

## LEGISLATIVE COUNCIL

Thursday 16 February 1995

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

### DEAF EDUCATION

A petition signed by 30 residents of South Australia concerning the proposed cuts to deaf education in State schools and praying that this Council will urge the Government to:

- retain Townsend Preschool for Hearing Impaired children, currently the only specialist State preschool for children with hearing impairment;
- retain specialist principals in primary centres for hearing impaired children to ensure skilled leadership and support for students, parents and staff in deaf education; and
- appoint CHIC principals in secondary facilities;

was presented by the Hon. Carolyn Pickles.

Petition received.

### SODOMY

A petition signed by 158 residents of South Australia praying that this Council will pass a law to make the commission of sodomy a criminal offence, to prevent this serious health hazard from being promoted in the media and educational institutions as a valid form of sexual intercourse was presented by the Hon. M.J. Elliott.

Petition received.

### LEIGH CREEK MINE

The **Hon. R.I. LUCAS (Minister for Education and Children's Services)**: I seek leave to table a copy of a statement made by the Minister for Industry, Manufacturing, Small Business and Regional Development on the subject of occupational health and safety at Leigh Creek.

Leave granted.

### GERARD INDUSTRIES

The **Hon. R.I. LUCAS (Minister for Education and Children's Services)**: I seek leave to table a copy of a statement made by the Minister for Industry, Manufacturing, Small Business and Regional Development on the subject of assistance to Gerard Industries.

Leave granted.

### VICTIMS OF CRIME

The **Hon. K.T. GRIFFIN (Attorney-General)**: I seek leave to make a statement on the subject of the Victims of Crime Service and the CIPE (Crime Information and Prevention for the Elderly) program.

Leave granted.

The **Hon. K.T. GRIFFIN**: I refer to the article in today's *Advertiser* regarding funding for the Crime Information and Prevention for the Elderly Program run by the Victims of Crime Service Incorporated and seek to clarify the situation. The CIPE Program first commenced in 1990 when funding was provided through the HOMEASSIST Program. The CIPE Program was a component of the broader

HOMEASSIST Program and CIPE's funding was sourced through the crime prevention strategy allocation to HOMEASSIST.

From 1990 to 1993 the CIPE program received funding from the crime prevention strategy of \$50 000 annually. This funding supported one full-time officer to run the program as well as some administrative expenses. In 1992 a major review of the HOMEASSIST Program was undertaken, and in November 1992 a report was commissioned by the previous Government on services for the aged. This report, titled, 'Combating crime and the fear of crime among older people', recommended that an additional level of funding be provided for the CIPE program to enable the training of professionals who work with the elderly, for example, domiciliary care, and so on, in safety and security aspects for the elderly. As a response to this, Government approval was granted for the expansion of the CIPE program and an allocation of \$110 000 was provided for 1993-94.

At this time, it was made clear to HOMEASSIST and Victims of Crime Service Incorporated that funding for the program could not be guaranteed beyond June 1994. The Crime Prevention Strategy was funded as a five-year program from 1989 to 1994, and future funding was dependent upon a review of the South Australian Crime Prevention Strategy.

Regrettably, the report of the review by LaTrobe University of the Crime Prevention Strategy did not provide the Government with the future directions for crime prevention, and I refer members to the ministerial statement I made on this subject on 11 August 1994. It left the Government in an invidious position in that it had to make decisions on a wide range of crime prevention programs across South Australia without a proper evaluation of the Crime Prevention Strategy. It is the Government's desire to have in place a longer term strategy which provides for a greater level of certainty and continuity.

I now turn to matters which were raised in the *Advertiser* article. On 9 September 1994, I approved an amount of \$55 000 for the continuation of the CIPE program from June 1994 to December 1994. This amount was based on continuing the program at its current level for an additional six months, and took to \$362 750 the total amount of funding provided for the CIPE program since its commencement. At the time of this approval, I indicated, quite properly, that a condition of my approval was that VOCS should develop evaluation criteria and hold discussions between the Manager, Crime Prevention Unit, and VOCS regarding the delivery of the program. I understand that these discussions occurred in September 1994 and were referred to in a letter from the Manager, Crime Prevention Unit, dated 11 October 1994, which enclosed the funding of \$55 000.

It was agreed that the Office of Crime Statistics would conduct an evaluation of the program, and this commenced in October 1994. By circular all members of the House of Assembly on 27 September 1994 were advised by VOCS that it was not satisfied with the position. I am a member of VOCS and was pleased to address the annual general meeting of VOCS on 19 September 1994. The issue of CIPE funding was raised during question time at that meeting. On 4 October 1994, I wrote to Mr John Halsey, Chairperson of the Victims of Crime Incorporated, outlining the history of this matter. Since that time, there has been ongoing correspondence and officer to officer discussions regarding the CIPE program between officers of my department and CIPE.

The Office of Crime Statistics undertook the review of the program which raised some important questions in relation

to the aims of the program. A copy of this report was provided to VOCS, and a response on the report was received outlining the concerns VOCS had with elements of the report. On 23 November 1994, I wrote to the Chairperson of VOCS advising of my concern that bookings were being taken for the CIPE program into 1995 when the issue of continuing funding had not been resolved. I advised that the Government would be considering its position on the future directions for crime prevention shortly, and encouraged continued liaison between VOCS and the Crime Prevention Unit on this matter.

On 8 December 1994, I wrote again to the Chairperson of VOCS in response to his letter regarding the evaluation report. I advised that the report provided some scope for VOCS to evaluate the program, and noted that:

Should the program continue, it will almost certainly be attenuated in light of current budgetary constraints. I therefore suggest that VOCS consider discussing any future proposal for the CIPE program with the Manager of the Crime Prevention Unit early in the new year, when the future directions of and budget allocation for crime prevention will be settled.

It was, again, of some concern that VOCS chose to print an article in their November 1994 newsletter (*VOCS Quarterly*) headed 'Elderly crime awareness program under fire'.

On 5 January 1995, the Manager of the Crime Prevention Unit discussed the program with the Executive Director of VOCS, and on 27 January 1995, my chief of staff also met with the Executive Director. On both those occasions Mr Andrew Paterson verbally advised that it was his view that VOCS would not be presenting a submission for the future funding of the CIPE program. No submission has been received.

In conclusion, I believe that the information presented in today's article does not reflect the extent or nature of discussions which have taken place, nor does it properly place these discussions within the context of the exchanges of correspondence which have taken place between VOCS, myself, and officers of my Department.

VOCS has consistently been made aware of the difficulties in providing a long-term commitment to the program. This situation applies not only to the CIPE program but also to all other programs involved in the Crime Prevention Strategy. VOCS was made aware of this. It has also been advised of the difficulties that may ensue in taking bookings for the program into June 1995, and has been invited to reconsider the aims of the CIPE program in the light of the issues raised in the evaluation report. I have always been a strong supporter of VOCS and I understood that this matter had been resolved with the agreement of all parties.

I should also make the point that in the current financial year the Government made available \$335 000 funding for VOCS as part of its normal day to day operation.

## QUESTION TIME

### PORT ADELAIDE GIRLS HIGH SCHOOL

**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 the Port Adelaide Girls High School.

Leave granted.

**The Hon. CAROLYN PICKLES:** The Minister's announcement that the Port Adelaide Girls High School will close next year will mean an end to an important single sex school environment for girls in general in the western

districts. Most disturbing is the failure of the Minister to announce any plans for the future of students who now attend the school. This is in spite of repeated undertakings by the Minister that no school will be closed without full consultation with the school community.

The announcement was made a day before the school term started. I am informed that the Principal was advised of the closure by courier letter, the chairperson of the school committee was told by telephone with a letter subsequently being sent to her home, and others with a stake in the school learnt of the decision through the media. There was no opportunity for the Principal to talk to her staff or write to the parents of the students. Apparently, no senior officer from the Minister's office or his department had the courtesy to meet with the school community to advise them of the decision or answer questions on plans for the future of the students or the staff.

