LEGISLATIVE COUNCIL

Wednesday 8 February 1995

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

PAPERS TABLED

The following papers were laid on the table:
By the Attorney-General (Hon. K.T. Griffin)—

Annual Reports, 1993-94—
WorkCover Corporation—Statistical Supplement.
WorkCover Corporation—Medical Services Statistical Supplement.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the fifteenth report 1994-95 of the committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the sixteenth report 1994-95 of the committee.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. BERNICE PFITZNER: I bring up the report of the committee on the emergency care of dependants.

MEAT CONTAMINATION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to make a statement on behalf of the Minister for Health about contaminated meat.

Leave granted.

The Hon. R.I. LUCAS: This ministerial statement has been made by the Minister for Health today in another place. It has been the Government's policy throughout the epidemic caused by the contamination of certain smallgoods to keep the public fully informed. The Minister for Health would like to point out that Government actions have followed advice the Government received from the South Australian Health Commission in line with precedents set following an incident in 1991 under the previous Labor Administration.

In this 1991 public health incident, which also involved fermented meats, once the contaminated product was isolated, the Labor Government of the day issued a notice of prohibition of sale on the manufacturer. In the case in 1991, a notice was issued in exactly the same fashion as was proposed in this instance, namely, a prohibition of sale notice was issued to the manufacturer, who was required to ensure removal of the product from the market. Before Garibaldi mettwurst had been isolated, the Government had already released two public statements alerting the public to the fact of the epidemic, the need to watch out for certain symptoms and to undertake good hygiene practices with respect to cooking and storing meats. A public statement was made by the Government on 23 January 1995 immediately it had been established that a link had been identified between product from the Garibaldi company and the HUS infection.

On 2 February 1995, the Minister for Health released a detailed chronology highlighting the significant actions taken by Government agencies to that time. Yesterday, the Premier made a further detailed statement to the House. During Question Time yesterday the Opposition raised a number of issues to which the Government now responds in further detail to ensure that the public remains fully informed.

The Government's initial announcement on 23 January 1995 identified a batch of mettwurst with the use-by date of 12 March 1995. This was based on strict epidemiological grounds. The Government's announcement on 23 January stated (and the Minister for Health quotes):

> At this stage there is no evidence that any other products made by Garibaldi contain the toxin, but the Government is seeking the company's cooperation in testing their other products to rule out any similar contamination.

As is established practice, Garibaldi's premises were visited with a view to placing a prohibition of sale on the suspect product. Garibaldi commenced a voluntary recall immediately. The company did not await the publication of the notices as the Opposition implied yesterday. Garibaldi agreed to undertake a voluntary recall, which is both standard practice and good practice in such cases. However, recall procedures nonetheless require a company to work in cooperation with the National Food Authority to ensure the appropriate wording of the recall notice. Saturation media coverage had already occurred, and businesses were being contacted by phone to stop the sale of the contaminated product when the official recall notices appeared in the paper.

The Minister now turns to other issues raised by the Opposition. The Health Commission has received many telephone calls relating to Garibaldi products. Many of these calls reflect confusion in the public mind about specific products recalled. To this point, the allegations relating to the specific product, the subject of the initial recall, have not been confirmed.

In relation to the powers available to the Government in these circumstances, the immediate objective of the Health Commission after identifying the source of product contaminated was to stop its distribution and sale. The company immediately guaranteed its cooperation to achieve this objective.

On the afternoon of 23 January 1995, concurrent with the Government's announcement, the company took immediate steps to recall all product suspected of being contaminated. So far as advice to the public is concerned, the Government's initial announcement of 23 January 1995 received wide coverage that evening and the following day, and continued to be the subject of media coverage on succeeding days. This was considered to be the most effective form of communication, and there is no evidence that this communication was not effective.

In ensuring the full recall of contaminated product, the Health Commission made frequent visits and many phone calls to the premises of Garibaldi. The point about inspections of Garibaldi's premises also relates to the investigation of claims of unhygienic practices by the Garibaldi company. The Minister for Health advises the Council that, in relation to allegations of unhygienic practices carried out at Garibaldi's premises, inquiries have begun by officers of the police. In closing, the Government maintains that all its agencies and all its officers responded quickly and appropriately to this epidemic. At all times the Government responded promptly to the advice of its public health officials. What the Opposition is claiming is that some or all of those officials were negligent in their duty and that, as a result, lives were placed at risk in cavalier fashion. The Government rejects that

allegation entirely and contends that all its actions have been in line with completely appropriate precedent.

QUESTION TIME

SCHOOL CLASSES

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

Leave granted.

The Hon. CAROLYN PICKLES: The Government has already cut 422 teaching positions to reduce education spending by $40 million over three years. Class sizes in junior primary schools were increased by one to 26; primary school classes were increased by one to 30; and sizes of practical classes in years 8 to 12 were increased by 1.5 to 18 students. The fall of 2 500 students in enrolments this year means that the Government has budgeted for almost 200 more teachers than required by the Minister's bigger class policy. Clearly, the Minister's increased class sizes by more than one was necessary to meet the budget cuts. In an *Advertiser* article today the Minister stated:

> The bottom line is that there are 100 to 200 fewer classrooms of children than expected, and therefore we need between 100 to 200 fewer teachers this year.

The Minister has the opportunity to show his commitment to education in South Australia by reducing class sizes to make use of these teachers. The Minister should show his concern for education and not jump to the Treasury tune by handing up more cuts. In fact, the Government has an opportunity to meet the commitment given by the Premier to maintain class sizes at the level set by the previous Government. My questions to the Minister are:

1. Will the Minister now reverse his decision to increase class sizes and secure the jobs of the additional 200 teachers?

2. How does he justify the expenditure of a further $15 million to separate teachers who are within the budget and who are desperately needed in South Australian schools?

The Hon. R.I. LUCAS: The simple answer is 'No'. First, as I have indicated on a number of occasions, the record of this Government in relation to student/teacher ratios in South Australia indicates that we have the second best or second lowest of all the States of Australia. Even after the changes, we have the second best or the second lowest—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, we were not No. 1. The Hon. Mr Cameron jumps in head first, but we were not No. 1. I thank the Hon. Mr Cameron for his assistance, but he was wrong. We have maintained our ranking as the second best or the second lowest of all the States in Australia in relation to student/teacher ratios. There has been no deterioration in the ranking order: we are the second best or the second lowest of all the States. Indeed, the only State that is better is, of course, Victoria under Premier Jeff Kennett. There is subdued silence from across the Chamber. It is not Queensland, I can assure members: the only State that is better is Victoria under Premier Jeff Kennett.

That is the simple fact of it. In relation to Victoria there have been some significant changes there. We have been seeking information from Victoria about their 1994 and 1995 student/teacher ratios. We have a suspicion that maybe, given the relative changes, we might even be the best; then I would like to hear the Hon. Mr Cameron ask me the same question again. We may well be the best in Australia. If we can get those figures from Victoria we might be *numero uno*. We might be No.1 of all the States instead of being number two.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I think No.2 is a very healthy position to be in, but, of course, if we can be No.1—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS:—then, of course, we will accept the kudos from the Opposition and from teachers and principals as well.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The answer to the question was 'No'. You cannot get any simpler than that.

The Hon. R.R. Roberts: Well, why don't you sit down?

The Hon. R.I. LUCAS: Because I think there are some other interesting things that I can put on the record for the benefit of the Hon. Mr Roberts and the Hon. Mr Cameron as well—I mean, he is very interested in this particular topic.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The position here in South Australia is, whether Mr Elliott wants to talk about his children or, indeed, anybody's children, that the children have the second best or lowest student/teacher ratio and therefore are in the second best position, at least, of all of the children in the States of Australia. That is the bottom line. If members opposite want to compare us to non-government schools, we are almost 10 per cent better in student/teacher ratios than the average for non-government schools in South Australia. Tell me what you want us to compare and I will give members the answers. If you want to talk about non-government schools, other States, Outer Mongolia or wherever, let us talk about it.

We have a very impressive record in relation to numbers of teachers, the number of people in promotion positions, the number of leadership positions, the number of student counsellors and the number of SSOs. We have a 20 per cent more generous provision of SSOs in South Australia than the average of all the other States. If members want to talk about comparisons, whatever members want to talk about, whatever comparison, we are very well-treated, and so are our children, here in South Australia. I am quite happy to talk about comparisons. I am quite happy to talk about the Government's record in relation to numbers of teachers. The simple facts of life are that if the children do not turn up in schools, for whatever reason, there are literally classrooms and classrooms of empty spaces out there collectively where you do not need—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: They are not all occupied. The Hon. Mr Elliott ought to visit some of these schools. Some of the schools that I have visited where you might have 16 teaching classroom spaces there are only eight being occupied. The Hon. Mr Elliott ought to visit some of these schools because they are not being utilised.

