contracts of employment which will override not some minor internal system that may be put in place from time to time, but the Act. That is a dangerous situation.

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: Members interject and talk about Bruce Guerin, and that is fine. This legislation has the potential to come to the bottom of the pile. The Government is endeavouring to allow the Premier of this State to become the common law employer of all public servants—the whole 25 000—until such time as the Government finishes its cut-throat tactics and takes another 5 000 or 6 000 of them away.

The actions that took place in this Chamber today are a clear indication of the contempt that the Government has for public servants in South Australia. We had the abhorrent situation today of the Hon. Legh Davis trying to grab a cheap cheer, as he is wont to do, and engaging in his favourite pastime of knocking the trade union movement. He came into this Chamber and asked a Dorothy Dix question of the Attorney-General about somebody in the Public Service paying a debt to the Public Service Association. The Hon. Legh Davis has a legal background and some background in advising people on contracts. So he raised this question with the Attorney-General, and the Attorney-General, to give him his due, tried to play the political game and give a political answer. However, as a lawyer he knew, as everybody else knows, who has any idea of what happens in organisations, that it was a debt due and payable to the organisation.

When anyone joins the Public Service Association, they get a rule book which contains a constitution which must pass the rigorous test of the Industrial Commission to say that it is fair and equitable. When people join the association, they join on the basis of the rules of the association, and they are very clear. In any industrial contract or agreement with a union of which I am aware, there is always a provision that one is responsible for paying fees and one cannot resign if one is unfinancial.

Today we had this cheap little stunt, but I am pleased that the Attorney-General was at least embarrassed by it, because he knows from a legal point of view, as other members opposite with a legal background would know, that those debts are due and payable to the Public Service Association. The Hon. Legh Davis was trying to indicate that public servants liked the honourable member so much that they would go not to the PSA but to him to solve their problems.

Members interjecting:

The ACTING PRESIDENT (Hon. M.S. Feleppa): Order!

The Hon. R.R. ROBERTS: I do not know this particular person, but if he thinks that anyone opposite will save his job, I point out that these are the people who want to sack 5 000 workers after promising them during the election campaign that they would look after the Public Service in South Australia. Anyone who would rush to the Hon. Legh Davis for protection has about as much sense as a chicken running for refuge in a Kentucky Fried Chicken shop. There will not be any help for trade unions from members opposite. Public servants had further reason to be confident that the GME Act would be protected.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: The Minister in another place, when in Opposition and trying to ingratiate himself with public servants in 1992, said:

> It is the Opposition's view that the present system of appeals is both equitable and fair and provides appropriate checks and balances against possible abuse of appointment provisions under the GME Act.

Public servants would have drawn some support from that. Not only that, but the then Leader of the Opposition in the Legislative Council, the Hon. Mr Lucas, was reported as saying:

> We support the view that the Public Service Association has put to us in that respect that some reasonable appeal mechanism is a safety valve against nepotism and patronage which can and does exist within the Public Service.

Given a promise by the then Leader of the Opposition in this place and the shadow Minister for Industrial Relations, public servants were confident that their conditions of work would provide independent appeals, the independent setting of industrial standards and the opportunity for properly recognised organisations to conduct industrial relations matters on behalf of their members. However, they have been betrayed by this Government. This is not a Bill about giving a fair go.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: We have the rhetoric of the Premier, in his introduction to this Bill, where he talks about the cooperation and flexibility of public servants, saying that they are partners with the Government of the day in the future of this State. When partners do business, they do it as equals, and they do it in the full knowledge that if there is a dispute they will have access to independent arbitration. The Premier said that one of the great traditions of people in the public sector has been their willingness to move with the times and to implement the reforms necessary to meet the challenges. The Premier said—and this is a beauty:

> This Bill has not been imposed upon the public sector from above. There has been an extensive and extended consultation period. . . The Government values the wealth of experience and potential and the ideas of the public sector, just waiting to be utilised. . .

I bet the people of the Public Service will be sick at the hypocrisy of those particular statements when they read the Bill. The Bill itself talks about broad ranging ideals and principles—all motherhood stuff. That is what the Government members talk about in their contributions in another place, but when you read the Bill it is much more specific

than that, where they are quite clear about what this Government is doing. It is about dividing the trade union movement; it is about isolation. It is not about equity and good conscience in any way in the industrial conditions that are due to people in the Public Service. This is a Bill about right wing ideology on industrial relations. It is a Bill about the privatisation of our Public Service—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: It is a Bill about broken promises.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: It is a Bill about pay backs.

Members interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts.

The Hon. R.R. ROBERTS: This is a pay back for the private sector electoral fund providers to the Government, then in Opposition. This is a Bill about Dean Brown delivering to his mates. This Bill is about isolation and intimidation of workers. It is about the isolation from the unions in the process of industrial relations for people employed in the Public Service. It is about private and individual contracts, which under the other legislation that has been introduced in this place, are to remain secret if we have a private contract. These contracts are intended to override the Act itself, as is outlined in clause 32 of the Act. It is about isolating workers from fair appeals; that is, the independent arbitration which is provided by the Industrial Commission or the Public Service Appeals Board.

Despite the hollow rhetoric of the Premier about the partnership, the loyalty and the skills, this Bill is about domination, division, lack of independence of the Public Service. It is about the lack of security of tenure for employees in the Public Service who provide proper and independent professional advice to Ministers, the sort of advice that has been provided in recent times by Treasury in respect of matters on information technology which has been ignored by the Government and, of course, that is now out in the open and the Government stands condemned for not taking the independent advice. They wanted to rush off down on the private enterprise track and it looks like falling down around their ears.

This Bill makes conditions ripe for this Government to stack the Public Service with private sector mates and political sycophants. It ripens it for political patronage, nepotism and cronyism of the most dangerous kind. This Bill seeks to make Dean Brown every public servant's boss. It provides for anyone who disagrees with him or is unsatisfactory—which is the new classification for giving people the sack in the Public Service—to be able to be sacked. This Bill clearly attacks the separation of powers doctrine of the Westminster system that has been a part of the administration of the Public Service in South Australia: this is the independence between the Administration and the Executive.

The Hon. A.J. Redford: I am going to give you a lecture about responsible Government and how it works.

The Hon. R.R. ROBERTS: When I want a lecture, I shall go to the organ grinder, I will not go to his offsider.

Members interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts.

The Hon. R.R. ROBERTS: Despite the assertions by the Premier in another place that this Bill was not imposed from above, quite clearly the truth of the matter is that it was. In fact, what happened was that the independent Audit Commission that was set up by this Government came down with some recommendations absolutely contrary to all the promises made by the Government, this Audit Commission that people now in Government hold up as being the holy grail of what has to be done. Despite those recommendations of the Audit Commission, the Government did feign some form of consultation. It did allow one month for people to make responses to its Bill. In fact, I am reliably informed that it had 1 400 responses within that time period.