Not surprisingly, this decision and the way in which it has been handled has angered the local community, and a public meeting has been called for this evening. I hope the Minister will be able to attend and explain the reasons for his decision. My questions are:

1. In what way did the Minister consult with the school community on the proposal to close the school?
2. Did the Minister receive a report recommending closure, and, if so, who prepared the report, what did it recommend and will he table a copy?
3. Has the Minister considered the option of providing additional resources to the school to broaden the curriculum in order to give the school the opportunity to attract additional enrolments, and will he consider a trial on this basis for a set period?
4. What action has been taken by the Minister to ensure that all students who wish to continue at a single sex school will have that opportunity?
5. What action has been taken by the Minister to ensure that students will not be disadvantaged by changes to curriculum choice?
6. Will the Minister guarantee that the goals of the social justice action plan are met in all aspects relating to this matter?
7. Will the Minister detail what has been done to identify and provide additional resources to schools which will absorb the students from the Port Adelaide Girls High School?

**The Hon. R.I. LUCAS:** For some time, the future of the Port Adelaide Girls High School has been a difficult issue for the department and previous Governments. Clearly, for some time now, there has been only one educationally defensible position in relation to the future of the school but, for a variety of reasons, previous Governments and Ministers have chosen not to take that particular decision. As the new Minister and with the advice of my department I had to make a decision in respect of the best interests of the girls and young women who attend that school.

Currently, in the whole of the Port Adelaide Girls High School we have only about 140 students. I do not know what the exact figures are, but this probably means that there are 30 or 40 students in the senior secondary level of the school. I think everyone accepts that, to be at the lower end of being viable, a high school needs to have about 400 students, some would argue even as many as 500 to 600 students, to be able to provide the breadth of curriculum choice for year 11 and 12 students, in particular. Whatever that number is for being the appropriate size for a high school, it is certainly much higher than 140 students in the whole of the high school.

In relation to consultation, I went down to the school, and again the statement I made that schools will not be closed without consultation is absolutely correct. That undertaking is absolutely correct and has been adhered to in relation to the decision to close Port Adelaide Girls High School. All through last year discussions were held with the senior officer in my department, the Executive Director of School Operations, Dr Glenice Hancock, and other officers who met with the school and discussed issues. I visited the school late last year. As part of that, I sat down with five young women, who are students at the school, ranging from year 8 through to year 12. Of those five students, two of them said to me, as Minister for Education, 'Look, we like this school, but frankly we are probably going to have to go somewhere else because it cannot provide us with the subjects for the career choices that we want to undertake in the future.' So, two out of the five students who met with me—the school nominated the students, it was not me—said to me, 'Look, we think this is a good school'—I am sure they all do—but frankly we are going to have to look at moving to another school because the subject choices are just not there for us to continue.' That is the situation that confronted the girls and young women at that school.

Do you, in effect, lock those young women into those restricted subject choices as a result of having only 140 students in their school and, therefore, restrict their future career opportunities forever and a day (or not forever and a day; I guess they can always go back to school or TAFE eventually) on the basis of a notion that we must maintain the school irrespective of the number of students who attend that school and irrespective of the support that obviously families provide to that school—through the numbers of students I am talking about—to ensure the viability of the school? It was a difficult decision because the Government, and I as Minister, are committed to the notion of the choice of single sex schooling for girls and possibly for boys as well, as I have indicated in a number of public statements.

The Government is committed to the continued provision of secondary level schooling at Gepps Cross and at Mitcham. It has indicated it is interested in looking at the option of single sex girls' schooling for primary schools. Part of the announcement that I made in January of this year was that we would establish a committee to look at that and equally that committee would look at the option of perhaps extending a school like Mitcham to take in perhaps years 6 and 7 students in a sort of middle schooling-senior schooling environment for girls within that community. The Government is committed to the notion of single sex schooling, but, in the end, the judgment I made was that I did not believe there was any educationally defensible option to lock those 140 girls and young women into restricted subject choices and into restricted career opportunities for now and the future just on the basis that we must forever and a day keep a school there irrespective of the numbers of families who send girls and young women to that particular school.

So there was consultation: I went down and spoke to all the staff and the school council chair and I met the students. I sat down with the staff in the staffroom prior to Christmas and said, 'Look, the normal course when a department and a Government reviews a school is that you have full scale consultation.' I have said, in general, that is the way the Government would operate. That is, it has a public review, people give evidence, the committee reports and then the Minister makes a decision. This is a process, for example, that we are following with Gilles Street, Sturt Street, Parkside

and the Marion corridor schools. It is a general procedure that the department tends to follow.

I said to them, 'That is an option. I have to make a decision sometime in 1995 about the future of your school.' They said the future of the school had been discussed for years and years and a decision had to be taken one way or another, whether it was going to close or whether it was going to stay open for the next five or 10 years or so. I said, 'You have the options: you give me your decision as to whether you want to go through that public consultation or, in effect, you want to put a position to me as a school community and then you want me to make a decision one way or another.' They unanimously believed that they did not want a public consultation or public review; what they said was that they wanted to put a position to me, as they did that day. They nominated a delegation to come and meet with me, as they did just after Christmas, to put the position for the retention of the school. Clare McCarty, on behalf of the Institute of Teachers, joined that delegation, which I think was in the first week of January. They put to me that they agreed wholeheartedly with the process. The school council Chair, the Principal of the school, the staff and the Institute of Teachers all agreed with this process.

I said that I was not prepared to go down this path of my making a decision without a public consultation unless they all agreed. And they all agreed, because I said that the last thing I wanted was the Institute of Teachers and the Labor Party jumping up and down saying, 'You have not adopted a process of consultation with the community.' To a person they all agreed with that process. They put their submission to me in the first week of January and said, 'The decision is now for you to take.' I know they do not like the decision that I have taken, but they certainly cannot, with any credibility or integrity, criticise the process of the decision making, as is being implied in the question from the Leader of the Opposition. The process was one selected by—

*The Hon. Carolyn Pickles interjecting:*

**The Hon. R.I. LUCAS:** Let me come to that, then. The process is the one selected, supported and nominated by them and then agreed by me as Minister. In relation to when the decision should be made, I said to them at the meeting, 'We have a difficulty. If I make a decision, when do you want me to announce that decision?', because we do not announce a decision for a school to close immediately; generally we announce it and, at the end of that school year, the school is closed. I said that I could announce the decision quickly before school started or I could announce the decision part-way through the year or towards the end of the year, whatever that decision might be, so what was their preference? There were differing views about that, but it is for them to conclude what the majority view was. I think it is fair to say that the majority view was that they preferred the decision, whatever it was, to be announced sooner rather than later, but there may well have been differing views in relation to that.

We took the decision soon after meeting the delegation in January, and it was my judgment that, if the school was to close at the end of the school year, we should announce the decision prior to the start of the school year so that staff, parents and students coming back to the school did not start the process of saying, 'We asked the Minister for a decision: where is the decision?' So, they had the decision. We had hurriedly to track down the Principal (who was away somewhere) and the school council Chair to advise them as a matter of courtesy prior to my publicly announcing the decision, as it was a decision for the Minister to announce

publicly. I accept that the Principal was unable to advise all her staff prior to the Government's decision, which would have been a problem from the staff viewpoint, I know, but we did all we could in advising the Principal and the school council Chair prior to the decision.

In relation to the future of the students, the students who stay on at the school, obviously, will be well catered for through this year. We have already announced a committee to review options for those students who want to continue with girls only education; whether that might be at Gepps Cross High School, for example, which is not too far away. One point that should be borne in mind is that many students travel from all over the place to go to Port Adelaide; it is not just local girls from the Port Adelaide area. I am told that students from Gawler and a variety of other places travel down and across to Port Adelaide. For those students who travel long distances, options like Gepps Cross Girls High School may well be considered as genuine.

The committee will also look at the possibility, in a local coeducational high school, of girls only and boys only classes in the junior secondary years. Currently, we have one or two schools in South Australia that offer girls only and boys only classes for the majority of subjects in the junior secondary years, from years 8 to 10. One of the leaders in this area is a school on Yorke Peninsula, which is providing boys only and girls only education for junior secondary years, and we have said that this committee can look at those sorts of options for students at a local comprehensive coeducational high school.

So, the Government and I as Minister have done all we can to ensure future options for these girls and young women at Port Adelaide Girls High School and we, through officers of the department, will continue to work with the students and the staff to ensure that we maximise their subject choices and, more importantly, their future career opportunities within the Government school system.

**The Hon. CAROLYN PICKLES:** As a supplementary question, has the Minister considered the option of providing additional resources to the school to broaden the curriculum to give the school the opportunity to attract additional enrolments, and will the Minister consider a trial on this basis for a set period?