The Hon. Carolyn Pickles: Which ones are they?

The Hon. R.I. LUCAS: There are literally dozens and dozens of schools—

The Hon. Carolyn Pickles: Name them.

The Hon. R.I. LUCAS: Well, there are dozens and dozens of them; I am not going to take all afternoon to name them.

The Hon. Carolyn Pickles: Then just name one.

The Hon. R.I. LUCAS: Members can go out to Parafield, Pooraka and Para Hills and a variety of other areas. They can go south, to the western suburbs, or Whyalla. Has anyone been to Whyalla recently? If you have been to Whyalla, have you visited any of the schools in Whyalla? How many students are in the schools in Whyalla?

The Hon. Carolyn Pickles: You tell me.

The Hon. R.I. LUCAS: Not very many, I can assure you. The average is about 150 to 200.

An honourable member interjecting:

The Hon. R.I. LUCAS: I am telling you; I am just checking. There is a bit of a test here. Wherever you want to go there are primary schools where in the peak periods they have had 700 or 800 enrolments and currently have 200, 300 or 400 students in them. This nonsense that all the schools and all the spaces are being filled, as the Hon. Mr Elliott suggests, is simply not correct. I suggest that the Hon. Mr Elliott visit some of these other schools, as I do, rather than just his own to look at what is occurring out there at the moment, not when he was a teacher 15 years ago at Swan Reach or wherever. He should not rely on his fading memory but should get out there and visit the schools, look at what is happening now, not rely on what he remembers from 10 or 15 years ago or what is going on in his own particular school at the moment. He should visit the schools and see what is going on now.

The simple answer is that there will be no change. As I indicated publicly yesterday, and do so again today, a number of areas within the budget are currently carrying surplus teachers. This was occurring before this enrolment decline. We have surplus teachers in the system because of the previous enrolment decline in secondary schools in particular, because the previous Government offered a package on about four or five separate occasions to secondary school teachers. A number of secondary school teachers who refused to take a package are still surplus to the system.

The Hon. Carolyn Pickles: How many?

The Hon. R.I. LUCAS: The number is up to 100. These teachers are still surplus to the system. They will not take a targeted separation package. The Government has taken the very generous stance of not forcing retrenchment, so those people have been retained within the system as they were by the previous Government at a cost to the budget. If the Government goes to a further call for targeted separation packages because of this further enrolment decline, as I indicated yesterday, again there will be a difficulty with secondary school teachers because, as I said, the previous Government went four or five times, we have been once and, if we go another time, obviously there will be a more limited number of secondary teachers than in the past who will want to take up the option of a targeted separation package. So, the Education Department is currently maintaining surplus teachers over and above the budget at a cost. We will have to find the money for that during this and the next financial year from within other sections of the budget. If we have a further enrolment decline we might be in the position to be able to balance our budget through the further separation of teachers.

This nonsense that the Hon. Ms Pickles and the leader of the Institute of Teachers suggests that some sort of manna from heaven has arrived in the form of a lovely lump of money that has been budgeted for the department to use ignores the practical realities of running a budget of $1.1 billion in accordance with the industrial relation practices and conventions that we have to maintain surplus teachers within the system together with some of the industrial relation practices, conventions and agreements which the previous Government entered into with the Institute of Teachers, which are creating additional cost blow-outs within their particular areas for the Government and the department.

My final point—and I know the Hon. Ms Pickles gets her information from the leader of the Institute of Teachers—is that I am not sure where this figure of $15 million has come from, because what the Hon. Ms Pickles is obviously saying in supporting the Hon.—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: That is not what was said yesterday. The Institute of Teachers—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, I said somewhere between 100 and 200.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: That's what I said exactly. I know what I said; you don't have to quote back to me what I said. I said between 100 and 200. I am not sure where this $15 million figure has come from; it certainly has not come from me or the Education Department. However, whatever the figure is in relation to targeted separation packages—and it is certainly not that high—the simple facts again are that in paying out a package once off up front you reduce ongoing recurrent expenditure for ever and a day.

So, to make a direct comparison of that sum of money, whatever it is, with the ongoing costs, as the leader of the Institute of Teachers did yesterday and last evening, is a nonsense. She was suggesting that we could keep 400 teachers in the system for the $15 million. I am not sure what economics qualification Ms McCarty undertook, but the simple fact is that the TSP is a once-off cost up front and the 400 teachers is obviously an ongoing cost every year, year in and year out.

SMALLGOODS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Premier, a question about smallgoods production and job security.

Leave granted.

The Hon. R.R. ROBERTS: Over the recent weeks of the unfortunate HUS incident in South Australia there have been many victims. Presently many people are addressing their minds as to who is to blame and how we ought to remedy the situation, whereby confusion in the incident will be minimised if there are any more of these unfortunate exercises. There is another bunch of victims in this exercise, namely, the people working in the smallgoods industry—not only those involved with the company that was named throughout this incident but also those who are involved with other smallgoods manufacturers in South Australia.

I understand that some time ago the company concerned did approach the Economic Development Authority in South Australia for some assistance within the industry and I understand that it was being provided with some support, which is commendable. However, as a result of this incident, and without going into who is to blame or where the blame lies, I contend that the workers in the industry have very little blame. However, they must be concerned about not only their own employment but that of the hundreds of other people presently working in smallgoods production in South

Australia. Obviously it will take some time before this incident is consolidated.

I see this morning that the Premier has called for an inquiry into smallgoods manufacture in Australia. Some supporting information is being supplied to me that there has been support prior to this instance by the smallgoods manufacturers of South Australia for an inquiry into the production of smallgoods in South Australia, especially those concerned with uncooked meats. It is certainly my wish and the wish of the Opposition that every assistance be given to the company and to those workers to try to get them back into production for the betterment of South Australia and for the well being of those people and their families. My questions to the Minister are:

1. What will the Government be doing to assist the company and the workers who have lost their employment as a result of the HUS incident in recent weeks?

2. Will the Government institute an inquiry into the South Australian smallgoods industry to confirm, or otherwise, the safety of smallgoods and uncooked meats production and identify areas where improvements can be made, thus restoring consumer confidence and employment security for people working in this important industry in South Australia?

The Hon. R.I. LUCAS: I thank the honourable member for his question. I will refer his question to the Premier and bring back a reply as soon as I can. The Government and the Premier are obviously conscious of the impact that this outbreak is having and might continue to have on the wider smallgoods industry in South Australia. Yesterday the Premier referred to the fact that the industry in South Australia employs more than 1 500 people with annual production exceeding $100 million. It is an important industry. We acknowledge the concern that both owners and proprietors of smallgoods companies would have, as well as the concerns that clearly the employees who work within those industries would have. They would have seen how quickly a crisis like this can affect a particular company as it did with Garibaldi. I saw one of the spokespersons on television late last week indicating that for his company and other companies there has been a reduction in consumption of 30 to 50 per cent. I think someone said that they had not sold a stick of anything, so in that case it was 100 per cent. However, I am not sure how big that company was.

Clearly, this is having a significant effect on the smallgoods industry in South Australia, but I am not sure what effect it is having nationally. The Premier has announced his intention to work with the smallgoods industry and agencies of Government to try to rebuild confidence in the smallgoods industry generally. It is a policy goal that the Premier and the Government have, to work through that. Part of that has been working with the smallgoods industry to fast track the introduction of new quality assurance programs with the willing assistance of the industry, and in recent days spokespersons from the industry have been talking about that.

Other actions may need to be taken by the Government and the Premier. I know that the Premier has taken a personal interest in this. I am aware that on the weekend he met with representatives of the smallgoods industry. He continues to involve himself personally, and works together with the two operational Ministers, the Minister for Health and the Minister for Primary Industries. Perhaps there will be a role further down the track for the Minister for Industry, Manufacturing, Small Business and Regional Development, or perhaps he is already involved (I am not sure). I thank the honourable member for his question. I acknowledge the genuineness of it in relation to the future of staff within the various factories that are concerned. I undertake to get a reply from the Premier as soon as I can.

COURT SECURITY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General a question about court security and administration.

Leave granted.

Members interjecting:

The Hon. T.G. ROBERTS: Although it is not a part of my portfolio areas, I have a strong interest when it comes to responsibility for prisoners. I am sure that the Attorney-General will have something ready for today's question. Yesterday's daily paper contained an article about a mix-up that occurred in the courts in relation to the movement of two prisoners of the same name—

The Hon. R.R. Roberts: Same blood lines.