What did they do to the Bill? They changed virtually nothing. In fact, the arrogance of this Government in respect of the introduction of this Bill is probably indicated very clearly by the Premier when he started his explanation when introducing the Bill. One would have thought that when we are changing some of the landmark conditions of employment for public servants he would have been very serious about it and only too happy to explain it. But half way through his contribution he sought leave to have his explanation inserted in *Hansard*. That is the sort of respect that the Premier gave to these conditions of work for public servants. He has it printed in *Hansard* without his reading it.

One has to look at that part which he had inserted in *Hansard*, because that was where four particular areas of concern were identified. One of the major issues raised in consultation was the independence of the Public Service. The explanation stated:

> Independence of the Public Service was a major concern and arose from a provision in the draft Bill for Ministers to be able to direct their Chief Executives in relation to personnel matters affecting individual employees in their portfolio.

Then he says he is not going to do that; he said that he was going to step back. One might think that one could get a bit of comfort out of that—

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS:—and obviously the Hon. Mr Lucas thinks there is some comfort there for employees in the Public Service. But one has to go back to the next step. The CEOs who are employed by the Ministers can be sacked for unsatisfactory performance. One of the problems I have with that is that, within the confines of the Bill or anywhere else, I suggest that there is no explanation as to what 'unsatisfactory' is and unsatisfactory to whom? What we are saying is that the CEO must be contracted to the Minister, and if there is an unsatisfactory performance by the CEO, or any of the other people under contracts underneath him, they can be sacked without giving any reasons. They can just be sacked under the terms of the award. Then we have to go back to this clause 30 proposition with the contract, which is going to override any other form of appeal, anyhow, and they are going to be extremely limited under this particular Act.

Within the confines of the rest of the contribution that was put into *Hansard* without the Premier reading it was the second area of concern that was identified through the consultation process. The explanation stated:

> A second area of concern was over tenure for non-executive employees. It was suggested that the Bill will allow Government to introduce contract employment widely for non-executive employees. This will not be the case. There is no intent to vary current employment practices for non-executive employees.

As I have said earlier, it is intended that most employees—not all employees, most employees—will continue to be employed under fixed-term contracts. Clearly, there is no definite guarantee in relation to that concern, which was identified following the submissions that were put in by those

1 400 people who took the trouble to do so. The explanation continued:

> The third area of concern was that the change from the Governor to the chief executive being responsible for termination of excess employees would somehow reduce employee protections. The protections are in fact essentially the same as at present for retirement of excess employees. They ensure that employees will only be terminated as a last resort and only after the agreement of the Commissioner for Public Employment. It has also to be stressed that the Government presently has a no retrenchment policy.

It could be understood that there should be some protections there but, when we look at the Government's record, it presently has a policy of no retrenchment. Given all the promises that the PSA has received from the Government in the past, and all those broken promises, I would suggest that there is not too much comfort in that. That is another area that was just skimmed over by the Premier in his contribution. The Premier continued:

> A fourth area of concern was about appeal rights. Employee rights of appeal are still maintained; the concern is really with the change in the avenues for appeal. There is concern that the new process of handling appeals against administrative decisions without an independent tribunal will not guarantee natural justice.
>
> The appeal process has been changed so that chief executives must take prime responsibility for resolving grievances in the workplace, and through a process developed in collaboration with employers according to guidelines.

That sounds very reasonable. However, we have to remember what the Government is all about. This Government is not about the usual practice that one would expect where employees would be unionised and would have people with expertise and experience to provide proper advice and support in constructing decent working conditions for their membership. We are talking here about a new process developed through collaboration with employees according to guidelines. If anyone wanted anything with more holes in it than that, they would have to buy a sieve.

As I said before, the Bill makes a sham of the consultation processes, as anyone who has been involved in trade union affairs over the past eight to 10 years would know. In another place the Hon. Dean Brown talked about the differences that applied in 1985 when the GME Act was introduced. The Premier said that there was no talk about 'quality circles' or 'reinventing Government', all these nice clichés that are thrown around. It needs to be pointed out that these concepts were certainly around in 1992, which was the last time that this area was looked at.

The most consultation that employers and employees are involved with these days is consultation between the appropriate organisation. If members want to look at the history of industrial participation, industrial democracy or any of the other phrases used to describe the process, they would know that the only workplaces where those processes work at all and are lasting are areas where there is complete unionisation. Then there are two partners in an industry, both working to the same end and they negotiate and consult as equals. The Hon. Mr Lucas, who one would think is a font of industrial knowledge, says that he does not know that. I can tell him that if he studies the record, he will find that the best places where industrial harmony exists are where two organisations of equal strength treat one another with some respect; rather than the Government's proposition here, where it says that it is the Government's responsibility to set the guidelines.

Anyone with any industrial experience knows that the best industrial guidelines are those developed by two equal partners working together to create an industry and a workplace which is not only healthy but also productive. That is what happened under the previous Government. That is the arrangement projected under the present GME Act but these are now the areas under threat by the Government's proposition.

As I said earlier, in his contribution the Premier made some play that the Ministers were no longer going to be in charge of each portfolio. Of course, that is a farce. The CEO on the performance contract, subject to the unsatisfactory specifications, will no doubt be hand picked by individual Ministers and the same result will occur. Nothing has been written, reported or been able to be tested or refuted as a result of the consultation process that the Premier held up so highly. It is my view that this Bill, which has no mandate, ought not to be read a second time, or at least not read at least until February next year.

The Government should be required to produce the evidence and the summary of the responses from the consultation processes for the perusal of members in this place so that we can determine whether there are just grounds for the proposals put forward. Some honourable members have suggested to me that the Bill ought to be sent to a select committee of this Council for a proper scrutiny so that the claims made by the Government can be properly tested through the select committee process.

However, the Opposition through the shadow Minister for Industrial Affairs, Mr Ralph Clarke, has been consulting with the Public Service Association for some time and there has been some agreement that some amendments ought to take place to the Government's proposals. We intend to test these amendments in the Committee stages and, subject to those deliberations, I indicate at this stage that we will not be indicating our position on the third reading.

In summary, we are willing to enter into the Committee stages. We will be moving amendments to the Bill to make some sense of it and give some equity, good conscience and merit to the Bill. We will be consulting our constituents and, if we can reach agreement that provides all the things that are necessary to obtain an efficient and effective Public Service in South Australia, we will support the measure. At this stage we are supporting the second reading with those qualifications.