**The Hon. R.I. LUCAS:** I should have thought that my rather lengthy reply would make that question superfluous. The answer is no, the decision has been taken to close the school at the end of the year.

#### CRAIGMORE HIGH SCHOOL

**The Hon. BARBARA WIESE:** I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Craigmore High School strike.

Leave granted.

**The Hon. BARBARA WIESE:** Today, Craigmore High School teachers went on strike for one hour to defend teachers and students against Government cutbacks. The teachers' action had the full support of the school council and is yet another example of widespread community dissatisfaction with policies being pursued by the Government, which are leading to increased class sizes, a reduction in subject choices, students receiving less individual attention, and increased teacher workloads. I understand that the teachers of Craigmore are calling on the Minister to reinstate two teachers lost through displacements announced by the

Minister last Friday. At the meeting that they held, three motions were passed. These motions were as follows:

We demand the immediate return of our two valued colleagues and the reinstatement of the students' subjects cancelled.

We demand that schools be staffed on needs and not by a blanket formula.

We demand that curricular decisions are made by professional educators and not by Government accountants.

My questions to the Minister are:

1. Will he accede to these requests and, if not, why not?
2. For how long can he continue to ignore arrogantly the wishes of the many thousands of parents and students who, unlike him, actually use the State school system?

**The Hon. R.I. LUCAS:** The simple answer is no, the two teachers will not be reinstated to Craigmore High School. The honourable member has not had that much experience with the Government school education system. Craigmore High School is the only school currently that is not complying with the agreement of the Institute of Teachers and the Department for Education and Children's Services about displacement. We have 200 high schools and about 50 to 60 are involved in this displacement exercise. All other schools have complied with the agreement.

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** No, not bullied. There is an agreement between the Institute of Teachers and the department and Government which says if you overestimate—

*The Hon. Carolyn Pickles interjecting:*

**The Hon. R.I. LUCAS:** You ask Clare McCarty and the Institute of Teachers at Craigmore High School, because they are driving the process. It is quite appropriate for the honourable member opposite to stand up as the spokesperson for the Institute of Teachers in this Chamber. However, all other schools have complied with the process, because there is an agreement between the Institute of Teachers and the Government and the department which provides that, if a principal overestimates the number of students who will be in the school at the start of the school year, then at the start of the school year a required placement exercise is followed, with the procedures agreed by the Institute of Teachers at the end of last year, and used over the past 10 years—

*Members interjecting:*

**The Hon. R.I. LUCAS:** You're not talking about parents here—

*Members interjecting:*

**The Hon. R.I. LUCAS:** Well, the Opposition Party, when in Government, instituted this agreement—

*The Hon. Carolyn Pickles interjecting:*

**The Hon. R.I. LUCAS:** —and we are instituting the agreement, I am telling you.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** We are instituting the agreement that we entered into with the Institute of Teachers at the end of last year in relation to this exact circumstance. If, for example, the principals predict that there will be 4 000 more students than actually turn up, what do we do? The Institute of Teachers at the end of last year stated that if the principals overestimated the enrolments with the Minister, or the department, the following procedures were to be followed: there should be a required placement exercise; people are nominated; they get moved; and they get displaced. That is the agreement we have with the Institute of Teachers. The logical extension of the position—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** The logical extension of the Hon. Barbara Wiese's argument—and she might not want to follow the logic, but let me endeavour to do so—is that if a principal at a school—

*The Hon. Anne Levy interjecting:*

**The Hon. R.I. LUCAS:** That sounds like interjecting, which is against the Standing Orders. If the principal at Craigmore High School predicts that there will be 700 students at the school at the start of February, and at the start of February there are only 600 students, the Hon. Barbara Wiese is saying that those four teachers who are surplus to requirements at that school should be left at that school, even though there are only 600 students, not 700 students, there.

If every school in the State—all 700 schools—were to do that, what a recipe for chaos that would be if you were prepared to accept that circumstance. That is why your Government, when you were in power, supported by you when you were a Minister of the Cabinet, arranged an agreement with the Institute of Teachers to do exactly what this Government is doing at the moment in exactly the same way as the Labor Government over the past 10 years has operated at the start of the school year. That is the approach that has been adopted by this Government in relation to the operations of schools.

**The Hon. L.H. Davis:** The teachers will have to sit in the staff room and read the *Labor Herald*.

**The Hon. R.I. LUCAS:** Or the Institute's Journal.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** The answers to the questions are 'No.' The two teachers will not be reinstated because all other schools have complied. Why should Craigmore High School be treated any differently from all the other schools which have gone through—

*The Hon. Carolyn Pickles interjecting:*

**The Hon. R.I. LUCAS:** Because it happens to be in a Labor seat we should treat it differently from all the others? Because they are angry and the Institute of Teachers have a strong core at the school should we treat it differently from all the other schools? That is a nonsense. Even the Hon. Barbara Wiese would have to acknowledge that. Could I conclude on the last point?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** The Hon. Barbara Wiese introduces a personal element into her question, which is interesting given some of the statements she has made previously; but I am quite prepared to accept that personal element she injects into the question. I have said publicly on a number of occasions and have no problems in saying again today that, as Roman Catholics (my wife is also a Roman Catholic), we want a religious and Catholic based education for our children. It is as simple as that. We cannot have a religious or Catholic based education within the Government school system. We support, and I would have thought that perhaps even the Labor Government supported, the notion of choice for families. As a person who has religious beliefs and wants his children raised within the Catholic faith, the only way we can do that is within Catholic schools. If the Hon. Barbara Wiese has a problem with my children going to Catholic schools and being raised as Catholics let her say so, rather than making the rather bitchy aside that she made towards the end of her question in an attempt to try to make a political point.

*The Hon. Barbara Wiese interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order!

#### LEIGH CREEK MINE

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Attorney-General a question on occupational health and safety at Leigh Creek.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! I warn members on my right.

*Members interjecting:*

**The PRESIDENT:** Order! And I warn members on my left.

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Attorney-General a question on the statement made by the Minister for Industry, Manufacturing, Small Business and Regional Development on occupational health and safety at Leigh Creek.

Leave granted.

**The PRESIDENT:** I apologise to the Hon. Mr Roberts for his having to ask a second time.

**The Hon. T.G. ROBERTS:** There has been a history of dissatisfaction with outcomes and reports of occupational health and safety matters at Leigh Creek in relation to the open cut mining of coal and associated oil shale. As explained to me, the problem is not only the exposure of toxic gases by the workers involved but also the fact that when the prevailing winds are blowing onto the township many of the town's residents are exposed to the gases as well.

Other industrial sites have had coal burning power stations on site and many workers have been exposed to the limited toxicity of the gases that come from the burning of briquettes and coal. There have been successful applications to the courts for recompense for workers' compensation claims associated with health problems that have emanated from exposure to sulphur gases or other toxic gases from these briquettes, brown coal or ordinary coal-fired boilers.

It appears that the findings of the recent review have not been satisfactory to the Minister for Industry, Manufacturing, Small Business and Regional Development, because in his statement he calls for a further inquiry as follows:

I have therefore instructed the Crown Solicitor to advise me on the health and safety issues of the Leigh Creek mine and for the purpose to commission an independent assessment of the work environment at Leigh Creek by engaging WorkSafe Australia. This assessment is to be completed within a few months.

I congratulate the Minister for calling for that independent review because it appears that the matter is not at rest and that more evidence needs to be gathered and supplied. In his statement the Minister says:

In fact, the recent report of the review committee at the Industrial Commission said, 'No evidence was produced that could lead to the conclusion there was any generalised danger from emissions from coal fires or fires in the overburden dumps to the health of the work force at Leigh Creek, much less to residents of Leigh Creek South.

That is a very emphatic position drawn by the review committee. The statement continues:

The system of work for protecting employees engaged on controlling coal fires and overburden fires is adequate and safe.

That is also quite emphatic. The position that has been outlined by the Minister must mean that he has doubts as to

whether the evidence gathered was of an adequate nature and gathered in a way that brought about strong conclusions; otherwise he would not be calling for a further report. I guess that the problem indicated in the first part of the statement basically indicates that the community is split. I can understand that because a lot of investment and jobs are at stake.