The Hon. T.G. ROBERTS: The same blood lines, as the honourable member indicates. It was obviously an administrative mix-up, as one of those two prisoners should not have been in the precinct. Unfortunately for those who were responsible for looking after the second prisoner, he saw it as an opportunity to abscond and move through an open security roller door which should have been secured, and there ensued a 2½ hour search within the metropolitan area for this individual. My questions are:

1. How did the administrative mix-up with the prisoners occur?

2. Why did the security system in the Supreme Court fail?

The Hon. K.T. GRIFFIN: Earlier I was rather tempted to make a ministerial statement but I reflected upon the fact that someone in the Chamber most likely would raise the issue, so my preparation for a ministerial statement I am now able to put to good use in responding to this question.

Members interjecting:

The Hon. K.T. GRIFFIN: You asked the question, you get the answer.

The Hon. Anne Levy: Make a ministerial, then.

The Hon. K.T. GRIFFIN: No; I was not acting in collusion with the Hon. Terry Roberts, but I presumed that there would be some question about it because it got on to the front page of the *Advertiser*, and escaping prisoners always attract attention.

The first point to make is that the prisoner was under the responsibility of the Sheriff, who is an officer of the Courts Administration Authority. Members will recall that the Courts Administration Authority, by virtue of the legislation, is independent of Government. The Sheriff is not an officer of mine: he is an officer of the courts, and the courts are independent. Nevertheless, I was interested in why this occurred and I asked for some information.

The other point that I should make is that I think it is refreshing that the Deputy Sheriff, Mr Grant Schmerl, fronted up and said, 'Yes, there was a mistake and I accept responsibility for it.' He actually complimented the Correctional Services officers for attempting to restrain the escaping prisoner. I think it is worthy of commendation that someone, in these circumstances the Deputy Sheriff, said, 'Yes, I was at fault and I accept responsibility. There was a glitch in the system. I will do what I can to ensure that it does not happen again.' There was no cover up; it was all out in the open; he was freely talking to the media about it and accepting

responsibility. I was very pleased that that approach was taken.

Sandon Czubak, the prisoner who escaped, did so through the sallyport that serviced the basement cells at the Sir Samuel Way Building at about 11.10 a.m. yesterday. A person named Paul Czubak—same surname—an inmate of the Adelaide Remand Centre, was required to attend the criminal courts as a witness in a matter before the District Court on this date. When making the court appointment on the Justice Information System, one of the Sheriff's officers mistook the name of Sandon Czubak for the name of Paul Czubak, quite an understandable mistake.

It seems that the officer had prior knowledge of Sandon Czubak within the system and made an incorrect assumption, unaware that Paul Czubak was in custody. Both Paul Czubak and Sandon Czubak—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I think they are related, actually. Both Paul Czubak and Sandon Czubak arrived at the basement cells. When it was revealed that Sandon Czubak was not required, the officers from Yatala Labour Prison proceeded to return to the sallyport with Czubak and another prisoner. Upon arrival in the sallyport the officers noticed that the roller door was open—in the up position. The leading escort attempted to retreat. However, Czubak pushed past and began to run towards Gouger Street. The officer hung on to his clothing for several metres until she lost her grip. He was subsequently recaptured about an hour and three quarters later near the Mile End railway yards.

The information I have received is that the roller door in the sallyport was raised at approximately 11.6 a.m. to enable a police vehicle to exit the parking bay. The roller door was not closed prior to the Correctional Services officers entering the area with Czubak at approximately 11.10 a.m. It is the usual practice for the roller door to be closed at all times when prisoners are in custody in the building. However, it seemed that the officer was distracted after the police vehicle had exited at approximately 11.6 a.m. and failed to ensure that the roller door was closed.

The Sheriff is responsible for the escorting of prisoners within the Sir Samuel Way Building. As I said, Mr Grant Schmerl, the Deputy Sheriff, accepted full responsibility for the incident and undertook to ensure that all secure procedures are adopted in the future.

As I said earlier, in making information available to me, the Deputy Sheriff commended the two escorting officers from the Correctional Services Department for their actions in attempting to prevent the escape. That is the background to it—a quite full and frank disclosure of what went wrong. These glitches do occur periodically. Of course, no-one likes to see them happen, least of all Ministers who get asked questions about them. However, the fact of the matter is that they do happen on occasions and the commendable thing is that the Sheriff's officer, its having occurred and the prisoner having been recaptured, is now taking steps to ensure that it does not happen again.

SEWAGE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister representing the Minister for Infrastructure a question about sewage outfalls into St Vincent's Gulf at Port Vincent.

Leave granted.

The Hon. SANDRA KANCK: I am informed that raw sewage is being poured into St Vincent's Gulf from the Port Vincent Caravan Park. This practice has occurred ever since the Port Vincent Caravan Park was opened and has worsened as numbers in the caravan park have grown over the years. A constituent who once enjoyed recreational fishing in the area informs me that the problem is so bad that she will not be fishing there any longer.

A marina is apparently planned to be built at Port Vincent near the caravan park in the near future with 78 homes also planned as part of the marina development. My questions to the Minister are:

1. What is the Government's policy in relation to the provision by the EWS of sewage treatment facilities?

2. If and when the marina projected is built at Port Vincent, will the waste water from the accompanying homes also be discharged straight into the sea?

3. Does the EWS have any sewage treatment facilities planned for Port Vincent and, if not, why not?

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

VOTING

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Attorney-General a question about non-compulsory voting.

Leave granted.

The Hon. M.S. FELEPPA: At the national conference of the Young Liberals held earlier this year in Adelaide most but not all of the 35 delegates supported the abolition of compulsory voting at both State and Federal elections. Despite this support, the motion was lost on a State by State basis. However, it is clear that most of the Young Liberals were opposed to compulsory voting.

The rationale for opposition to compulsory voting was on the grounds that it is a restriction of civil liberties and a democratic fraud. The freedom on which this stance rests is that to choose whether or not to go to the polling both and to vote. No mention is made of the responsibility for electing a representative Government.

The argument was put that the real and responsible freedom is the freedom to choose by secret vote the candidate best suited to represent the voter's interests and no-one should be prevented from voting. This argument stresses that everyone has a responsibility to vote.

An argument put in favour of the abolition claimed that with non-compulsory voting there would not be a large number of people who would not vote. If I remember correctly, it has been estimated that for State and Federal elections there would be a turnout of 50 per cent to 60 per cent of eligible voters, and I consider that not to be very representative.

The support for compulsory voting amongst the Young Liberals seems to revolve around the cost of campaigning: the money would have to be spent on persuading voters to vote rather than persuading them in relation to the real issues of the campaign. If people have to be convinced, therefore, of their duty and responsibility to vote, then that would make the election a democratic fraud. In my view, it would not be a democratic fraud to require all voters to vote and then enforce the responsibility. Ultimately, because of the difference of opinion amongst the Young Liberals on the question of compulsory voting, I ask the Attorney-General the following:

1. How would the Attorney-General balance the asserted loss of liberty in compulsory voting with the civil responsibility to cast a vote at an election so that democracy can operate effectively?

2. Is the cost of campaigning a just reason for forming an opinion whether or not voting should be compulsory?

3. Can the Attorney-General justify representative government flowing from a 50 to 60 per cent voter turnout?

The PRESIDENT: Order! That was nearly a second reading speech, and it had a lot of opinion in it. If members want a number of questions within the hour, questions must be succinct. There was a considerable amount of opinion in that question.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I can answer it how I like. Every Minister can do that; you know that, because you were a Minister once.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: It is an issue that is on the Notice Paper. There is a Bill before us. I would have thought that these are the sorts of issues that ought to be raised in the context of that debate rather than by separate question, but I am happy to take any opportunity to espouse the commitment of the Liberal Government and the Liberal Party to voluntary voting. The fact is that we tried in the last session, we are trying in this session and we will keep trying to keep the issue alive and ensure that the public of South Australia knows that there are two diverse points of view within this Chamber in respect of the issue of voluntary voting.

I do not think the issue of voluntary voting is an issue that has anything to do with preventing people from voting. I do not think it has anything to do with the cost of campaigning. I must confess I am not sure what the honourable member was driving at in his first question when he was asking how I would balance the loss of liberty against the principle. There is no loss of liberty in giving people a choice about how they should vote and about whether or not they should vote. In fact, that is what a democratic system is all about. Everybody knows that an overwhelming majority of democracies in the world have voluntary voting. Compulsory voting is practised and required in only a very few—

Members interjecting:

The PRESIDENT: Order! I can hardly hear the Attorney-General. There is too much back chatter.

The Hon. K.T. GRIFFIN: Compulsory voting is required in only a handful of democracies around the world. All the great democracies, the United States, Canada, the United Kingdom, France, Germany and New Zealand are all countries in which voluntary voting is the basis upon which elections are conducted. All the newly emerging democracies rely upon voluntary voting. In Poland, Czechoslovakia, Hungary, Russia (of course in China there is no voting, so obviously there is no freedom of choice), in the emerging democracies of Asia, and in India which has a long established democratic system, voting is voluntary. So, there are ample numbers of examples of democratic systems in practice which depend upon voluntary voting. It is not a question of determining what balance there should be between the rights of the citizens who vote as opposed to the rights of citizens who do not vote.