The Hon. A.J. REDFORD: I support the legislation. I point out to the Chamber that the legislation is timely, exceedingly important and, having listened to the last contribution, the Bill has provided a good opportunity for debate. We look at the legislation at a time when everyone in the Chamber would agree that the morale in the State public sector is extremely low. Certainly, one of the highest priorities of the Government is to improve that morale. I might say that the service provided by the public sector in South Australia is of high standard and it is important in considering the legislation and our conduct over the next 12 months to two years leading into the next election that we keep those issues in mind. I have not seen any evidence of Public Service bashing, despite some of the protestations of members opposite.

The real issue behind this legislation is the desire for greater flexibility to improve the quality of Public Service delivery to the citizens of South Australia and, at the same time, to improve the morale of the State public sector. At the end of the day, and I do not think the Government needs any reminding, if we fail in that task we will certainly suffer an electoral backlash. Therefore, it is appropriate that I point out

to the Council that a great deal of thought has been put into the promulgation of this legislation.

In turning to certain provisions of this Bill, I draw members' attention to the general aims of the Bill. Certainly, the courts, in interpreting some of the more specific provisions of this Act should it come before a court, will interpret those provisions in accordance with the general principles and the general aims established in the Bill. The first aim is in clause 4, where we look for a responsive, effective and competent service. I am sure no-one would disagree with that as a general aim.

The second aim is to maintain the processes of Government without excessive formality. In that regard it goes on to refer to adaptability. We are seeking to achieve some flexibility within the public sector. It is my view that we can have a win-win situation arising from this legislation.

The other two issues are the recognition of the importance of people both within and outside the public sector and the improvement of management. Our most important resource in this State is its people, and this relates to how its people get along and live their lives and embark on their daily activities, and it is not in the Government's interests to cut across those general principles.

Since being elected I have had much greater contact with members of the public sector—with public servants in general—and I have been greatly impressed with the quality and service of individual public servants. Certainly, some of the myths out there in the public arena about the public sector not working as hard or not being as efficient have been greatly overstated, and I must say that I have been exceedingly impressed with the contact I have had with the public sector.

The second issue is the question of management standards, where such things as the selection of staff are to be done on merit. I must say that merit is always a subjective thing; I am not sure whether we can impose an objective standard to the question of merit, but it is certainly in the Bill. There are other important issues of principle, such as the issues of fairness, equality, safety and health and one which perhaps could go without saying, but it is there, to prevent nepotism, patronage and unlawful conduct.

Clause 6 sets out the standard of conduct expected from the public sector, and again I cannot see how anyone could take issue with what is set out there, such as respect, courtesy, efficiency, responsibility, accountability and so forth.

As I went through the Bill I noted a couple of interesting clauses. I had not looked at this issue before I was elected, but I note that clause 48 provides that public servants are entitled to leave when standing for elections and, given that they are precluded from being a public servant while they stand for election to this place or to the Federal Parliament, that is to be welcomed. The other important clause is clause 68, which involves each of the public sector divisions reporting to Parliament, and I will return to that.

Briefly and in general terms I will talk about four principal issues. The first is the question of accountability versus independence, and the second—and I hope the Hon. Ron Roberts will be in the Chamber for the second part of this, because he has displayed an enormous ignorance on this topic—is the question and the nature of responsible Government and the Westminster system and how it works. I certainly hope he hears that, because it will stand him in good stead for future debates. The third question deals with impartiality and political interference and finally there is the question of performance standards. I do not intend to give a great treatise on each of these topics, but they are the principal issues in this legislation.

In dealing with accountability and independence, it is important to remind members on both sides of the Chamber that there is an increasing trend in politics to look at issues as questions of management. The great gulf between left and right that existed in previous years has diminished. Both the principal political Parties have moved towards the centre and at the end of the day elections are won and lost on the issues of management. The election of this Government was principally on the issue of competence and management, and certainly the election of the current Federal Labor Government surrounded, to a large extent, a question of management.

I think it is important, particularly for the Hon. Ron Roberts' benefit, that we examine the issue of accountability versus independence. They are competing principles. The question of someone being accountable and able to be held responsible for their conduct often comes into conflict with the issue whether or not there ought to be independence. In the previous contribution to this debate, the Hon. Ron Roberts mentioned something about the independence of the Public Service. All Governments in this world have three arms, effectively. The first is the Legislature, the Parliament; the second is the Executive and the third is the judiciary.

In the United States, each of those arms of Government is separate and there is a system of checks and balances. In this country, to all intents and purposes the judiciary is independent, certainly with the imprimatur of the Australian Constitution federally and, secondly, by dint of practice at the State level. It seems to me that to bring the same notion of independence as that which applies to the judiciary into this discussion on the public sector is to draw a long bow, because if we make everybody and everything independent the accountability of a Government, a Minister or the public sector itself is called into question. One must examine the very important issue and effect of what arises as a consequence of a particular Government's being elected.

In South Australia and Australia, the Executive comes from the Parliament and is elected by the people and as such is responsible to Parliament. If we have a Public Service that is independent of the Minister and of this Parliament, we effectively have a system of government that is unworkable. We effectively have a system of government where Ministers have cannot implement the will of the people, cannot respond and react to changing community needs and demands—

The Hon. T. Crothers: ETSA and EWS as well?

The Hon. A.J. REDFORD: Yes; I will come to that. The Hon. Mr Crothers interjects and asks whether this applies to ETSA and EWS; one larger example is the State Bank, to which I will return in a minute. The Ministers are responsible to the Parliament, which is ultimately responsible to the people. There is no school of thought that I can see, and no proper justification to say, that the public sector ought to be totally and completely excluded from that process.

The Hon. Mr Crothers talked about ETSA and EWS and others—and I think we both sit on the same parliamentary committee—but I think there are some 600 or 700 statutory authorities. The responsibility of those statutory authorities is set out under an Act of Parliament, generally an individual Act for an individual body, and in general terms is always subject to the Public Corporations Act. At the end of the day, we had a huge problem that arose with the State Bank, and no doubt everyone in this Chamber would appreciate that the previous Government took the view—

The Hon. T. Crothers interjecting:

The Hon. A.J. REDFORD: That may well be the case, and it certainly extends back before my time. The Hon. Trevor Crothers wants to bring a different slant on history and say, 'It wasn't Mr Bannon's fault; it wasn't Mr Arnold's fault; it wasn't Mr Marcus Clark's fault; and it wasn't anyone else's fault. We will go back to 1979 or 1980, and it was the Liberal Party's fault.' The South Australian public examined that pretty closely and certainly did not come to the conclusion that it was the Liberal Party's fault prior to the last election.

I return to this question of statutory authorities; there is a degree of independence, and that has been a decision made by Parliament on many occasions, but at the end of the day the real point and the real changing trend in government in the 1990's is to bring responsibility back into this Parliament by the use of responsible government. If there is a problem within the Public Service, the Minister responsible must be held accountable.