I give this Chamber and the Government the assurance that I am asking the question in order to try to settle the matter properly so that evidence that is collected is assessed properly and so that we can eliminate some of the conflict that is occurring up there on the basis that people feel that their livelihoods are at risk. My questions to the Minister are:

1. Were expert witnesses called to provide evidence to ascertain the nature of the gases to which workers and townspeople were exposed when the review committee at the Industrial Commission made its report?

2. Were expert medical witnesses called to give evidence?

3. What was the nature of the evidence called for by the review committee?

4. What evidence was provided to the committee?

5. Was an epidemiological study done using past and present residents and workers and, if not, why not?

**The Hon. K.T. GRIFFIN:** I will refer that question to the relevant Minister and bring back a reply. The fact that further work is being done should not be taken to be any indication that there is a particular problem there. The honourable member said in his explanation that, because an additional decision has been taken to obtain further information, that must mean that the Minister has some doubts. That cannot be imputed to the Minister, and that ought to be firmly on the record now.

### TRANSIT POLICE

**The Hon. SANDRA KANCK:** I seek leave to make a brief explanation before asking the Minister for Transport a question about Transit Police.

Leave granted.

**The Hon. SANDRA KANCK:** I was contacted recently by a somewhat distraught constituent who travelled on the 8.54 p.m. train to the Hills last Friday 10 February on which there was a disturbance. Three young people boarded the train at Goodwood station, consumed alcoholic drinks, smoked cigarettes and abused a number of passengers. My constituent was upset about what was happening, as were the other 20 passengers, who all sat quietly doing their best not to antagonise these louts. They were further upset when the police failed to apprehend the offenders, who left the train at Coromandel station. Unfortunately the police were waiting at Blackwood station, having guessed wrongly about where the offenders alighted.

My constituent said that this is not the first time that an incident of this nature has occurred on this line, and he is concerned that it will happen again unless security is improved. My questions to the Minister are:

1. Does she believe that current levels of policing on suburban trains are adequate to maintain public confidence in night travel on suburban trains?

2. Does she believe that the reintroduction of guards on trains is necessary for the success of her Government's goal of increasing public patronage on trains? If not, what other measures beside the introduction of passenger transport assistants, who have no disciplinary powers, does the Government plan to implement to increase passenger numbers on suburban trains?

**The Hon. DIANA LAIDLAW:** I do not have direct responsibility for Transit Police as it was transferred from the old Transit Squad arrangement to the Police Force in January 1994. I will refer those aspects of the question to the Minister for Emergency Services. I nevertheless take a keen and daily interest in what is happening on our trains, and that is one reason why I implemented the reintroduction of an upgraded form of guard or passenger service assistant starting in November last year.

The role of those officers includes increasing the sense of security for people on trains and providing general assistance for people with disabilities. There is no question that this initiative has been a phenomenal success, and that was acknowledged by the Opposition spokesperson for transport in the other place last week. Unfortunately, we had to introduce PSAs progressively and we will not have the full complement of 60 until the end of March. At that time they will be serving on most trains at most times of the day and night. I do not anticipate the difficulties that have been experienced, such as occurred in this instance, will be repeated. There has been correspondence from the head of the transit police, Inspector Trueman, pointing out that the PSAs are providing an invaluable service in deterring trouble on trains and also giving early warning of difficulties to transit police. The experience that the honourable member has related concerned a lack of anticipation about where the louts—and given that behaviour I think that that is an appropriate description—would alight. That will not happen in future if we have the PSAs on those trains. There is a good working relationship between the PSAs and the transit police. That will improve further when we have the full complement of transit police.

I gave an undertaking to the Police Commissioner and to the Minister for Emergency Services when we introduced PSAs. I will be quite honest and say that there was a general nervousness on the part of the police about the role of PSAs. There was some concern that they would attract trouble rather than deter trouble. Their misgivings have not been well founded. However, there was a general nervousness and I therefore said that we would curtail some of the powers of the PSAs at the initial stage until we had the full complement on the trains and the police and others gained confidence in their working relationship. I believe that that is developing already. When the full complement is there we will review the current powers and duties of the PSAs and I believe that we will be able to proceed with the confidence of the police, which we were not able to do fully when we first started this initiative. Passenger appeal and response to the PSAs have been overwhelmingly fantastic. People who had deserted public transport after the guards left are now returning. Those who remained with it are thankful that they now have this popular new service on trains.

### WORKCOVER

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Transport a question about the WorkCover stoppage yesterday.

Leave granted.

**The Hon. A.J. REDFORD:** In this morning's *Advertiser* on the front page, in the article entitled 'Compo anger erupts in mass city protest', the following statement was made:

Public transport stopped for two hours as drivers joined the workers and their supporters in a protest march to Parliament House.

My questions to the Minister are as follows:

1. Has the Minister received any complaints from the public about this so-called stoppage?

2. Has the Minister made any inquiries regarding the extent of the stoppages and, if so, what have those inquiries revealed?

**The Hon. DIANA LAIDLAW:** I did make inquiries because a number of members of Parliament contacted my office, after they had been contacted this morning, angry about what they believed to have occurred, that is, that TransAdelaide drivers were on strike attending a rally and they as members of the public were inconvenienced. In fact, that was not the truth. I have been able to explain that to a few people who have also rung my office on that matter today.

No TransAdelaide staff were transported by bus to the rally from work sites and depots. Only those staff driving buses, trains and trams during the period of the rally participated in the rally. That was a minuscule number—about 160 at most—and we have a work force of about 2 800. Any suggestion that TransAdelaide was on strike is unsound. On behalf of the work force I would like to correct that impression that has been given and also to reassure customers that their travel needs were not ignored when others were protesting.

I think it is important also to note that TransAdelaide went to extraordinary efforts to address the decision by the PTU to ask all workers to attend the rally. We worked with police to ensure that buses which were not provided directly by TransAdelaide but which were hired through Coachlines of Australia on behalf of a client, possibly the PTU—

**The Hon. K.T. Griffin:** Driven by non-union labour?

**The Hon. DIANA LAIDLAW:** That may be addressed later as part of enterprise bargaining, but it is not necessarily the case throughout TransAdelaide at the present time. Coachlines of Australia may well employ non-union labour; I am not sure. However, Coachlines of Australia rang TransAdelaide and asked for a quote for the movement of 1 400 people from Mitsubishi Motors at Tonsley and 830 people from GMH at Elizabeth. I understand that we provided a quote for the same amount as a quote received from Premier Roadliners, which also provided chartered vehicles to Coachlines of Australia to bring workers from various sites. TransAdelaide did not directly participate in the rally; it participated by letting out coaches for hire, coaches that would normally have laid over because it was an inter-peak period during the work day.

I commend the police, who worked with the drivers who were on charter, for keeping the buses away from intersections and other places so that as little disruption as possible was experienced by traffic in the city. In the meantime, all buses that did not have to go through the city for that 1½ hours continued to work, as one would expect of a customer service, and they continued to provide that service on time.

**The Hon. G. WEATHERILL:** As a supplementary question, all members would agree that employees have the right to strike. Because TransAdelaide did not really assist this time, I wonder whether the Minister will instruct it next time to assist workers to get to a demonstration.

**The Hon. DIANA LAIDLAW:** No. If I understood the question, I was asked whether I would assist the drivers to get there. The drivers were well able to make their own arrangements if they wanted to follow union advice to attend the rally. Clearly, they did not want to follow union advice to attend the rally. They were well able to make up their own mind whether or not they wanted to attend the rally and how

they would do that. There is no union bashing. What I am saying is that the employees are mature enough to make up their own mind as to what they want to do. I would not seek to intervene, nor did I. I should also advise that the staff who did participate (about 160, as I said) had their wages cut to compensate for the 1½ hour duration of the rally. This understanding was confirmed beforehand with the State President of the PTU. The PTU itself agreed to such action.

#### AFFIRMATIVE ACTION

**The Hon. ANNE LEVY:** I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about Government policy on affirmative action and contracts.

Leave granted.

**The Hon. ANNE LEVY:** It is now 12 months since I asked a question in February last year as to whether this Government would continue the policy of the previous Government, namely, that it would not award any contracts or tenders to firms which had been named in Federal Parliament as having broken the law and not complied with the Commonwealth affirmative action legislation. These firms are breaking the law and are being named in Federal Parliament as a result. That is the only penalty they suffer for breaking the law.