A poll last year showed that, if voluntary voting was brought into operation in South Australia, some 84 per cent of those surveyed indicated that they would still continue to vote. That is not a bad figure, considering that at the last State election about 6 per cent of electors did not go to the poll. Another 3 or 4 per cent chose to vote informally. If you want to add to that the so-called donkey vote, which is accepted to be about 2 per cent, you are pretty close to 87 or 88 per cent of those who voted at the 1992-93 State election exercised the choice and cast a valid vote. It is a very strongly held view that I and the Government have that it is a reflection of real freedom of choice if electors are provided with an opportunity as to whether or not they should both attend the polling booth and cast a vote, whether it is a valid or informal vote.

WORKCOVER

The Hon. T. CROTHERS: I seek leave to make a statement before asking the Attorney-General, representing the Minister for Industrial Affairs, a series of questions about WorkCover funding.

Leave granted.

The Hon. T. CROTHERS: Recently in a newspaper article the State Minister for Industrial Affairs revealed that the latest actuarial projected figures he had with respect to future liabilities for the WorkCover fund were calculated by the actuary to be in excess of $100 million. If my memory serves me right, this is in spite of the fact that previous actuarial reports showed that WorkCover funds were projected to have a surplus of some $5 million or more. These two sets of figures, such is the sizeable difference, may well cause concern amongst our present captains of industry and perhaps even some other investors who may be, for the first time, considering investing funds into South Australia.

In relation to WorkCover funding, the Minister has also gone on the public record as saying that he has to make industry costs here competitive with our competitors in other States and elsewhere. In an answer to a question I directed on wages costs on 1 December 1994 to the Minister for Industrial Affairs, the following formed part of the answer which was given in this Chamber yesterday:

> The income distribution report issued by the University of Canberra's National Centre for Social and Economic Modelling (NATSEM) reported that the estimated average disposable income of South Australians was $555 per week, which was 5.1 per cent below the national average of $585 per week, and the equal lowest (with Queensland) of the six States.
>
> The latest Bureau of Statistics estimate of average weekly earnings for South Australians suggests that the average weekly wage for someone working ordinary hours in a full-time position was $602.60 gross in August 1994, a figure 2.3 per cent below the national average. This measure of wages was the fourth highest among the six states—only above Queensland and Tasmania.

That clearly shows that South Australians earn less than their counterparts in Western Australia, New South Wales and Victoria. I also note that the NATSEM report in its survey covers full-time, part-time and casual employees in its calculations, whereas the Bureau of Statistics figures cover only full-time members of the work force.

But the fact is, of course, that all employees suffer work related injuries, whether they are full-time, part-time or casual. In any case, whichever method of compilation of statistics is used, South Australia is clearly shown to be a lower wage cost State than either of its two main industrial rivals, Victoria and New South Wales. In addition to all or any of the foregoing, the mass of amendments debated in both Houses of this State Parliament early in 1994, oft into the wee, small hours of many a morning, were gazetted only on 1 July 1994, just over six months ago. I cannot remember all the amendments offhand, they were so many and varied,

but many of them were designed as cost cutting measures. One that I do remember was the removal of the worker's right to compensation either going to or coming home from work.

Given all the foregoing, I now direct the following questions to the Minister and would indicate through you, Mr President, that an as-soon-as-possible answer to my questions will considerably assist me in any deliberations I may have to undertake in this place in the future.

1. Why was the projected WorkCover deficit suddenly blown out from a surplus of approximately $5 million to a projected deficit in excess of $100 million?

2. Has the Minister changed the parameter guidelines laid down for the WorkCover actuaries? If so, why is it so and, if not, why not?

3. Does the Minister agree that we are already cross competitive with our neighbouring States, given that the NATSEM report shows that wages earned in South Australia are 5.1 per cent below the national average wages earned and that the report of the Bureau of Statistics shows that South Australian wage earners are 2.3 per cent below national wage earners; and, if not, why not?

4. Does the Minister agree that cost savings from work travel related earnings and other cost saving measures contained in the gazettal of the WorkCover amendments of 1 July 1994 will be slow in some, if not many, cases in reducing costs and that they have been operational for only six months, and what allowance, if any, did the actuary make for these measures in his future projections? Finally, but by no means exhaustively—

5. What allowances—

Members interjecting:

The Hon. T. CROTHERS: I am getting interjections from so-called economists but, after all, if economics were such an exact science the world would not be in the crazy economic state that it is in and, as such, I would ask that economist, Mr Legh Davis, to cease his interjections or come up with a system that really works.

5. What allowances, if any, did the actuary make for cost savings in the rapid advancement of new medical treatments as they would relate to cost savings in respect of compensible injuries? Examples of that which immediately spring to mind are new surgical techniques not possible before but possible now with laser surgery. Of course, organ transplants such as kidney, liver, heart—and, in the case of Mr Davis, tongue—in so far as prolonging life is concerned, and even affecting permanent cures, have come a long way since the time of Dr Christian Barnard. I await the answers with interest.

The Hon. K.T. GRIFFIN: The honourable member will not be surprised to hear that I do not carry those figures or an accurate assessment of the reports around in my head, so I will need to refer the questions to my colleague the Minister for Industrial Affairs and bring back a reply. One of the questions asked whether the Minister had changed parameters for the consultants in relation to the assessment of the liabilities of the WorkCover fund. It is my understanding that the Minister does not have power to change any parameters in relation to actuarial investigations and that the actuary operates in accordance with well established standards of mathematical calculation of the potential liability of the fund. It is correct, as the honourable member said, that an actuary does make projections, but one should not regard that as an adverse reflection upon the skills and abilities of actuaries.

The Hon. T. Crothers: I did not. Let me put it on record, I did not.

The Hon. K.T. GRIFFIN: You did not?

The Hon. T. Crothers: I did not regard that as any reflection on any actuary.

The Hon. K.T. GRIFFIN: I appreciate the honourable member's interjection. I will refer those questions to my colleague and bring back a reply.

FILM AND VIDEO CENTRE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about membership of the South Australian Film and Video Centre.

Leave granted.

The Hon. ANNE LEVY: The Minister closed the Film and Video Centre in late June last year, at which time many people had taken out membership of the Film and Video Centre and paid an annual fee. Following the closure, videos were available through the public library system but, of course, that was not only to members of the Film and Video Centre but to the public at large. Films were not available, except those which had been booked prior to 20 June and which had become available early this year, again at no charge. The people who had taken out membership of the Film and Video Centre were, therefore, unable to make use of the membership for which they had paid. On 19 July borrowers received notification signed by the CEO of the department saying, 'All current membership fees of the South Australian Film and Video Centre will be reimbursed shortly.'

Despite numerous inquiries, both by telephone and by letter, people were told merely to wait. I have a letter written by someone on 5 October asking when these fees, which they were told in July would be reimbursed shortly, will be reimbursed. Finally, on 1 December the borrowers were informed that no refunds will now be made. People have paid for something: they have received nothing for the money they have paid from 30 June on, a period of more than six months. They were informed that they would receive refunds then, six months later, were informed that they would not.

How does the Minister justify that people, having been told they will receive refunds, are now not going to receive refunds? Is this legal for the refunds not to occur? Has she sought advice from the Solicitor-General or from Crown Law as to whether this is legal or whether these people have grounds for action against the Government? Finally, what is the total sum received in membership, both from organisations and individuals, by the Film and Video Centre, which should be refunded because of her closure of the centre and which has not been refunded and has therefore been stolen by her department from these people.

Members interjecting:

The Hon. ANNE LEVY: Well, they have stolen.

The PRESIDENT: The time having expired, does the Minister wish to answer the question?

The Hon. DIANA LAIDLAW: I move:

That so much of Standing Orders be suspended to enable me to reply briefly.

Although, all the questions were out of order since it was after the time of the first extension, I should say.

Members interjecting:

The Hon. DIANA LAIDLAW: It was.

Members interjecting:

The Hon. DIANA LAIDLAW: I am just commenting. The honourable member was warned about the time and you deliberately went over.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Nevertheless, I have sought an extension to answer the question.

The PRESIDENT: Order! Does the Minister want to extend the time?

The Hon. DIANA LAIDLAW: Yes, Mr President, I have asked for an extension. I am pleased to advise that on 1 December 1994 the Chief Executive Officer of the Department for the Arts and Cultural Development wrote to former members of the South Australian Film and Video Centre advising that no refund would be made of membership fees. The decision not to refund money was based on the fact that:

1. The transfer of the video collection to PLAIN had been made with minimal disruption to borrowers.

2. Borrowings for film had been honoured during the second half of the year and the system was kept as open as possible in the public interest.