What concerns me about this debate on independence is the fact that some people and some members opposite would have a Public Service that is so independent that it is impossible to make the Minister accountable for the general direction of the public sector, and that matter must be examined.

Another issue raised by the Hon. Ron Roberts was the question of impartiality and political interference. Political interference is a term that is slapped around quite widely; it is used on many occasions and it has awful connotations when it is used in relation to the public sector, but I have yet to hear any definitive contribution from anyone opposite as to what constitutes political interference.

If a Minister makes a decision that is within his province and certainly within his power, and he directs the Public Service to implement that decision, is that political interference? If it is, it also can be described as government; it can also be described as doing something. I am really at a loss to understand what is meant by the term 'political interference'.

Certainly I know that yesterday's paper reported the Hon. Michael Elliott as expressing some concerns over this legislation, and I think it is his responsibility to check the legislation. However, I would be interested to hear what he means when he uses the term 'political interference' because all actions of all Governments at all times could be interpreted as political interference.

The real question ought to be asked: what is 'improper political interference', and is it occurring? Once there is a proper definition and explanation as to what is meant by 'improper political interference', we might get some sense back into this debate. I do not have any great problem with a greater politicisation of the public sector, and certainly the position in the United States and many other countries is that the politicisation of the public sector to some extent is not harmful at all. In fact, it makes the elected representatives far more accountable for the direction of their particular State or country.

The second point that has been raised—and I think the Hon. Ron Roberts referred to this in his contribution—is the fact that there might be some interference with the impartiality of public servants by this legislation. I ask members opposite how they see that the impartiality of the advice of the public sector will be interfered with by this legislation? Can members opposite give us specific examples of how it will be interfered with?

A bald assertion to the effect that the impartiality of the public sector will be interfered with by this legislation is an absolute insult to the average public servant. My experience with public servants, as limited as it is, is that they are always impartial, and I cannot see how it can be suggested that this legislation will interfere with that.

Then the Hon. Ron Roberts talks about arbitrary treatment of employees. There he gives himself away. On a few occasions he has given us a fair hint that he does not understand the nature of responsible government, but he then talks about the arbitrary treatment of employees. If the objects or general aims of the Act, in particular the questions of management standards in clause 5, set out very clearly that employees are to be given equal opportunity and are to be treated fairly, I cannot see how the Hon. Mr Roberts can say that the employees will be treated in an arbitrary manner. Employees will be able to use this legislation to ensure that they are not treated in an arbitrary manner.

I draw the Hon. Ron Roberts' attention to the enormous weight of legislation passed in the Bannon years relating to the employment of various people and the appointment of people to various boards and positions of responsibility, where the appointment was outside the Government Management and Employment Act. If one goes through the legislation that was passed by the previous Government, one will see that the line 'such appointment is outside the terms of the Government Management and Employment Act' came in over and over again.

Certainly we did not see the Hon. Ron Roberts standing up at the back of this place saying, 'Hang on; I want that clause taken out, because these people are not going to be protected.' He sat there and let it go through.

An honourable member: He supported it.

The Hon. A.J. REDFORD: Yes; he supported it. I think it is disappointing that particularly in this place—I can understand what might happen in the other place—we cannot have an Opposition which can bring some degree of intellect to an argument and which can sit down and debate a specific issue, and even perhaps encourage the Government to change its position because, at the end of the day, sitting there and making broad comments to an ever diminishing constituency (and I point out that the Public Service Association is losing members hand over fist) is simply not good for the people of South Australia, and it is exceedingly disappointing that the Hon. Ron Roberts has taken the attitude that he has.

I can only hope that the Hon. Michael Elliott can look at these issues with a clear and impartial mind and, in the absence of emotion, come to some arrangement to ensure that this legislation is adopted so that the Ministers of this Government can get on, manage and govern and, in the event that they fail or do not perform, or that they do something wrong or someone under their charge does any of those things, they can be held responsible. Would it not be wonderful if we could go back to the old system of responsible government as evidenced in the United Kingdom in the early part of this century where, if something went wrong within the Minister's department, he resigned.

But that does not happen and it certainly did not happen in the Bannon Government because we were met with the answer that we do not have total control over the public sector, and the arguments do not simply balance or weigh up. That is disappointing from the point of view of the Opposition, and I hope that the Democrats, in the guise of the Hon. Michael Elliott, understand that principle because at the end of the day there may be, if Ministers in this Government do

not perform properly, some political gain for him—certainly a gain that the Opposition does not seem willing to grasp.

I should make some comment about the Public Service Association. They are great ones for coming out and saying, 'This will interfere with the independence of the Public Service.' If anybody has put a question mark over the independence of the Public Service, it has been the Public Service Association. It is the PSA that gets out and campaigns in State election campaigns. It is the Public Service Association that sits there and criticises constantly this Government. I know that the Hon. Frank Blevins in another place said the previous Government was criticised by the Public Service Association, but it must have been very quiet criticism, because you did not see it in the *Advertiser*—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD:—and the Hon. Terry Roberts would have to agree with me that, if the Public Service Association criticised the previous Government, generally speaking it would have made the front page, and I must say there was an absence of front page—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: That is right. The Hon. Frank Blevins must have been referring to behind closed doors criticism by the Public Service Association of the former Labor Government. What they do now is send letters out publicly and go public on it. Perhaps I might be forgiven for being ignorant, but I see a difference in standards and approach: one approach for a Labor Government and another for a Liberal Government. One is done behind closed doors, one is done out in the open. One is designed to change public mood and opinion—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: Not to the same extent. I know the Labor Government missed out on its normal—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I know, and you have not seen them here in South Australia.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: You have not seen the extent of public disputation by mass rallies in this State.

The Hon. T.G. Roberts: Is that a challenge?

The Hon. A.J. REDFORD: It is certainly not a challenge, it is simply an observation. The fact is that while we are getting this beat up from the PSA, what is happening out there with the public servants is they are continuing to provide excellent service to this Government and the people of South Australia. They are not coming to demonstrations. I would suggest that any 24 hour stoppage that might be called by the Public Service Association would be very poorly supported in this State.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: They came down here at lunch. I must say I poked my head out the window to see how many were here and was surprised there were not more.

The Hon. T.G. Roberts: 5 000?

The Hon. A.J. REDFORD: No, there would not have been 5 000 here. I would not buy a mob of sheep from you!