The previous Government in this State, the previous Government in Victoria and the current Federal Government adopted the policy that any firms which broke the law in this regard would not be awarded Government contracts and tenders. I asked this question 12 months ago. In May last year I received a response that the matter had not yet been considered by Cabinet but would be—so no decision had been made at that stage. In August last year during my Address in Reply speech I again posed the question whether this Government would similarly follow the policy of not awarding these contracts.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. ANNE LEVY:** In the Minister's response during her Address in Reply speech she said she would discuss with Cabinet whether not the Government would consider following that policy. It is now six months down the track, and there has been no indication, publicly or privately, as to whether the Government has got around to considering this question and, if so, what decision it has made.

Some people may think this is trivial, but I assure members that many women in the community do not consider it a trivial matter. They feel that if firms are breaking the law Governments in this country should not deal with them. My question is: will the Minister (12 months after the original question was asked) inform us whether Cabinet has considered this matter and, if so, will it follow the policy of not awarding Government contracts and tenders to any firm which has broken the Commonwealth affirmative action legislation?

**The Hon. DIANA LAIDLAW:** I have not taken the matter to Cabinet.

**The Hon. Anne Levy:** You said you would six months ago.

**The Hon. DIANA LAIDLAW:** I am glad you have reminded me. I will look at the matter again.

## FIRE PROTECTION

**The Hon. J.C. IRWIN:** I seek leave to make a brief explanation before asking the Attorney-General a question about fire protection.

Leave granted.

**The Hon. J.C. IRWIN:** This question is slanted deliberately towards fire protection not fire fighting. I refer to an article in the *Sunday Mail* of last week headed 'Drama hots up for fire star Georgie'. The article states:

A hotly awaited new drama series on Channel 7 promises to warm up the summer's television viewing in Adelaide. With recent bushfires around Adelaide, the 13-hour series *Fire* is a timely reminder of the potentially devastating effect when one small flame becomes a blaze. *Fire* stars Georgie Parker as Brisbane's first woman firefighter assigned to a station where she becomes caught up battling a pyromaniac who has been torching buildings in the area for a year.

I understand that the series started on Tuesday night at 8.30. My questions are:

1. Does the Attorney agree that any publicity given to potential or actual pyromaniacs is a recipe for disaster as far as inciting individuals to do horrendous damage?

2. Will the Attorney say whether anything can be done to prevent this sort of drama series from going to air, and does he believe that people who live in the bushfire-prone areas of South Australia should have to suffer for the benefit of the entertainment industry?

**The Hon. K.T. GRIFFIN:** I have not seen the program. I have more important things to do at the moment than watch television drama productions, but this area is the responsibility of the Federal Government, in particular the Australian Broadcasting Tribunal, and should be referred to that body. The evidence is perhaps a little uncertain as to whether such programs encourage copycat criminal activity. We all know that arson is a serious criminal act for which there are some very tough penalties in this State, particularly where damage exceeds \$25 000, for which I recollect the maximum penalty is life imprisonment.

There is always some concern that any such production may create the prospect of copycat acts. I have no evidence whether this production is likely to lead pyromaniacs to undertake copycat activities. I will refer the honourable member's questions to the relevant Federal authority and bring back a reply.

## SECOND WORLD WAR

**The Hon. T. CROTHERS:** I seek leave to make a brief explanation before asking the Leader of the Government in this place—

*Members interjecting:*

**The Hon. T. CROTHERS:** It is brief, and I hope the answer will be brief—a question about the fiftieth anniversary of the Second World War in the Pacific theatre of operations.

Leave granted.

**The Hon. T. CROTHERS:** As all members in this Chamber would know, 15 August this year will commemorate the fiftieth anniversary of the ending of the Second World War in the Pacific theatre, some three months after the same war ended in Europe. There is not too much for me to say except that the fighting in the Pacific was as cruel and horrific as anywhere else, perhaps even more so, as 7 500 000 Australians, which was our population at the time, sought to stem the flow of Japanese military and imperialistic expansionist ambitions which included the conquest and occupation

of Australia. History records the inhumanities meted out to Australian prisoners of war who had fallen into the hands of the Japanese. It should be noted that history also tells us that the first defeat inflicted on the Japanese land forces was done by Australian forces during the Kokoda Trail battles of that conflict.

Equally, was there an enormously bloody conflict at Buna and Gona in which were engaged Australia's military forces. Our airforce as well was operating in a lot of these areas, both in a defensive, attacking and supply position—and very often with inferior equipment. They also suffered enormous fatalities in that conflict. Equally, our naval forces, both the Royal Australian Navy and the Australian Merchant Marine suffered many and, at times, tragic deaths. Given that South Australia supplied four infantry battalions and some commando forces in that conflict and, from memory, the battalions were the 2/10th, the 2/27th, the 2/43rd and the 2/48th, and that many other South Australians, both men and women, served in both the RAN, the RAAF, the Land Army and the Australian Merchant Navy.

I wish to pose the following questions to the Minister for Education and Children's Services, but before doing so I also note that the South Australian State Chairman of the Federal Australia Remembers 1945-1995 Committee is Mr Fidock, the current Chairman of the Adelaide Bank. Therefore, I would ask the following of the Minister:

1. Is the State Government working in harmony with Mr Fidock?

2. What does the State Government propose to do by way of our citizens of South Australia paying a tribute to all of those South Australian veterans, both men and women, as a way of saying a thank you for your sacrifices, sometimes indeed the supreme sacrifice, for their efforts in protecting this State's integrity some 50 years ago, and will the Minister detail any plan you have for this occasion?

3. If the State Government has no plans for this type of remembrance, will the Minister give this Council a guarantee that the matter I have raised today will be considered and something of a purely South Australian nature regarding this commemorative period will be considered and put into place this year?

**The Hon. R.I. LUCAS:** The State Government, together with the Commonwealth Government, is doing a lot in relation to the Australia Remembers year. I will get the detail of that and bring it back for the honourable member. Secondly, the Government always listens attentively to the suggestions from the honourable member—it might not always agree, but it listens attentively—and I will bring his suggestions to the attention of the Premier and any other Minister who might be appropriate and bring back a reply as soon as possible.

---

## SYMPHONY ORCHESTRAS

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

That this Council, following the release of the Commonwealth Government's Creative Nation statement supporting divestment of the Sydney Symphony Orchestra—



- I. Expresses alarm at the projected impact on all other ABC orchestras, most notably the Adelaide Symphony Orchestra.
- II. Notes the devastating effect of any move to reduce the capacity of the Adelaide Symphony Orchestra by cutting ABC funding by some \$700 000 per annum which would mean a cut of 15 in the number of players to 50.
- III. Recognises the invaluable role the Adelaide Symphony Orchestra plays in the artistic and cultural life of South Australia through its own major orchestral concert seasons, including family concerts and country touring, plus the services it provides for the State Opera of South Australia, the Adelaide Festival, Come Out and the Australian Ballet.
- IV. Requests the President to convey this resolution to the Chairman of the ABC, the Federal Minister for Communications and the Arts, and the Prime Minister forthwith on the understanding the ABC Board is to consider all options for the future orchestra funding by the end of March 1995.

The Hon. Robert Lawson asked a question earlier this week about the future of the Adelaide Symphony Orchestra and the funding situation following the release of the Creative Nation report by the Prime Minister in October 1994. I replied at some length and suggested that there should be some motion put to this place to gain a feeling from honourable members as to what we should be saying to the ABC and the Federal Government about the possible cut of \$700 000 to \$750 000 from the ABC's budget to the Adelaide Symphony Orchestra, and the potential for cuts from 65 to 50 (by 15) in the number of players with the Adelaide Symphony Orchestra. Honourable members should appreciate that the orchestra at the present time at 65 is well below that of every other State except perhaps Tasmania. It certainly is below the standard for an international symphony orchestra which is 101. So, if this proposal goes through it would be half the size of an international symphony orchestra: we would be the size of a chamber orchestra—and we do in this State already have such an orchestra, a fine chamber orchestra.

The Prime Minister in the Creative Nation statement outlined that one major initiative to be taken by the Federal Government in the near future is:

... to augment the resources of the Sydney Symphony Orchestra and to establish it as a separate organisation. This will provide greater opportunity for it to develop to world standard and set a new benchmark for orchestral performance in Australia. The Government will transfer the Sydney Symphony Orchestra from the ABC to local control and provide significant additional funds for developing it to world standard. The ABC's six symphony orchestras are the Sydney, Melbourne, Queensland, Adelaide, West Australian and Tasmanian Symphony Orchestras.