3. The earlier commitment to refund these was made prior to the decision to transfer the core collection to PLAIN and the Mortlock Library and to keep the non-core collection at State Records for an initial one year period.

4. Considerable expense had been incurred in transferring the collection of films to the new library based system.

5. No individual borrower would have to pay any fees in future to borrow either films or videos through PLAIN, whereas in the past they have had to pay the membership fee. So, the honourable member in terms of—

The Hon. Anne Levy: Answer the question.

The Hon. DIANA LAIDLAW: I am answering the question. The honourable member accused the department of stealing money. What I have said throughout all of this is that people earlier had to pay membership fees to borrow. In future people will not have to pay membership fees at all. Therefore, in the future, there will be no individual required to pay, as the former Government required people to pay, to borrow films and videos. No individual will have to pay and, therefore, the people who have been members in the past will enjoy a considerable benefit in the future from this new arrangement. I will obtain answers to the other specific questions that the honourable member asked. All I can say is that the people who have been members and who have paid in the past will receive a particularly good and I would add free deal in the future.

The Hon. Anne Levy: What is the total sum you are not refunding?

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I said I would get those figures.

The PRESIDENT: Order! Can I just comment: we have had seven questions in the last hour because of what I considered to be very long explanations.

The Hon. Anne Levy interjecting:

The Hon. Carolyn Pickles: What about the replies?

The PRESIDENT: Order! And interjections—and you were testing my patience to the fullest. I explained that the time had nearly expired. I am usually fairly generous and allowed the honourable member to continue, only to be reflected upon afterwards by both sides of the Council.

The Hon. Anne Levy: I did not reflect on you.

The PRESIDENT: What are you doing now?

The Hon. Anne Levy: I am not reflecting on you.

The PRESIDENT: Order! I think that it would be helpful for this Chamber if the questions were shorter and the answers were more succinct.

SELECT COMMITTEE ON ALTERING THE TIME ZONE FOR SOUTH AUSTRALIA

The Hon. CAROLINE SCHAEFER: I move:

That it be an instruction to the Select Committee on Altering the Time Zone for South Australia that its terms of reference be amended by leaving out paragraph I; that is, 'of altering the time zone for South Australia to either 135° East or 142° 30 minutes East' and inserting 'of altering the time zone for South Australia to either 135° East or 150° East'.

This is merely to correct an anomaly in the amendment which was moved earlier. Those members who have taken interest in this would know that the previous amendment referred to the committee looking into true Central Standard Time or, in fact, remaining at the time we are now. I must say that I quite like that idea—I think everyone knows my feelings on this—but, in fact, the intention of this Council was to have as broad an inquiry into time zones as possible. In fact, what was meant during that amendment was for us to look at all possibilities, including Eastern Standard Time, and that is what this alteration will do. It will allow the committee to advertise, as I believe was intended by the Council, and to get on with that inquiry.

Motion carried.

EMERGENCY CARE DEPENDANTS

The Hon. BERNICE PFITZNER: I move:

That the Fifth Report of the Social Development Committee on Family Leave Provisions for the Emergency Care of Dependants be noted.

In so doing, I would like to take time to outline some of the information given to the committee on which its findings and recommendations are based. The terms of reference were referred to the committee on its own motion in November 1992. The taking of oral evidence began in September 1993 and members resolved to continue the inquiry following the December 1993 election.

The committee heard evidence from a wide variety of organisations, including submissions from employer organisations, unions, women's groups, community groups and Government agencies. Evidence was presented which showed that the demographic and labour force changes have led to increasing difficulty between work and family responsibilities for many Australian workers, particularly due to the increased participation of women in the work force. Combining work and family responsibilities is one of the greatest challenges facing South Australian families today with workers, particularly women, experiencing difficulty with juggling the competing demands of work and family care. The term 'family' was interpreted by the committee as being dependent children, aged and disabled relatives.

There has also been a significant increase in single parent families with 13 per cent of all families in 1992 being headed by a single parent. Of these families, 48 per cent of single mothers and 70 per cent of single fathers were in the work force. In addition to the factors just described, Australia's ageing population is also a factor. In 1993, 12 per cent of the Australian population was aged 65 or over. The Australian Bureau of Statistics predicts that this figure will grow by 14 per cent by the year 2011 and by 22 per cent by the year

2051. With more aged people living independently in their own home there will be an increasing challenge to Australian workers who need emergency care for family members.

The trend towards deinstitutionalisation of people with disabilities will also increase work and care problems. Currently, 78.7 per cent of people with a disability have limitations in performing some daily living tasks. Many people with disabilities live within the family structure in the community. Family versus work responsibilities for workers in such families can be difficult to resolve on a daily basis, particularly when the disabled family member is sick. Combine all these factors and the conclusion must be made that many Australian workers will need to care for sick family members at some stage.

From the evidence presented it is clear that the traditional work structures are not suited to workers with family responsibilities. This will make it necessary for workers to take legal time off to provide care in an emergency. Back-up evidence for this assertion was provided by the results of a phone-in held in South Australia which found that 98.7 per cent of callers had taken leave from work in the past year to care for a sick child. Of these, 43.5 per cent had used their own sick leave, but over half had not told their employer that the sick leave was used to provide care for a sick child. Many had used their own sick leave under the pretext of being sick themselves and admitted feeling guilty for not informing their employer of the truth. In addition, they felt enormous pressure to go to work ill rather than to take time that might be needed to care for a sick child. Others had taken leave without pay, and that creates its own pressures for employer and employee. Some respondents who were employed by the Public Service had used special leave provisions. However, it was found that many public sector workers were either not aware of special leave entitlements or had had a request for special leave to care for a sick child refused by a supervisor.

The results of the South Australian phone-in were supported by a larger Australia-wide study described to the committee by the principal researcher Dr Van den Heuval, of the Flinders University. That study found that care options for sick children apart from parents were limited, that many children had been sent to child care or school while sick and that school aged children had been left at home alone when no alternative care options were available. In comparing workers who cared for sick children and those who cared for sick parents, it was interesting to hear that this study also found that, on average, workers who cared for sick parents took more days off than those who cared for sick children. Further, this study calculated that, on average, workers took 4.6 days per year off work to care for sick family members.

It became obvious to the committee members that emergency care facilities are sparse in South Australia. However, this situation was addressed in August 1994 when the Government legislated for new sick leave rights. A media release by the Minister states, in part:

> South Australian workers with family responsibilities will gain historic new sick leave rights under the State Government's industrial reforms. . . for the first time, South Australian industrial laws will recognise the right of employees, men and women, to use sick leave to care for ill children, spouses, parents or grandparents.

This right will be available to employees through the State Government's new enterprise bargaining laws. The Flinders University study noted further that workers were unaware of benefits they may have been entitled to assist in the care of sick family members.

On the other hand, the committee was very aware of not making recommendations which might impose a cost burden on South Australian employers and which could retard economic recovery. It would have been easy simply to recommend that every worker be given as many days off as needed to care for sick family members, however this would have been irresponsible. In its submission, the UTLC argued that an additional five days paid leave cumulative and separate from existing sick leave for the care of sick family members should be legislated for as the use of existing leave entitlements discriminated against some workers, particularly women, and failure to deal with the issue at the workplace level leads to inefficiencies and absenteeism.

However, the South Australian Employers' Chamber argued that a legislative approach was too legalistic and prescriptive and did not allow for the development of flexible solutions to suit individuals and their employers. It was pointed out that many employers already allowed workers to use sick and annual leave to care for sick family members and that, through working together, employers and employees could arrive at a satisfactory arrangement. The chamber's representative also argued that business should not bear the full cost of social change.

This argument is very valid and, while the committee was sympathetic to the UTLC's view, it could not support the argument for separate paid leave for emergency care of family members. Indeed, the decision by the Australian Industrial Relations Commission in rejecting the ACTU's bid for an extra five days supports the committee's view. The Industrial Relations Commission's 92 page ruling rejected the claim on the basis that there was the 'need to maintain an incentive for parties to engage in bargaining and to limit the economic impact. . . ' The committee supports in its recommendations the negotiation of flexible use of leave, both annual and sick, and flexible work practices through enterprise agreements as provided for under the new Industrial and Employee Relations Act 1994. This Act sets out minimum standards for leave entitlements including the use of sick leave for the care of sick family members and allows for negotiation of conditions suited to individual workplaces.