The Hon. L.H. Davis interjecting:

The Hon. A.J. REDFORD: No, they are all down seeing their lawyers on how to handle the Public Service Association. I have to make this comment about the unions in this State: I think that unions play a very important role, and I think that unions have a great deal of challenge in front of them, and at the end of the day, with the new industrial legislation, we will see those unions which are good thrive, and those which are poor fail. I will give a couple of examples. You have the Public Service Association that is out there losing members hand over foot because—

The Hon. R.D. Lawson interjecting:

The Hon. A.J. REDFORD: The fact is they have voted with their feet. Let us draw the Hon. Terry Roberts' attention to the union representing the firefighters and the Metropolitan Fire Service. That, I would have to say, is an exceedingly good union. The relationship between that union and management has been one of consultation. There has been little industrial dispute, although there have been plenty of opportunities for it. The current Secretary is a gentleman called Paul Caica, whom I run across from time to time handing out how to vote cards for members opposite in safe Liberal seats. He said to me recently that, since we have gotten rid of this compulsory unionism and the compulsory collection of union fees, his membership has increased. The reason is that that union knows what its responsibility is, and that is to look after its members.

Then you have the Public Service Association losing members hand over foot, because all they want to do is play two bob politics and grab two bob headlines. That is all they are interested in. At the end of the day, if their members are not paying their money into their pocket—because that is all they are interested in—they want to go out and sue them. There is another union in precisely the same circumstances, and I will give personal experience shortly about another union that I was involved in.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I think it is important that it goes on the record. You look at the firefighters union and they are increasing in membership, simply because they have one focus and one focus only, to get on and look after their members. You do not see Paul Caica marching up and down the street every time Wayne Matthews wants to make a change. You do not see him organising copies of letters—well, he might do it close to an election or perhaps even close to a preselection for the Upper House because I know he has made comments about trying to get into one of those seats opposite, and I am sure that that might escalate. Looking at the average age of members opposite, I am sure he will have plenty of scope in the years to come.

Members interjecting:

The Hon. A.J. REDFORD: He is in the left, in the Hon. Terry Roberts' lot, and I would have to say displays all the same temperament and qualities that the Hon. Terry Roberts does.

The Hon. L.H. Davis: You've just effectively stopped him ever coming in here.

The Hon. A.J. REDFORD: No, I do not think so, because at the end of the day, I am sure the Labor Party will come to its senses and start preselecting people who will bring in some real quality and skills.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: He certainly has, and I know the Hon. Terry Roberts might look a bit nervous come one preselection because he might throw his hat into the ring. I remind the Hon. Terry Roberts that this gentleman is probably 15 or 16 years younger than he is and he will be blossoming at about the time the honourable member is about to leave this place. Anyway, I am sure that when one compares that gentleman's performance with that of the Public Service Association, one can see what a good and independent union does, one which is prepared to consult with the Government and not to pander to its own short term

political interests and get on with the job rather than sue ex-members. At the end of the day, that union will have a lot more credibility when it starts saying things than this union.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I do not know.

Members interjecting:

The Hon. A.J. REDFORD: I would disagree with that, because I know a number who have, and I will not name them either. If you look at the conduct of some of these unions, we had a good treatise on the PSA today, and that reminded me of the days I was in practice and involved with a particular union in the building trade, and it used to keep one single court occupied every Friday afternoon for five hours suing ex-members. It had a clause in its constitution—I called it the left leg clause—and you basically had to resign in writing, having written left-handed in Chinese standing on one leg facing west. Until you did all of that, you were not resigned. I have lost count of the number of cases where I sued someone on behalf of this particular union, but people would ring up and say, 'Hang on, I told this union adviser that I had resigned.' But that was not good enough for this particular union. There was another group of people—

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: That is right, and the Hon. Ron Roberts says 'Yes, the law prescribed that you had to,' and, yes, the Hon. Ron Roberts is absolutely correct—

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: —and the Hon. Ron Roberts I suppose would agree with me, and in the absence of an interjection this will go on the record, that that conduct was morally correct as well? I see in the absence of any interjection that he agrees it is morally correct also. Well, quite frankly, I think what the PSA is doing is morally reprehensible.

Members interjecting:

The ACTING PRESIDENT (Hon. M.S. Feleppa): Order!

The Hon. A.J. REDFORD: Another category of people used to write letters of resignation to their organiser, but that was not good enough either. They had to write to head office giving a specific amount of notice. I had another category of people who wrote and said, 'I hereby resign from the union' and the union got them on that one too because they did not give their 30 days' notice. This union made a lot of money. The Hon. Ron Roberts asked whether I took my 30 pieces of silver—no, I did not.

The Hon. R.R. Roberts: You got your fee.

The Hon. A.J. REDFORD: In fact I did not, because I stopped acting for that client because I had some degree of morality. But that client kept going down to the small claims court every Friday afternoon—

Members interjecting:

The ACTING PRESIDENT: Order! I do not think the Council should be allowed to conduct the debate in such a way.

The Hon. A.J. REDFORD: This union was an absolute beauty. I was talking to the union's lawyer after I ceased acting for it and the strategy was, 'Gee, we are sick of sending down our union official every Friday to be glared at by the court; to be told that what it is doing is morally wrong and to continuously generate its fees.' So, they came up with this scheme to avoid even having to go down to court. What they used to do—and this was not bad—was to hit these poor union members with a document called a notice requesting discovery. Generally speaking, the poor union bloke, who was generally a tradesperson, would not collect his mail, or he would not understand what it was about, or he would ignore it, and the union would whack out an interlocutory application and get an order against him.

When he did not comply with the order it would get judgment for failing to make discovery. I was told, with a great deal of pride by one of the officials in this union, that that was a very good practice because it saved the union officials a lot of time. I would say to the Public Service Association that it has a lot more in store. This is an organisation that stands out on the front steps of Parliament House saying to its members, 'We care about you.' At the end of the day, there is an element of the union movement—and I am not saying it is a significant element—that has completely lost its way. At the end of the day this debate is being driven by a union that lacks credibility.

The Hon. G. Weatherill: Union bashing.

The Hon. A.J. REDFORD: I am not union bashing at all, but I am saying that it is time the Public Service Association stopped standing out there and giving us a pile of rhetoric. It is time it sat down and debated this issue with a degree of calmness and without rancour and perhaps the South Australian public would be better informed about how this whole process is going. I repeat my request: give us an example of what is meant when the union says, 'There will be increased political interference.' Give us a specific example of how an individual public servant's performance and his ability to be impartial can be adversely affected by the reforms that this legislation brings in.

It was all well and good back in the 1960s and 1970s to come into this place and jam your rhetoric down our throats, but what I would like to see is some specific examples rather than this card waving, the sky is going to fall in on us rhetoric. I would like to see what the union really means by 'political interference', and I would like to see precisely what it means and how it can say that impartiality will be affected because, at the end of the day, I believe that your ordinary public servant who is out there working very hard for not ridiculously high remuneration—

An honourable member interjecting:

The Hon. A.J. REDFORD: I said 'not'.