This section on orchestras in the document goes on to state:

As outlined above, a number of reports have recommended divestment of the ABC orchestras as the best way of fostering their natural development. However, the viability of some orchestras may be more difficult to secure in the medium to long term if their status changed at this point.

Certainly at this point the Adelaide orchestra could be one such orchestra where it may be difficult to secure viability medium to long term with this divestment proposal. The report goes on to state:

While all the existing orchestras will remain as major elements of the national music infrastructure, they also must have the opportunity to develop further, if necessary outside the ABC. The Government has accordingly decided that the remaining ABC orchestras may put a case to the Government for divestment if they see fit.

I was anxious about the future of the Adelaide Symphony Orchestra when I heard about that initiative within the Creative Nation report. I asked officers within the Depart-

ment for the Arts and Cultural Development to speak to their Federal counterparts. On 22 December I then chose to write the following letter to the Minister for Communications and the Arts:

As you may be aware there have been informal discussions between officers of your department and the South Australian Department for the Arts and Cultural Development regarding the possible terms and conditions for divestment of the ABC orchestras.

As the next step in advancing this matter further, I am now seeking from you formal clarification to the following questions:

- What formula for future funding would be proposed if the orchestras were to divest from the ABC?
- For what length of time would funding be proposed?
- What rights of renewal would be specified for continuation of any agreed arrangement, that is, how would ongoing funding be negotiated and maintained?
- Which Federal body would fund the orchestras, if not the ABC—the Australia Council? Or would tied funds be devolved to the States?
- Would divestment be negotiated bilaterally between the ABC and the State Governments (or between the Federal and State Governments) or on the basis of a transparent, agreed formula which may or may not be pursued by individual orchestras/Stater?

I would appreciate your response to these issues.

To date I have not received a response to those key questions, if we are to advance this issue of divestment. In the meantime it is very difficult, but not impossible, to develop such a proposal. I have instructed the department to look at all possibilities, so that we do not leave ourselves vulnerable to decisions made by the Federal Government and the ABC without input from South Australia. Developing those options is somewhat difficult, when you do not have the basic guidelines and directions from the Federal Government, which has set this scene for change. It seems to me and to many people I have spoken to in this State and interstate that this divestment issue was launched without much consideration of the ramifications; certainly not much consideration of the details, and it is the details that we need to respond to the challenges that this Creative Nation report presents for all orchestras but notably, I argue, the Adelaide orchestra. I have again written to the Minister for Communications and the Arts following a visit by the General Manager for music within the ABC, Mr Nathan Waks, to Adelaide last week. In part this letter reads:

It is imperative for you to understand the devastating effect of any move to reduce the capacity of the ASO—and to realise the widespread opposition it has already attracted and would continue to attract if it goes any further. Not only does the orchestra run its own major orchestral concert program, including its much loved series of family concerts, but it provides full services for the State Opera of South Australia (including world acclaimed productions such as *Elektra* and *Salome*). As you will know, the ASO has featured in orchestral and opera premieres at Adelaide Festivals—and all South Australians would want this to continue. The orchestra is shortly to take a major role in this year's Come Out Youth Arts Festival, Australia's premier youth arts festival, and in 1996, as it always does, the orchestra will provide the support for the Australian Ballet and Australian Opera companies when in Adelaide. Over the past two years the orchestra has also toured throughout regional South Australia, bringing to the people from rural areas and regional towns and cities an all too precious experience, and further tours are planned. A cut of the magnitude proposed would remove absolutely the capacity of the Adelaide Symphony Orchestra to perform major works and to support a wide range of significant opera productions—and therefore to attract the top soloists and guest conductors who have worked so productively with the ASO in the past. I urge you to ensure that the future of the Adelaide Symphony Orchestra is secure.

This is a very important issue, where it is difficult to get feedback about what is going on which, as I said earlier, makes the whole thing very frustrating from a State perspective. It is imperative that the State (not only through me as

Minister for the Arts) lets the Federal Government (in particular, the ABC Board and management) know of our views and our concerns, and that we seek from this place to influence as best we can the outcome of a board meeting to be held by the ABC next month, which will determine some of the options to be pursued over the next three years.

I was heartened to note the contribution by the Hon. Anne Levy yesterday in the inaugural 'matters of importance' debate, and I endorse her comments about the need for a concert hall in Adelaide. Our arrangements at the present time are not satisfactory, not only from a working point of view but musically, and also from the perspective of costs for the orchestra itself. However, I argue to the honourable member that one thing we must do immediately is to secure the future of the orchestra, so that, when we do get a concert hall, we have an orchestra based in Adelaide that can be housed in such a concert hall. That is a matter of some immediate concern.

The concert hall I endorse, but at this stage it is not foremost on my mind as I seek some more clarification and some commitment from the ABC and from the Federal Government to the future of the orchestra in this State. Nevertheless, I would love to see an orchestra not only 64 strong, as it is at the present time, but stronger again, and that it be housed in a concert hall as outlined by the honourable member yesterday. It would be fantastic for a State for which quality of life and the arts are so important. Essentially, that is all I want to say in moving this motion. I hope that it will receive the favourable consideration of all members of this place and that as a Council we can firmly present our views on this important matter to the Federal Government and the ABC.

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

#### ELECTORAL (DUTY TO VOTE) AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from 8 February. Page 1113.)

**The Hon. A.J. REDFORD:** I rise to make a very brief contribution to this debate, and commence by saying that there is a significant difference between this legislation and that which was debated on the previous occasion. In fact, all we are doing is removing the monetary penalty from the process in the hope that that will save a significant sum of money. I am certain that by doing that the numbers of people voting would not change significantly. After all, we do have a community that takes the responsibility of voting and democracy very seriously. I note that there are many occasions on which a piece of legislation requires our citizenry to do something without imposing a penalty. It is not novel and it has been done before but, judging by the contributions that have been made by members opposite, I believe that they perceive this as having some political disadvantage to them.

They do not acknowledge in any way that we have any mandate in this area, and that is something we are stuck with. We are used to the Opposition not acknowledging reality; we saw that in the few years leading up to the last election with things such as the State Bank. I must say that the Democrats' position is rather intriguing. They persistently and consistently stand in this place and say that we do not have a mandate to do anything. If something comes along, they go

to their telephone box and have their Party meeting and then decide at a whim what they may or may not allow to go through this place, all on the strength of about 6.5 or 7 per cent of the popular vote. When you analyse the voting in the Upper House, it is probably, in terms of first votes, not even at that level.

It is all well and good for the Democrats to talk about the democratic process and the fact that compulsory voting is an intrinsic part of that, but I remind you, Mr President, that it is some nine years since the Hon. Leader of the Democrats has faced the people in South Australia in a successful way.

It was eight years before the last election, when he decided he would take a foray into the Lower House. He got soundly, roundly and completely trounced. He did a little deal in the telephone-box style Party meeting of the Democrats, and now we see him bob up again. What we will see is almost a 12 year term from the Hon. Mike Elliott, a man who seems to think that he is the sauceman of democratic principles.

*The Hon. K.T. Griffin interjecting:*

**The Hon. A.J. REDFORD:** Well, there are other terms that I could use, but I do not want to place him at too high a level. It is important that I go on record as saying that it is a long, long time since the Hon. Michael Elliott has faced people successfully—eight years. Then he went in the seat of Davenport at the last election.

*The Hon. R.R. Roberts interjecting:*

**The Hon. A.J. REDFORD:** Yes, and he got beaten. It is just that the honourable member behind you has a frown on her face.

**The Hon. Anne Levy:** It is not eight, it's five.

**The Hon. A.J. REDFORD:** Eight.

**The Hon. Anne Levy:** It is not eight years ago.

**The Hon. A.J. REDFORD:** Yes, it was; eight years prior to 1993. He was at the end of his eight year term. He goes out and confronts people, is told that they do not want him and comes back into his telephone box and does a deal to get Gilfillan out.

**The Hon. Anne Levy:** It was 1989.

**The Hon. A.J. REDFORD:** No. I can assure the Hon. Anne Levy that it is a long, long time since the Hon. Michael Elliott put his name on a ballot-paper that achieved success. He comes into this place and then proceeds to give us a lecture on the basic tenets of democracy. Quite frankly, the Hon. Michael Elliott is probably the least qualified in this place to start preaching about what is or is not democracy.