I would like briefly to compare family leave entitlements in other countries. In the United States, there are no statutory leave provisions; in New Zealand, there are no mandated leave provisions specifically for workers to take time off work to care for sick family members; in the United Kingdom also, there are no mandated family leave provisions; in Italy, the greatest amount of time off work for family leave is provided, but in most instances the leave is unpaid; in Germany, there are five days exemption from work a year; in Austria, there is one week's paid leave a year for the care of sick children; and, finally, Sweden has the most generous paid family leave entitlements, that is, paid parental leave of up to 60 days. We were concerned that the workers must be allowed legitimately to care for their families but not at a great cost to the employer, especially as the South Australian economy is emerging from a deep and protracted recession.

Providing all South Australian workers with paid emergency family leave will impose a significant cost impost on employers that the committee believes could hinder employment growth and the expansion of the South Australian economy. The committee is not against paid emergency family leave *per se*, but believes that enterprise agreements are the correct way to deal with this issue. For example, some of the family friendly workplace initiatives include the following.

ICI in New South Wales has unlimited leave for family or personal reasons; Australian Defence Industries have negotiated unlimited leave for personal emergencies; DuPont has unlimited leave for illness or injury of self, child, spouse or dependant relatives; Mission Energy in the Loy Yang Power Station in Victoria has unlimited paid leave for family emergencies; and, Optus has unlimited paid or unpaid leave for employees to provide assistance to sick family members. Many of these agreements have come about as a result of enterprise bargaining.

Other employers have provided a specific number of days leave to allow workers time off for emergency family care; for example, General Motors-Holden's has three days paid leave per year to care for sick children, and Biotech has five days paid leave per year for employees to care for sick spouses and children. AMP has five days paid leave for emergencies such as the death or illness of a partner, children or other close relatives.

In South Australia an agreement has been reached between Myer/Grace Brothers and the Shop Distributive and Allied Employees Association to provide all South Australian employees of Myer/Grace Brothers with an annual entitlement of three days paid leave for the emergency care of family members. The South Australian Government via the Government Management and Employment Act provides public servants with entitlement to special leave. Legitimate use of this leave includes family emergencies such as care of sick dependants.

In total 13 recommendations were made by the Social Development Committee. Included in the recommendations are that the Commissioner for the Ageing carry out research to determine the nature and extent of emergency elder care demands on workers in South Australia. If at some time in the future paid family leave is introduced, workers should be provided with an annual entitlement of five days paid leave. If such leave is introduced, the committee believes that the cost burden should not be borne entirely by employers and that there is a need for Government, employers and unions actively to promote the incorporation of flexible working conditions into enterprise agreements. Such flexible working conditions should include flexible use of recreation days off, relaxing the rules covering the taking of annual, long service and special leave, flexible starting and finishing times allowing workers to make up lost time and the 48/52 scheme in Victoria.

Also included in the committee's report is a recommendation that the monitoring of the content of enterprise agreements which relate to family leave for workers be undertaken by the South Australian Industrial Relations Commission. It also recommended the development and distribution of comprehensive guidelines on the taking of special leave to overcome inconsistencies in the current system; that research into difficulties experienced by casual workers should be done, especially those casual workers with family responsibilities; and funding for the evaluation of innovative alternatives for both child and elder care in emergency situations.

In conclusion, as Presiding Member I wish to thank those organisations and individuals who provided submissions and oral evidence to the committee. I also thank the committee staff, the Secretary, Robyn Schutte, researcher officer John Wright and the *Hansard* staff for their accurate documentation of the committee's proceedings.

Care of sick family members in emergency situations is a fact of life for many workers now and its impact will only increase as we head into the next century. The debate on the best way to deal with meeting both the needs of the workplace and the needs of the worker will continue in the foreseeable future. The committee believes that this report assists in giving direction and support for innovation in the resolution of problems, and I commend it to the Council.

The Hon. SANDRA KANCK: It is interesting to look at the timing of a report such as this. In the 1950s it would not have been needed because back then it was the role of a woman to stay at home and there was always someone at home to look after the children if they were sick. If the worst came to the worst, there was always Grandma. However, things have greatly changed. We now have more single parents of both sexes and more working mothers. We have a reduction of stay at home grandmothers. Many retired women have been in the work force themselves and are now using that time to develop hobbies and interests, so they are not sitting at home waiting for their son or daughter to ring up and say that they have a sick child that they would like to bring around.

Other things have occurred such as the deinstitutionalisation of mental health care, which has meant that in some cases either siblings, parents or other relatives are having to be cared for by family in a way that they were not in the past. Another issue is the advent of casemix funding and the much earlier release of people from hospital, all of which are putting pressure on families as far as emergency care is concerned.

My own experience as a parent of a young child 20 years ago in Sydney, where I had no immediate family, was a quite stressful one. When my son was sick I did use sick leave to take care of him and on one occasion I was threatened with loss of my job, which was a fairly common thing. There have been recent advances both in this State and with the Federal decisions.

The most impressive evidence we heard, particularly in relation to family paid leave, related to Sweden, where up to 60 days parental leave is available per year, which I believe is funded by employers, employees and the Government.

Employers in South Australia indicated some concerns that a system of paid leave might be abused, but in Sweden, where there is up to 60 days paid leave available, on average only seven to eight days are taken, so the concerns about abuse are not justified. It is interesting that here in South Australia the SDA has negotiated with the Myer/Grace Brothers chain for three days paid leave per year among its 2 000 employees.

The committee has opted for the status quo when it comes to the issue of paid leave. We felt that in the current climate it would not have had much chance of success and certainly, if we look at what the Government is currently doing with WorkCover, to suggest that there might be more entitlements for an employee would be going against the face of experience with this Government. For something like this to work it would be different for South Australia to do it on its own as there would immediately be cries from employers that it was making South Australia uncompetitive.

Obviously it would take Government legislation for it to get through, and clearly that would not happen. I also have a concern that if it comes through in just one State we would find employers discriminating in whatever way they could not to take women with young children into their employment, and they would find other reasons to do it, such as lack of experience or lack of educational qualifications. But they would clearly find ways to do it.

I return to what I said at the beginning. With the sorts of changes that we have in our society and economy, it is fairly clear that we need to have some sort of solutions and I believe we will see the introduction, ultimately, of paid leave for looking after emergency situations with the family in regard to illness. I think that time will tell with regard to the SDA/Myer agreement, and that they will have happier and more productive employees.

As I said, as a committee we have supported the status quo, but I believe we have left the door open. I do not think it will be the last we will hear of this issue. I support the motion.

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

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That the time for bringing up the committee's report be extended to Wednesday 22 March.

Motion carried.

SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

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

That the time for bringing up the committee's report be extended to Wednesday 22 March.

Motion carried.

SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

The Hon. BERNICE PFITZNER: I move:

That the time for bringing up the committee's report be extended to Wednesday 22 March.

Motion carried.

SELECT COMMITTEE ON THE PROPOSED PRIVATISATION OF MODBURY HOSPITAL

The Hon. BERNICE PFITZNER: I move:

That the time for bringing up the committee's report be extended to Wednesday 22 March.

Motion carried.

SELECT COMMITTEE ON ALTERING THE TIME ZONE FOR SOUTH AUSTRALIA

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That the time for bringing up the committee's report be extended to Wednesday 22 March.

Motion carried.

SELECT COMMITTEE ON THOMAS HUTCHISON TRUST AND RELATED TRUSTS (WINDING UP) BILL

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

That the time for bringing up the committee's report be extended to Tuesday 21 March.

Motion carried.

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

A quorum having been formed:

STATUTORY AUTHORITIES REVIEW COMMITTEE: ELECTRICITY TRUST

Adjourned debate on motion of Hon. L.H. Davis:

That the interim report of the Statutory Authorities Review Committee on the review of the Electricity Trust of South Australia be noted.

(Continued from 30 November. Page 1006.)

The Hon. A.J. REDFORD: I support the motion. The Statutory Authorities Review Committee's report is specifically confined to the structure of the ETSA board. Many of the comments made in the report probably are relevant to the structure of many boards of a statutory authority nature. I will not repeat the comments that were made by the Hon. Legh Davis in this place on 30 November 1994, other than to say that I endorse them. This is the first time I have had the opportunity to speak on a Statutory Authorities Review Committee report and my first opportunity to have been involved in the process of parliamentary committees. I take this opportunity to thank my colleagues on the committee, the Hon. Legh Davis, the Hon. Julian Stefani, the Hon. Anne Levy and the Hon. Trevor Crothers for their support and assistance in the making of the report.

In fact, the recommendations made in the report were unanimous, and the process of achieving unanimity was a healthy one and certainly led to a lot of discussion and, in my view, achieved the best result. It is a slow and painful process but it is an effective process.

I also endorse the Hon. Legh Davis's comments in relation to the assistance provided to the committee by the support staff. Vicky Evans, the Secretary, and Mark Mackay, our research officer, were invaluable in the assistance that they gave us.