The Hon. T.G. Roberts: We will pull that bit out.

The Hon. A.J. REDFORD: You have got me right out of my territory. I am a politician and we have a freeze, and I know that position was wholeheartedly supported by members opposite. The Hon. Terry Roberts would go on record saying that he fully supports the freeze and would hope that the rest of the South Australian public would show similar restraint as shown by politicians.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: We are running into a wall again. Look at what is happening in the share markets. I do not believe, with the quality of public sector employees in this State, that having some degree of control in the hands of the Minister, who is ultimately responsible to this Parliament, will decrease the impartiality or the nature and extent of the advice given by the public sector. At the end of the day, if a Minister wants to surround himself by 'yes' men he will fail, and good debate and impartial and conflicting advice is all very healthy and all assists proper and good Government in this State.

The final issue relates to the question of performance standards. I would have to say that there is nothing wrong with performance standards. I cannot see what people are afraid of. One of the best things about an employer imposing

performance standards is that the employee knows where he stands. If you are given a set of performance standards as to what you are expected to do and what you are expected to achieve you know precisely where you stand. If you achieve those then you are much less likely to be treated in an arbitrary manner than if you do not. If you do not have performance standards you do not know where you sit. You do not know whether you are a good or bad public servant.

The Hon. G. Weatherill: That should apply to lawyers.

The Hon. A.J. REDFORD: That should and does apply to lawyers. In some firms it applies in the form of how much money a lawyer bills and, if a lawyer makes an appalling amount of money, then he or she is a good lawyer. That is a performance standard—perhaps one that is not readily applicable to the public sector—but certainly the lawyer knows where he or she stands. The lawyer knows that if he bills a certain amount he will keep his job and he is more likely to achieve promotion.

The Hon. G. Weatherill interjecting:

The Hon. A.J. REDFORD: He may well get an awful lot more money but that is a *non sequitur* and does not assist the debate at all. The other important thing about performance standards is that there is a misnomer out there that the public sector does not perform as well as the private sector. If we set performance standards then, clearly, the public sector will be able to say it does perform as well as the private sector. At the end of the day, if you want to improve the morale of the Public Service the best way to do it is to give employees performance standards, and when they achieve those performance standards recognise that achievement. That is the way to improve the morale of the public sector.

Give employees some specific thing to do as an individual and if they achieve it recognise that achievement. If employees do not have performance standards they never know whether they are performing properly. It is as simple as that. I am sure members would agree that one of the more difficult adjustments in life is that when one finishes their education, whether it be at a tertiary or a school level and there is no examination at the end of year, one does not know whether one has had a good or a bad year.

You do not have anyone patting you on the back saying, 'You have done a good job', or 'You have done a bad job', or 'You have failed', or 'You have passed.' That is a difficult adjustment that people make when they leave school. At the end of the day, I cannot see how performance standards—and if the Public Service Association learnt how to do its job properly it would have an important role to play in this area—could be anything but good for the public sector and do anything but improve the morale of the public sector.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: I am about to get into that. The Hon. Terry Roberts interjects: how can we measure some of these performance standards? I readily concede that there are many times when it is difficult to measure performance standards. I was in an hotel last night having a quiet drink when I came across a fellow who is at a very low level in the Department for Family and Community Services. Boy, did he let loose! He said, 'It's not bad in that department. I never get told anything to do and I never get a performance standard set because all the bosses are in meetings. They have meeting after meeting. I have often asked them what they do in these meetings, but they are all secret.' They have these secret meetings, and he reckons that he is the only one there who does any work.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: That's right. I have been guided by the approach of the Hon. Terry Roberts in Question Time. It is difficult to set performance standards in certain areas of the public sector, particularly Family and Community Services, but they can be set. There are many areas where it is difficult to set such standards in the private sector, too, but they can be set. If we do not try to do it, we will never know where we stand. At the end of the day, the magic word in management is 'evaluation.' We cannot have evaluation if we do not have performance standards and a proper evaluation process.

Some public servants may feel that they have something to fear. I do not think they have anything to fear, because if they do not reach a particular performance standard there are other ways in terms of people management in which the issue can be approached. This Government has not been and is never likely to be in the business of sacking public servants. It is not good electorally, it is not good for morale and it is not good for good government. At the end of the day, everybody must recognise that this Government is about good government, not running around and shooting itself in the foot. I suggest that it is possible to set performance standards. It may be difficult, but this Government will not shirk from a difficult issue. I am sorry that my contribution has been a bit rambly, Mr Acting President. I endorse this Bill and look forward to a healthy and perhaps better-informed debate in the Committee stage.

The Hon. G. WEATHERILL secured the adjournment of the debate.

ELECTRICITY CORPORATIONS BILL

Adjourned debate on second reading.

(Continued from 23 November. Page 923.)

The Hon. L.H. DAVIS: I support the Bill, which creates the electricity corporations. It is pleasing to see that the Bill provides for the repeal of nine pieces of legislation, including the Electricity Trust of South Australia Act. The Electricity Trust of South Australia has a long and distinguished history. We go back to the last century when the South Australian Parliament first legislated for electricity supply and the South Australian Electric Light and Motive Power Company Limited was formed in 1897. It is a strange description, light and motive power, but that was the time when electricity was starting to take over from the traditional gas which lit the House in another place and the streets of Adelaide.

The South Australian Electric Light and Motive Power Company Limited ultimately went through a number of changes, and in time it was replaced by the Adelaide Electric Supply Company. That company operated for 40 years. In fact, it became a listed company on the stock exchange. As honourable members may recall, the then Premier of South Australia, Thomas Playford, in what was seen as a remarkable act for a conservative Government, nationalised a company listed on the stock exchange amid a great deal of opposition from some members of the Legislative Council of the day. The story goes that it took a number of meetings with one particular gentleman over breakfast to persuade him to change his mind and ensure the passage of the legislation through the Legislative Council.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: I guess that there is a fair bit of gas pumped in this place from time to time. I have had a soft

spot for gas and have been associated with gas lamps along North Terrace, but I am an all-electric man. If the Hon. Terry Roberts is interested in electricity, I refer him to the Electric Horseman. The Electricity Trust of South Australia has had a unique position in many ways in this State. Not only has it been responsible for the generation, transmission and distribution of electricity, but it has also owned and operated the Leigh Creek coal mine. From the stage of resourcing the raw material through to the distribution of electricity in South Australia, it has had that monopoly role over 50 years. It was Playford's prescience and concern with the lack of autonomy that South Australia's emerging manufacturing economy had during those difficult war years that led him to encourage the development of the Leigh Creek coalfields, so guaranteeing the State's independence from the uncertainty of coal supplies from the Eastern States.