I will close by posing a question to the Attorney, in the hope that he can answer it in replying. What was the cost of compulsory voting in the Taylor, Torrens and Elizabeth by-elections? I remind members that those by-elections were caused in two cases by resignations of Labor members who obviously had lost the support of their Caucus, and in one case by the untimely death of Joe Tiernan.

**The Hon. K.T. GRIFFIN (Attorney-General):** It is disappointing that members opposite are not prepared to support this Bill. Although he has not spoken on this occasion, I presume that the Hon. Mr Elliott will similarly not support the Bill. As I said, I express my concern and my disappointment at that position. The Hon. Mr Feleppa, when he made his contribution, made a somewhat curious statement that the duty to vote is not a major obligation: it is a minor obligation and needs to be backed up by some kind of compulsion, as it does not spring from the heart. He is making a distinction between major obligations which spring from the heart and those which do not. He said:

Those need some compulsion—  
that is minor obligations—

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 is a curious statement. In all my reading about democratic systems and the theory of democracy, the right to vote is the essence of a democratic system. Similarly, it is my contention and that of the Liberal Party that the right not to vote is similarly part of that essence of a democratic system. It is not by any means a minor obligation. Certainly, one could say, as we are saying in the context of this Bill, that it is an obligation for electors to vote, but not an obligation for which we ought to be imposing a sanction, and that sanction having the force of a fine and, in default of payment of a fine, ultimately imprisonment. It is a rather bizarre suggestion that one should be ultimately at least at risk of imprisonment through having refused to or failed to exercise one's right to vote or not to vote.

The Hon. Carolyn Pickles made a remark that the Liberal Government obviously hopes that if voting is made non-compulsory, either explicitly or by removal of penalties in relation to voting procedures, many people who have traditionally supported the Labor Party will not bother to record their vote. It is as simple as that. She goes on to say, somewhat curiously, 'There may be some truth in that.' I suggest that that is an insult to those who support the Labor Party. To suggest that, if they are not compelled by force of law and under threat of a sanction they will not vote, is an insult to any elector.

Of course, that is not the experience in other parts of the world. I remind members that voluntary voting is a component of most democratic systems around the world. Compulsion is in existence in only a very limited number, a mere handful, of democratic countries. But in the United Kingdom you have this pendulum which swings; Labour and Liberal Governments change. It is the same in New Zealand.

*The Hon. R.R. Roberts interjecting:*

**The Hon. K.T. GRIFFIN:** Well, they do. You look at the by-elections in the UK; they do change. The Conservatives in the UK could not win for years, and then they did: they had a landslide, and now they are in difficulty. You look at the situation in Germany, where those akin to the Conservative Parties were in opposition, and those who were socialist were in government. That pendulum swung, too, and they have voluntary voting. In New Zealand the National Party had a resounding victory over Labor. Previously, Labor had had a resounding victory over Muldoon's National Party. The pendulum swings. From experience around the world, it just does not follow that, if there is voluntary voting, it favours Conservative Parties. The fact of the matter is that Governments stand or fall on their merits, and there is a sufficient body of swinging voters within the community who will make up their mind to vote for or against a Government, depending on its performance, and it does not matter whether they are Labor or Liberal. And there are both Labor and Liberal voters among those so-called swinging voters.

The fact of the matter is that a change to voluntary voting will not work against those who support the Labor Party and the Labor Party itself, nor will it work necessarily for or against the Liberal Party and the interests of those who support it. In fact, it will be a matter for Governments, political Parties and Oppositions to win or lose the election according to the programs which they present.

There are arguments which I have worked through on a number of occasions and will continue to work through in this Parliament and publicly as to why we should be moving towards voluntary voting. I did indicate at the time I made my second reading explanation, when the Bill came into this Council, that most democracies see the right to vote as embracing the fundamental right of individuals not to vote if they so choose; and I drew attention to the experience in Holland. The information I have as to one of the principal reasons why Holland abolished compulsory voting in 1970 was that to force people to exercise their right to vote was to destroy the very nature of that right. Another critical factor which influenced the Dutch was that the election results should be based on the clear choice of voters voluntarily participating in the election process. Incidentally, the turnout rate in Holland, I think in the most recent election there, was 84 per cent.

There was a poll in this State last year which indicated that some 84 per cent of those who responded to the survey would in fact turn out to vote even if voting was not compulsory. If we analyse the figures of the 1993 State election, we would find that some 6 per cent of electors did not go to the polls. One needs to recognise that, in addition, some 2 per cent or 3 per cent were informal voters and another 2 per cent were put down to the so-called 'donkey vote', and you already have something less than 90 per cent of those who even in the present system either did not vote or did not exercise a formal vote on election day in 1993.

In the United Kingdom, where voting is voluntary, some 80 per cent of eligible electors actually vote. I have argued—and this has been the experience—that political Parties in Australia assume too much, that if people are compelled to vote they do not have to earn the votes even of those who may be their traditional supporters; they can be safely forgotten. That is reflected in those safe Labor or Liberal seats where there is not very much action during elections but all the action is focused upon marginal seats. I suggest that voluntary voting prevents politicians from taking their supporters for granted, particularly in those safe seats. In fact, it might well be argued that there will no longer be such a safety margin in certain seats that those seats can be ignored: Parties and candidates would ignore them at their peril.

The other issue which does need to be addressed is the cost of following up non-voters with 'please explain' notices. In the 1993 election there were some 35 000 of those. I think that it was ultimately intended that some 6 000 summonses would be sent out, but a much lesser number than that have in fact been issued and served. Also, the costs of the legal processes, including the 'please explain' notices, are well in excess of the legal costs alone, which are something like \$210 000. I am told that following up the non-voters in the three by-elections—there were about 9 500 to 10 000 of those non-voters—

**The Hon. T. Crothers:** What price democracy!

**The Hon. K.T. GRIFFIN:** The honourable member might say, 'What price democracy,' when the very point I am making is not the cost of following up non-voters but the fact that you have to follow up non-voters at all and ultimately issue a summons and take them through the legal process. In the electorates where there were by-elections subsequent to the 1993 State election, where there were about 10 000 electors, the estimate of the legal process alone is in excess of \$32 000.

The other nonsense which follows from this is that when summonses are issued and convictions are recorded subse-

quently numerous pardons are granted. Those pardons mean that, whatever the costs may be of having issued summonses and going through the legal process, they are written off. My information is that in the 1989 general election—and we have not worked through the 1993 general election—the number of summonses withdrawn or citizens pardoned was nearly 1 700 of those who were served with summonses.

So there is a cost to this, but the more important issue that one has to address is the compromise to the system by the imposition of sanctions for not going to the polling booths and having one's name marked off the electoral roll. As I said, there are a number of democracies around the world, by far a substantial majority, which have embraced voluntary voting as part of the democratic process, and democracy has not come to any harm in those countries.

I think it is important to recognise also that all those countries which were previously Iron Curtain countries under the Communist regime have moved from compulsory voting; where they had no voting at all—and that was only symbolic and not effective—there is the voluntary voting regime. In Czechoslovakia, where it did have some compulsory voting under the Communists—as I say, symbolic more than practical—one of the first acts of the new democratic Government was to introduce voluntary voting. If you go to places such as Hungary, Russia and countries from that region of the world which were formerly under Communist rule, there is voluntary voting.

One can argue about the economic system; one can argue about the way in which democracy has been implemented and is governing, but the fact of the matter is that, as a consequence of their experience of the Communist regimes and compulsion, they believe very strongly that voluntary voting is part of the democratic process and is an essential principle of it.

The Government will be disappointed if the Bill does not pass. However, we can see the writing on the wall. The Labor Party is motivated by fear as to what may happen to it, notwithstanding the evidence overseas that it will not be adverse to its interests. It will have to win the confidence of the people rather than force them to the polls. Notwithstanding that, I suspect it will maintain its very conservative and dogmatic approach to this important issue. If the Bill is not passed, the Government will try again and will maintain a significant level of persistence in respect of this very important issue.

The Council divided on the second reading:

AYES (10)

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

NOES (11)

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

Majority of 1 for the Noes.

Second reading thus negatived.