The principal recommendations related to a number of topics, including the appropriateness of having former politicians on boards, the number of women on boards, the remuneration that should be paid to people on boards and the most important factor, whether or not people on boards should be appointed because they represent groups or whether they have appropriate experience.

Again we were unanimous and, in general terms, felt that board appointments should generally look at appropriate experience, and that in particular we should be looking at interstate electricity experience and expertise in supply as an important factor in relation to this ETSA board. This is particularly so in relation to the plans that ETSA, this State Government, other State Governments and the Federal Government have in forming a national grid and in preparing ourselves to adopt the general thrust of the recommendations made in the Hilmer report.

I think this committee could say that it has a record of one-nil, in the sense that the legislation which was introduced into this Parliament last year and which was passed in relation to the restructuring of ETSA reflected many of the recommendations made by the committee.

The Hon. T.G. Roberts: Did you take note of some of the cautious comments made by some members?

The Hon. A.J. REDFORD: Yes, I did, and I was part of that process. I will deal with the ETSA issue. We will certainly have plenty of time over the coming months to talk about Hilmer in more detail. I see that the Labor Prime Minister has adopted his usual tactic in the media this morning regarding the Hilmer report: he has pulled out his big stick and he is going to whack the States over the head if we do not do what he says. He is the man who keeps giving us recession after recession. For the sake of the Australian people I hope that he does not get any better at it, although all the indications about the forthcoming budget are that he is likely to get better at it.

An honourable member interjecting:

The Hon. A.J. REDFORD: Certainly, Mr Peacock never inflicted any recession on this country; he was not given that opportunity. I could guarantee that we would not have the same number and size of recessions.

The Hon. ANNE LEVY: I rise on a point of order, Mr President. The comments regarding Mr Peacock and Mr Keating are in no way relevant to the matter being debated.

The PRESIDENT: I do not accept the point of order. There was an interjection and a response. I see no point of order. However, I remind the honourable member that he should stick to the subject.

The Hon. A.J. REDFORD: I had actually exhausted that topic. It is obviously hurting the honourable member and rather than perhaps responding, as she could have done in the debate, she had to take a point of order. I take that as another one-nil victory: one to me and one to the Statutory Authorities Review Committee.

It should be noted in this place that, in addition to the Government's response to the recommendations through the legislative process, it has also been an extremely prompt and well-advised response in the appointment of board members. It is pleasing to see that in the past few months the Minister has appointed a new Chairman, Mr Holsman. That appointment was received with great support in the media and in the financial media in particular. It is also pleasing to see and to acknowledge the appointment of Ms Betty Lockwood, who has had extensive experience in business, and that of Mr Phil Speakman, a human resources consultant.

On that topic, the downsizing of ETSA by both the previous Government and this Government has been extensive. I think that ETSA has lost some 40 per cent of its work force and it is to be congratulated on the way in which it has embraced that downsizing and for the way in which it has undertaken its tasks despite a massive dislocation as a result of that enormous loss of workers. It is pleasing to see a human resources specialist, Phil Speakman, being appointed to the board—it gives a new strength to the board in terms of staff and board relationships.

Finally, no board would be complete without a well-known solicitor and it is pleasing also to see that Mr David Lindh, a solicitor at Phillips Fox, has been appointed to the board. When one looks at those appointments and balances them against those of Mrs Lewis, Martin Cameron—formerly of this place—and a former Minister in a previous Labor Government, Mr Ron Payne, one sees that the board has a sense of solidarity about it and that is certainly to be welcomed.

In conclusion, it has come to my attention that the committee's report has been well received, both within the Parliament and also, as I understand it, by senior employees within ETSA. So, at the end of the day, the committee process, particularly the process of having a Statutory Authorities Review Committee, has been welcomed and it has been effective, and because we have a good Minister and a good Government it has been responded to quickly and effectively. I would imagine that we will see some very positive results coming out of the changes to the board. I commend this motion to the Council.

The Hon. ANNE LEVY: I support the motion as a member of the Statutory Authorities Review Committee. A number of comments have already been made by speakers to this motion. I think I should make clear that the various quotes that the Presiding Member read to the Council—those from the Hon. Sam Jacobs and the Auditor-General—which were very critical of the board of the State Bank in no way imply that the committee or any of its members were critical of the ETSA board. We stressed that these comments certainly did not relate to the ETSA board, past or present, and that the report on the membership of the board was in no way a reflection on any past or present member of the board or the excellent work that it does.

The Hon. Mr Davis pointed out that the recommendations in the report were arrived at unanimously. Of course, that is true. It took a fair bit of heated discussion at times to arrive at unanimity. This does not necessarily mean, of course, that all members unanimously agree with some of his comments or the reasoning that he attributed to some of the recommendations. While we were unanimous in the recommendations we may have had different reasons for agreeing with them.

Other speakers have already commented about the lack of women on the ETSA board. Of course, in this respect ETSA is not unique amongst boards in South Australia: there is a very large number of boards, particularly in the commercial area, where the female membership is very much reduced, or non-existent, and the ETSA board was no exception to this. Certainly, our recommendations regarding the appointment of women to boards is perhaps not unexpected. However, it remains to be seen how many organisations in these commercial areas will appoint women to boards in the future. I agree that our recommendations in this area refer only to the ETSA board, but, of course, it is applicable right across Government.

One interesting matter which arises from the report is of course the fees for board members. Currently in South Australia they are determined by the Commissioner of Public Employment, and it was certainly pointed out to us that the fees for comparable bodies interstate are a great deal higher. In fact, even with the limited data available, we were able to determine a very strong correlation between the fees paid to board members and the total assets and turnover of the organisation for which they were a board. Of course, there is an element of public duty which I am glad to say many South Australians still adhere to. They will accept a position of considerable responsibility from a sense of public duty and not expect to receive as high a remuneration from it as they might given a similar position in the private sector. I for one am certainly glad to see that such people do still exist in the South Australian community who recognise that they may have received a lot from the community and are prepared to

give something back in undertaking an extremely responsible and onerous job for what many consider to be insufficient remuneration. Certainly the committee felt that to attract some people to the board, or simply on the ground of equity, given the figures which are paid to directors of comparable organisations interstate, perhaps remuneration should be raised. I for one would hate to see the element of public duty removed from boards such as ETSA.

Another matter which is discussed in the report is the tradition which has built up over many years of having one Labor ex-politician and one Liberal ex-politician as members of the ETSA board. As detailed in the report, this has been followed by Governments of both political colours for over 20 years. There was certain unanimity on the committee that people should not be appointed to the board merely because they were ex-politicians, that membership of the board required a certain degree of knowledge, experience and ability to contribute to the workings of the board. I for one do not take it that such a definition automatically excludes ex-politicians by any means. It seems to me that many ex-politicians do have experience, knowledge and skills that they have acquired during their years of public service or perhaps had previously which can be of great value to boards such as the ETSA board.

While the committee can unanimously say that ex-politicians should not be appointed to the board merely because they are ex-politicians, and everyone agrees with that sentiment, I for one would certainly not feel that ex-politicians are automatically excluded from membership of the ETSA board, that it depends on the individual, that being an ex-politician should neither be a plus nor a minus in consideration for the board, and that it is the skills, experience and knowledge of each person that needs consideration.

The Auditor-General did suggest that, instead of the Government picking board members, private consultants should be brought in to find appropriate people. I am glad the committee agreed with me that this is not a desirable situation, except perhaps in very rare cases. My experience of people who have been headhunted by consultants is that they do not necessarily do a very good job, and while in some cases it has resulted in excellent appointments in other cases it has been absolutely disastrous, and random picking with a pin in the telephone directory would have provided better material than was provided by some consultants. So I felt that that was not a helpful suggestion. However good it sounded in theory, in practice it is no more likely to give better results than the current practice of the Government's being responsible for choosing a board balanced in skills, and background and appropriate knowledge for the particular board.

The next report from the committee will, I presume, be far more extensive, as it will deal with much more fundamental matters relating to ETSA on which we are still taking evidence and undertaking deliberations. This early report is merely on the board's structure, as we felt it desirable to let the Parliament know that we have been doing something since we began our work in July last year. I certainly hope that this report and subsequent reports on ETSA and on other matters will prove useful for the workings of this Parliament.

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

ADELAIDE FESTIVAL CENTRE TRUST (TRUST MEMBERSHIP) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for the Arts) obtained leave and introduced a Bill for an Act to amend the Adelaide Festival Centre Trust Act 1971. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

This is a Bill to amend the provisions of the Adelaide Festival Centre Trust Act 1971 relating to the composition of the trust. The Adelaide Festival Centre Trust consists of eight trustees, of whom six are persons nominated by the Minister for the Arts, one is a person nominated by the Corporation of the City of Adelaide and one is a person nominated by the Adelaide Festival of Arts Incorporated. In September 1994 the Adelaide Festival Board was established to exercise powers delegated to the Minister for the Arts for the operation and management of the Adelaide Festival, a role previously undertaken by the Adelaide Festival of Arts Incorporated. The Adelaide Festival of Arts Incorporated has changed the association's name to the Friends of the Adelaide Festival Incorporated as a consequence of the changed role of the association from manager and presenter to supporter of the festival.