For most people in South Australia the Electricity Trust of South Australia has been seen to be a good corporate citizen over the years—certainly until 1988. In that year the Industries Commission, established by the Federal Government to examine the various major industries in South Australia with a view to making recommendations on microeconomic reform, first exposed the truth of the electricity industry in Australia. It was not until those watershed reports in 1988 that we became aware that the electricity industry in Australia was not really very efficient. It was the first attempt to overview the electricity industry from a national perspective. The Industries Commission, in a detailed and persuasive document with the very best advice, put forward, to my mind at least, an unarguable, irresistible proposition that the electricity industry in all States had a long way to go in lifting its game.

At that stage South Australia was well behind the eight-ball in terms of productivity in electricity power generation and distribution, and arguably it trailed all Australian States. In fact, the inquiry into power generation and distribution in Australia found that South Australia had the highest cost per gigawatt hour and would have to reduce the cost of inputs by nearly $100 million to achieve efficiency levels comparable with those in Queensland. In fact, the Engineering Employers Association at the time noted that South Australia's productivity growth in power generation and distribution had been negative for the period of the survey from 1975-76 to 1988-89.

So, for 13 years we went backwards. We had been a leader back in 1975-76 in terms of State electricity productivity indices, but over that 13 year period through to 1988-89 we were the only State which became less productive in terms of power generation and distribution. That, of course, was of little comfort to business using electricity. It was of little comfort to domestic consumers of electricity because the comparative costs of electricity in South Australia were very high. It has to be said that in recent years under the previous Labor Government, and more particularly under the 12 months of Liberal Government, the Electricity Trust of South Australia has moved quite rapidly to overcome the deficit which it had in performance, as compared with its interstate rivals.

In fact, from mid 1987, when there were 5 965 employees in ETSA, there has been a 45 per cent reduction in the work force to just 3 268 as at 30 June 1994. That 45 per cent reduction—almost a halving in the work force—is a very dramatic figure, but it is no different and perhaps less dramatic than what has occurred around Australia. So, there has been significant improvements necessarily in the performance and productivity of the Electricity Trust of South Australia in that period of time.

But that Labor Government, that tired Labor Government, that presided for 11 years too long in South Australia between 1982 and 1993 went through a period of denial. In fact, the numberplate for South Australia for that period could have been 'a State of denial'. I can remember first reading the Industries Commission report when it was first published in 1988 and making quite a lengthy and detailed speech about the Electricity Trust of South Australia in this place. The Hon. John Klunder, who was then the Minister for Public Infrastructure—which I presume meant that he might have been in charge of statues, if nothing else—denied completely that there was any need for any reform whatsoever in the Electricity Trust of South Australia. I suspect much of the initiative for reform in the Electricity Trust came from senior management, rather than from the Minister himself and the Government of the day.

So, we have a situation where the Electricity Trust of South Australia has reaped the financial benefits of its streamlining over the past five years. That is reflected in the recently tabled Electricity Trust of South Australia annual report of 1993-94, where an operating surplus before abnormals had lifted by some 8 per cent or 9 per cent from $197.3 million in 1992-93 to just over $215 million in 1993-94. The contribution to the State Government from that surplus was $156.3 million in the financial year just ended, up from $153.7 million in the previous year. Most encouragingly, electricity tariffs, on average, were cut by 2.25 per cent on 1 July 1993—that was under the previous Government—and a further 4.2 per cent on 1 July 1994. This year the Minister responsible for the Electricity Trust, the Hon. John Olsen, has announced cuts of 22 per cent in tariffs to business, which is, of course, an advantage to them.

It has to be said that all States are on the same train and heading in the same direction; some at greater speeds than others. For a State which is recovering from a particularly deep financial scar—the $3.15 billion loss of the State Bank, together with SGIC and other debacles such as Scrimber—

The Hon. T.G. Roberts: What are the debt levels like at the moment with the revision of the bad bank?

The Hon. L.H. DAVIS: The debt levels, the South Australian debt levels? The honourable member is leading me astray and I am not intending to get into a debate about debt levels in South Australia, except to say that they are plateauing. They are unacceptably high, but hopefully with the improvement in property markets—not here so much as interstate—some of the surplus property assets of the bank will be disposed of and presumably some of the provisions for bad and doubtful debts which have been taken into account may be able to be rewritten back as profits, because the assets in the bad bank will be realised at greater than book value.

But back to the Electricity Trust of South Australia. The challenge still lies ahead for the Electricity Trust of South Australia. There are still tough decisions to be made. This legislation embraces one aspect of that decision making; that is to repeal the existing Electricity Trust of South Australia, as we know it, as established under legislation, and to establish an ETSA Corporation which will have, for the time being, responsibility for the distribution, generation and transmission of electricity in South Australia.

This legislation provides that by regulation into the future an Electricity Generation Corporation may be established separate and distinct from the ETSA Corporation, and also

an Electricity Transmission Corporation may be established separate and distinct from the ETSA Corporation. Both those two bodies, which may be established in the future—the Electricity Generation Corporation, the Electricity Transmission Corporation—can be established by regulation. I would imagine that is going to be a matter for debate at the Committee stages; I do not want to address it at this point. But what the legislation is clearly recognising is the need to restructure what is now a monopoly, which has the responsibility for all three separate functions: generation, transmission and distribution.

The other States are further down the path in disaggregating their electricity operations. In Western Australia energy has been under one umbrella. Gas and electricity has been under the State Energy Commission of Western Australia and an inquiry into SECWA resolved that the electricity and gas businesses should not only be separated but also disaggregated for separation of generation, transmission and distribution. In Victoria they have gone even further and segregated the generation and transmission and created five different distribution companies, with five different boards attaching to those companies. There is a suggestion that perhaps at some time in the future those distribution companies may be floated on the stock exchange.

The debate today is not about whether or not there should be one distribution company in South Australia or more. That is a matter which I would imagine is under consideration by the electricity working party, and other groups, which are currently examining the options available to ETSA. There is no doubt that the electricity industry in Australia, in whichever State it may be, faces enormous challenges because, not only is there the Hilmer report with its imperative for microeconomic reform in every respect—not only electricity but also transport, the waterfront and so on—but also, of course, there is the other matter which is of current interest and requiring pressing answers; that is the matter of the national grid which opens up electricity to the States, which will mean that as from 1 July 1995, on the current timetable, larger operators in South Australia can bid for blocks of power which may not necessarily be provided by ETSA, but perhaps by competitors interstate.