## ADELAIDE FESTIVAL CENTRE TRUST (TRUST MEMBERSHIP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 1144.)

**The Hon. DIANA LAIDLAW (Minister for the Arts):**

I thank the Hon. Anne Levy for her contribution to the debate. The Hon. Anne Levy proposes to move an amendment to this Bill which the Government is pleased to accept. That amendment, that at least two trustees must be men and two must be women, is one that I find easy to accept. The Council will be aware that the Government has a target of 50 per cent women on Government boards and committees by the year 2000, so the amendment seems appropriate.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Composition of the trust.'

**The Hon. ANNE LEVY:** I move:

Page 1, after line 18—Insert the following paragraph:

(c) by inserting after subsection (1) the following subsection:

(1a) At least two trustees must be men and two must be women.

I am delighted that the Government is happy to accept this amendment. Such clauses were obviously not thought of when the Festival Centre Trust was set up in 1971, but as this clause of the Act is now being opened, it is an opportune time to make such an amendment. There should be no problem at all in obtaining at least two of each sex for such a board. While people have different backgrounds, one would always hope that people on the Festival Centre Trust Board would have an interest in the arts and there are certainly large numbers of both sexes who are interested, knowledgeable and capable in the arts and would make excellent members of the board of the Adelaide Festival Centre Trust.

**The Hon. DIANA LAIDLAW:** I indicated that I did not plan to speak again in this debate, but I should put on the record that the current membership of the Adelaide Festival Centre Trust is four women and four men. I also note that the South Australian Country Arts Trust, which was addressed by this place probably 18 months to two years ago, contains a provision for at least two trustees to be women and two to be men.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

## LOTTERY AND GAMING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 1143.)

**The Hon. T. CROTHERS:** The Opposition supports the Bill. I understand that an amendment will be moved by the Minister handling the Bill at an appropriate stage. I have consulted with our shadow spokesperson and that amendment, equally, when moved at the third reading stage, will be acceptable to the Opposition. This Bill really seeks to do a number of things. One of the things at the core of the Bill is the fact that the Government has sought to upgrade the present Act so as in at least no small part to make provision for the fact that there are now many more gaming premises

in the State than simply the Adelaide Casino, which has come about with the introduction of poker machines.

The Opposition has no problems supporting the Bill, which allows the Minister, amongst other things, to suspend a lottery licence if the person who is the holder of that licence is guilty of some fairly serious misdemeanour. We support that because currently the regulations in the Act are very rigid. They not only allow the Minister the discretion to suspend the licence but also to totally take it away. There are times when that would, in the Opposition's view, and obviously in the Government's view, be an inappropriate penalty for the misdemeanour in question, and so we are absolutely in support of that.

In addition to that, the amendments currently before us will allow racing clubs to conduct punters' clubs which, in my own view, will assist the racing industry, which of recent times has been ailing given the advent over the years of the Casino, gaming machines, the totalisator, and so forth in this State, and given the fact also that crowd participation at any sporting event—and one only has to look at football and cricket matches—with the advent of television, seems to be very much on the decline compared with 20 years ago, and more. I note, for instance, that the record crowd attending a South Australian grand final at the Adelaide Oval was some 66 000 people, in spite of the fact that the capacity of the ground is currently logged at about 45 000. So, we are in support of that proposition.

One of the other aspects that the amendment seeks to cover is to create considerably more difficulty in respect of the opposition to a gaming house. Currently, the way the present Act is worded, it makes it a very difficult section of the Act to police, because one can find so many loopholes through it. The Bill will also contain suitable penalties in respect of another loophole found in the present Act of the current Government, that is, that people can run lottery ticket events for personal profit. That, of course, strikes at the heart of the spirit of the Bill that was put in place in the first instance in respect of the lotteries people making available to our Health Commission people sums of money that were surplus to requirement under the State Lotteries Act. We certainly support that and, hopefully—although one never knows, people can be very enterprising—that will close off that loophole. I guess, if one could draft legislation in which there was no loophole then South Australia would probably require only one member of the legal profession, and that would be the draftsman, him or herself.

There is one minor hiccup. As I have said, we intend to support the amendment that has been placed on file by the Minister for Education and Children's Services in this place, but I have one question I would like to place on record now for the Minister to pursue with his colleague, the Minister responsible in another place. Mr President, you will recall that a month or six weeks ago, on a conscience vote, the Council carried a series of amendments to a proposition that had come up to us from another place, one of which set the legal age, where hitherto there had been none, at 16 for people involved in the buying of scratch lotto tickets.

We understand that the Minister must have discretionary powers, and we do not dissociate ourselves from that at all: we think it is a sensible arrangement. My question to the Hon. Mr Lucas is fairly simple: will the Minister give an indication as to whether or not he is prepared to use his discretionary powers to consider a suspension of a person's licence if that licence holder repeatedly and knowingly sells lottery products, including scratch tickets, to juveniles under 16

years of age, as prescribed by that Act? I do not think that I will have any comments at the third reading stage, but I may have. However, I would appreciate it greatly if the Minister could contact his colleague in another place and bring back an answer to that question at the third reading stage.

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

#### **GOVERNMENT FINANCING AUTHORITY (AUTHORITY AND ADVISORY BOARD) AMENDMENT BILL**

Adjourned debate on second reading.  
(Continued from 15 February. Page 1189.)

**The Hon. R.I. LUCAS (Minister for Education and Children's Services):** I would like to thank the honourable member for her contribution to the Bill. I understand that this is a relatively non-controversial matter and is to be supported by all members, and I thank members for that support.

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

#### **DOG FENCE (MISCELLANEOUS) AMENDMENT BILL**

Adjourned debate on second reading.  
(Continued from 14 February. Page 1149.)

**The Hon. R.R. ROBERTS:** The Opposition supports this Bill. I have had some correspondence from Mr John Cornish of the Farmers Federation of South Australia who has advised me that it is happy with the legislation. We had some inquiries with respect to a provision which was in the Act and which provided for arbitration in cases where a dispute occurred between land-holders regarding responsibility to maintain different sections of fence. However, I am told that that has been resolved.

The Dog Fence Act has been in place since 19 December 1946, and it is some time since it has been looked at. In order to satisfy the long-term requirement of the rural community for an adequate dog fence, the board sought changes to the Act to provide flexibility in the configuration of the fence, flexibility for the board regarding fence replacement, the ability to apply fairer alternatives to current rating systems and the discretionary ability to consider cases of proven hardship with compassion. There is a range of other house-keeping issues that is encompassed within this legislation and we have no problems with that.

The objectives of the board have been met in this legislation. Some members would have read the many comments in various rural publications which express dissatisfaction with the current way of applying dog fence rates within local government areas. There have been many more letters and phone calls, all very critical of the perceived unfairness of rate application and suggesting in essence that, whilst there is no major objection to making a contribution to the upkeep of the dog fence, it is felt that the whole of the rural community should pay at the lowest rate possible and that there should not be a levy on just those holdings that are greater than 10 square kilometres.

Unfortunately, procrastination in the rural community has been the key reason why a fairer and more equitable rating system was not introduced many years ago. The concept for the proposed scheme came from local government sources

and is supported cautiously by the Local Government Association. It is clear that there has been widespread consultation. I took the opportunity to talk to members of the Dog Fence Board at a meeting of zone 13 of the Pastoralists Association in December, and I am thankful for the help and advice provided to me by Don Nicholson and Lester Lord. It is always a pleasure to be able to talk, as a member of the Opposition, to people in pastoral areas and to provide sensible and impartial advice.

We had some concern that, by moving away from the traditional netting fence and going towards the new types of fences—in particular solar powered electric fences—we might have put ourselves in a position where the barrier was not necessarily a mechanical barrier and that, in the case of vandalism of the solar panels, for instance, wild dogs might

have been able to intrude into the pastoral lands of South Australia. I am advised that the new fence has been extensively tested, it has proved to be as effective as the traditional netting fence and it is some \$1 000 a kilometre cheaper than the netting fence. It is quite clear that there has been proper consultation. All the concerns of pastoralists and local government have been met and, indeed, the Farmers Federation is completely happy with this legislation. Therefore, the Opposition has much pleasure in supporting the passage of this Bill.

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

#### **ADJOURNMENT**

At 4.26 p.m. the Council adjourned until Tuesday 21 February at 2.15 p.m.