One of the purposes of this Bill is thus to include a nominee of the Adelaide Festival Board in lieu of the Adelaide Festival of Arts Incorporated as a trustee of the Adelaide Festival Centre Trust. The other purpose is to amend the Act to clarify that the eight trustees are appointed by the Governor. I seek leave to have the explanation of clauses inserted into *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s6—Composition of the trust

This clause amends section 6 of the principal Act to provide (1) that trustees are appointed by the Governor, and (2) for one trustee to be a person nominated by the Adelaide Festival Board, instead of the Adelaide Festival of Arts Incorporated.

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

CORPORATIONS (SOUTH AUSTRALIA) (JURISDICTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 1015.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of this Bill. I understand that amendments to the Commonwealth corporations law have necessitated amendments to the responding South Australian legislation. Similar amendments have been or will be made in the other States and Territories of Australia. The amendments themselves could be described as technical, but they are sensible. There is no reason why the Magistrates Court and District Court in South Australia should not be able to hear corporations law matters up to the jurisdictional limit as applicable, and assuming that matters are not of exceptional complexity. There are bound to be cost savings for litigants arising from the vesting of corporations law jurisdictions in the lower courts, as effected by clause 5 and related clauses of the Bill.

Of a more technical nature is the change to the definition section, section 60 of the Corporations (South Australia) Act. I note that the definition of 'officer' is to be updated because the term 'official manager' is no longer used in the Commonwealth legislation. The Opposition will not be putting up much of a fight about that in the debate on this Bill. Now that there is a Commonwealth Evidence Act (passed in 1994), obviously the South Australian legislation needs to take account of that. Clause 18 is therefore another updating provision. Finally, clause 19 appears to clarify the powers and functions of the Commonwealth Director of Public Prosecution in relation to offences under the former Companies Code. It is clearly a technical amendment.

Still, there is continuing concern within the Labor Party that there should be no technical impediments to bringing corporate criminals to justice, and we will do everything possible to facilitate changes to the corporations law that remove any doubt that the Commonwealth Department of Public Prosecutions has ample powers to investigate and prosecute corporate offenders. Inevitably, law reform in the area of corporations law is often technical. Perhaps unfortunately, because of the necessity to have a national scheme operating with the cooperation of each State, it also appears inevitable that law reform in this area is gradual. However, the amendments proposed in this Bill are clearly improvements to be supported by all Parties, and the Opposition indicates that it will support the speedy passage of this legislation. I support the second reading.

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

ELECTORAL (DUTY TO VOTE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February. Page 1097.)

The Hon. M.S. FELEPPA: I wish briefly to contribute to debate on the Electoral (Duty to Vote) Amendment Bill which is now before the Council and which, I believe, has the same object as the previous Bill, the Electoral (Abolition of Compulsory Voting) Amendment Bill. In the previous Bill the object of the legislation was included in the title of the Bill. The object was to make elections for Parliament in South Australia non-compulsory.

The previous Bill was defeated in this Chamber on its second reading on 14 May last year. I believe it was rejected outright by a vote which was cast according to the merits of the issue. The arguments for and against the issue were exhausted during that debate on that occasion, but the Government is still persisting with the principle of non-compulsory voting under a different guise. Ultimately, the present Bill has the same object as the previous Bill, as I previously said, the abolition of compulsory voting.

The object of this Bill is not mentioned in the title, nor is it stated in the commencement clauses of the Bill. Nevertheless, the object of the Bill is clear. The object is not the development or the enhancement of the notion of duty, but is simply to abolish compulsory voting. This amendment does not say that there is a duty to vote. Democracy, in my view, could not function if the duty to vote was not recognised as a basic responsibility of every citizen. We all recognise, I believe, that there is a duty to vote and there is little point in enshrining it in this legislation.

A moment's reflection will show that there is not attached to the duty to vote the same kind of moral obligation that springs from the mind and is felt in the heart, such as the moral obligation not to kill another human being and not to steal from one's neighbours. To go against these two moral obligations is to go against one's conscience, the moral prompting that is implanted in every human being. The conscience motivates one's good actions and curtails one's evil intentions.

The duty to vote is not one of these major obligations. The duty to vote is a minor obligation and needs to be backed up by some kind of compulsion as it does not spring from the heart. An educated mind would not fail to recognise that there is a duty to vote and, unless otherwise tainted, would respond to the motivation of education. However, not all are so motivated to vote as a duty. Those people need some compulsion to vote and that compulsion is provided by statute which requires that we should vote under the pain of mild punishment, if we should deliberately fail to vote.

It may be argued that there is a cost to the taxpayer involved in pursuing the punishment. But there is more than simply a punishment involved in this instance. Fining those who fail to vote, in my view, is part of an educative process and, as such, is worth the cost. All minor duties need the backup of punishment and education at the same time, if people are to come to a better understanding of the duties they must perform.

A long time ago, Thomas Hobbes observed that if you do not do your duty which the public requires, the Leviathan (the body politic), I believe, will punish you. That is how it should be and particularly so with the minor duties that may be easily overlooked. Apparently, in this case, the view of the Liberal Party is that compulsory voting denies us the freedom of choice, whether or not we present ourselves at the polling booth. That is nonsense, in my personal view, I might add. We have a duty and we are not free to choose whether or not we will vote.

There is a freedom we agree to forgo under a social contract in being a member of the community, so that responsible Government and democracy will function as it should. It is argued also that some other countries do not have laws compelling voters to vote. The conclusion that is drawn from that argument is that we, too, should not have compulsory voting. Again, I repeat, that is nonsense. Giving a judgment in the High Court of Australia, Justice Deane observed:

> Since 1901, a variety of important developments have combined to transform the nature and extent of the political communication and discussion in this country and to do so much to translate the Constitution's theoretical doctrine of representative government with its thesis of popular sovereignty in practical reality. The more important of these developments include: the introduction of both universal adult franchise and compulsory voting.

It can be argued from that quote that the abolition of compulsory voting would be as great a retrograde step as would be the abolition of universal adult franchise. Democracy would be in a sad state if universal adult franchise were abolished along with the abolition of compulsory voting. Justice Deane places, in my view, both of these on equal footing in political development. Requiring compulsory voting shows that we are more advanced in political thinking and practices than some other countries. We should be proud of it and do everything to maintain our advanced state.

From the result of the last election, the Government is claiming, almost repeatedly, a mandate to introduce non-

compulsory voting and, therefore, opposing parties should support the Bill. I am prepared to accept this, that the last election gave the Government a mandate to develop the principal policies.

One of those policies was an improvement in the state of the work force. Jobs were promised time after time during the election, but so far the Government has failed to deliver those jobs. We can look at the thousands of jobs that have been destroyed in the public sector, in education, transport, prisons and so on. The Government has a mandate to create employment but not to destroy the work force at a huge cost to the community—about $150 million, as reported in the *Advertiser* of 2 February this year. I repeat: the Government has a mandate to develop the economy but, again, it has failed to fulfil that mandate.

The Government does not have a mandate to implement every minor point of its election policy. These minor issues were not the points on which the election was fought. They are points that were tacked on here and there and hardly mentioned during the campaign. I therefore wholly reject the Government's mandate to tear down one of the pillars of representative government, namely, compulsory voting, which supports the duty to vote. This is the very point that Justice Deane, whom I have quoted, was applauding, as I said a minute ago.

The Bill mentions the duty to vote, which of its nature is a minor duty. What the Bill does not uphold and, in fact, what it sets out deliberately to nullify is the second part that goes together with the duty to vote, namely, the compulsion to vote. If there is no compulsion, then the duty cannot be flouted. There is no point, therefore, in enshrining the duty to vote in a statute if there is nothing in the statute to enforce that duty. For these reasons, I oppose the Bill and its underlying principle, the abolition of compulsory voting, which would result in a less efficient and true democracy in our State and in Australia as a whole.

In closing my remarks, I add that I am not one bit surprised that the Government is trying again to introduce this Bill, which was defeated last year. As I mentioned in my question today, the Young Liberals convention made it a topic for discussion recently. The reintroduction of this Bill is an issue that has long been pursued by the Liberal Party, and I hope that my colleagues and the Democrats will join with me in opposing it.

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

ADJOURNMENT

At 4.45 p.m. the Council adjourned until Thursday 9 February at 2.15 p.m.