So, there is that aspect to be addressed and, as the second reading notes, South Australia is still negotiating its position with respect to the national grid. On top of that are considerations for the future requirements for electricity in South Australia. Given that the Port Augusta power station is powered by Leigh Creek coal and that Torrens Island power station uses Cooper Basin gas as its fuel supply, there is a need to examine where South Australia should go from here, given that our reserves in electricity generation are perilously low.

The reserve plant margin, which is traditionally used as the benchmark for the surplus capacity in electricity, is stated publicly and there are no secrets about this point. The Eastern States have excess of reserve plant margin because too many power stations were built in the enthusiastic 1960s and 1970s, and New South Wales and Victoria, in particular, have excess power generation capacity. In South Australia, there have been no decisions made in recent times and because our economic growth has been relatively low, no decisions have been made into the future, and that is something obviously that was under consideration by the previous Government and is undoubtedly being analysed by the current Liberal Government as to what options exist for the future generation of electricity in this State.

Perhaps there will be a greater reliance on power through the national grid or a boost to existing power stations at Port Augusta or Torrens Island. Perhaps it will be the creation of a new power station or looking at other alternative energy such as wind power or solar power, which I suspect are options that are too far distant to provide the level of energy that South Australia would require. So, there are exciting but challenging decisions that have to be made in this important area in the next two or three years.

This Bill is the first step in this long chain of decision making about electricity in South Australia. I would have thought that the Bill was relatively uncontentious. It establishes the ETSA Corporation, which initially retains the functions that already exist in the ETSA operation, namely, distribution, generation and transmission. It requires this statutory corporation to abide by the provisions of the Public Corporations Act which was passed by this Parliament last year. That is important. It sets standards of care, duty, diligence and the requirement to act honestly on the part of directors. It also establishes a board as the governing body of ETSA which should consist of not fewer than five nor more than seven members.

I am pleased to see that clause 14(3) provides that the board's membership must include persons who together have in the Minister's opinion the abilities and experience required for the effective performance of ETSA's functions and the proper discharge of its business and management obligations. It is important to recognise that board appointments, particularly to commercial statutory authorities such as ETSA, must have that requisite skill and experience.

It is worth remembering, after all, that ETSA is the largest commercial operation in South Australia in the public sector in terms of revenue. And, if one takes both the public and private sectors, it is the sixth largest commercial operation in this State, with revenues approaching $1 billion in the current year.

Clauses 20 to 33, which establish the Electricity Generation Corporation and clauses 34 to 47, which establish the Electricity Transmission Corporation, together with the requirements for the board in both cases, mimic the provisions which establish the ETSA corporation. I take it from the second reading that the Government will be looking at the options available to it as to whether or not it creates a separate generation corporation and a separate transmission corporation at a later stage, following the findings of the electricity working party which is currently meeting.

I accept the proposition put down by the Government that this framework is a necessary prerequisite to decisions which lie ahead. If we take the other States as a model of what may occur in South Australia, it is reasonable to presume that there is a fair chance that there will be some disaggregation of the electricity industry in South Australia in the future; namely, we will segregate the electricity generation, transmission and distribution functions; the ETSA corporation will retain the distribution function; and the electricity generation and transmission will be managed by the corporations which can be brought into existence by regulation as set down in this legislation.

We are not discussing tonight the issue of privatisation; that is not part of the debate. That may or may not be an issue down the track. Various States have taken various options, and I have always believed that privatisation by itself is not necessarily a goal; rather, the most effective and efficient operation of a business is what should be looked at. Whether or not the electricity industry in its aggregated or dis-

aggregated units remains in the public sector, partly in the public sector and partly in the private sector or totally in the private sector is not a matter for debate at this point, and it would be unfortunate if we were to start debating that point in Committee.

Certainly, the Government in South Australia has had the benefit of seeing the various approaches used by other States in reshaping their electricity industry. We have the advantage of being able to sit back and see what has been done in Western Australia, Victoria, New South Wales and Queensland, and I am confident that the electricity party and in particular the Minister are conscious that the decisions that have to be made are big decisions, which will have consequences through the next decade and beyond in South Australia. It is important that we have a competitive electricity industry in South Australia to regain and maintain the competitive advantage we lost during the 1980s and also for the degree of autonomy that that offers. I support the second reading.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

SOUTH AUSTRALIAN WATER CORPORATION BILL

The House of Assembly intimated that it had agreed to amendments Nos 2 to 11 and had disagreed to amendment No. 1 and made the following alternative amendment:

New clause, page 3, after line 32—Insert—

Restriction on contracting out by corporation

8A. The board must not cause water or waste water services or facilities to be provided or operated on behalf of the corporation by another party under a contract or arrangement without first giving full consideration (having regard to the powers, functions and duties of the board under this Act, the Public Corporations Act 1993 and any other Act) as to whether the corporation could provide or operate the same services or facilities competitively.

Consideration in Committee.

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

That the Council do not insist on its amendment No. 1.

I have been advised that there has been considerable discussion between the Minister for Infrastructure, the Hon. John Olsen, the shadow Minister for Infrastructure, Mr Foley, and others, and there has been some resolution of the issue that was in some dispute when we debated this Bill yesterday, and that was in relation to the new clause 8A. I believe that there has been an agreement between the Government and Opposition on a new form of words, which is now in the schedule as an alternative amendment to be made by the House of Assembly, and I am sure a number of members will be delighted about that because it will remove the prospect of at least one other conference between the Houses. So, I congratulate the Minister and shadow Minister on coming together and agreeing on a form of words, which is the subject of the amendment before us.

The Hon. T. CROTHERS: The Opposition supports the report from the meeting between the two Houses. It accepts, as indicated by the Leader of the Government in this place, that resolution has been reached in respect to the issue and a compromise arrived at and agreed to by both the Minister and his Opposition opponent, Mr Foley. Without saying too much more than that, I indicate that the Opposition supports the reception and adoption of the report.

Motion carried.

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

That the House of Assembly's alternative amendment be agreed to.

Motion carried.

LAND AGENTS BILL, CONVEYANCERS BILL AND LAND VALUERS BILL

The Hon. R.I. LUCAS (Minister for Education and Children's Services): On behalf of the Attorney-General, I inform the Council that the conference on the Bills is still proceeding and it will be necessary for the conference to continue during the adjournment of the Council and report on Tuesday 29 November 1994. This is covered by Standing Order 254.

CORRECTIONAL SERVICES (PRIVATE MANAGEMENT AGREEMENTS) AMENDMENT BILL

The Hon. R.I. LUCAS (Minister for Education and Children's Services): On behalf of the Attorney-General, I inform the Council that the conference on the Bill is still proceeding and that it will be necessary for the conference to continue during the adjournment of the Council and report on Tuesday 29 November 1994. This is covered by Standing Order 254.

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Tuesday 29 November at 2.15 p.m.