LEGISLATIVE COUNCIL

Wednesday 31 May 1995

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

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

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

That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

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

ENVIRONMENT RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. A.J. Redford on behalf of **Hon. CAROLINE SCHAEFER:** I bring up the report of the committee in relation to compulsory motor vehicle inspections.

QUESTION TIME

SCHOOL RETENTION RATES

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 retention rates.

Leave granted.

The Hon. CAROLYN PICKLES: I would like to raise an issue that I believe is of importance to all those who care about education in our State. Apparently, the retention rates of secondary school students to year 12 in South Australia have fallen dramatically over the past two years. In 1992 South Australia led all States, excluding the ACT, with 92.7 per cent. This compared with the national average in 1992 of 77.1 per cent. In 1993 the retention rate fell to 86.3 per cent, and in 1994 the retention rate fell again to 75.7 per cent.

Combined with a fall of 4 000 students enrolled at our schools this year, these figures raise serious concerns as to why this trend has occurred and whether immediate action is necessary to ensure that our children complete their secondary education. It raises issues related to curricula, testing and other matters including training opportunities. My question is: has the Minister initiated any research into falling retention rates in South Australian public schools? If not, will he undertake to do so and publish the reasons for the fall in the number of children staying at school to complete year 12 and, if necessary, will he announce changes to arrest and reverse this trend?

The Hon. R.I. LUCAS: The honourable member highlights what has been a national problem for the past two years, in particular. The only pleasing thing that can be construed from the most recent statistics produced by the National Schools Statistics collection of 1994 is that, with the exception of the ACT, South Australia leads all States in terms of retention rates of students who stay on until year 12. The figure of 75.5 per cent that the honourable member quotes is the highest figure of all States: higher than the Northern Territory, as I said, only bettered by the ACT—

An honourable member: Do you think she is aware of that?

The Hon. R.I. LUCAS: I don't think so. She might have been, but perhaps she didn't mention it. For example, 75.5 per cent of our students stay on to year 12; in Tasmania it is 56 per cent; and in New South Wales it is 66 per cent. Whilst this has been a national problem, there has been a reduction of around 3 per cent across Australia in the past year. It is 5 per cent in South Australia, coming off that higher figure of 80.5 per cent in 1993. So, it is a shared national problem. In the discussions we have had recently with Ministers around the nation as to the potential reasons for declining retention rates, a number of reasons were proffered by Ministers, both Labor and Liberal. The most obvious one is the improved job prospects for young people in Australia at the moment.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The reason in South Australia and nationally is the improved job prospects. When the Labor Government was in office the youth unemployment rate for 15 to 19 year olds was 42 per cent. From recollection, the most recent figures are under 30 per cent. In the very short time of this Government there has been a significant improvement in terms of young people obtaining jobs. Even the Leader of the Opposition would understand that one of the reasons why almost 90 per cent of people were staying on to year 12 was that a good number of them decided to stay on at school because they could not obtain a job out in the economy—it was as simple as that. They were the type of young people, who, for a whole variety of reasons, might have entered a trade, done an apprenticeship or a traineeship, or gone direct from year 10 and taken up employment.

The Hon. L.H. Davis: Do you think she would understand that?

The Hon. R.I. LUCAS: The honourable member obviously is not strong on economic or business matters, but most observers would recognise that many young people who were staying on were doing so because they did not have that other option of taking up a traineeship or apprenticeship or obtaining a job in the community. The second reason—certainly this year if one looks at this year's figures, and last year's figures as well—is an increase in positions, both in universities and in TAFE institutes, in terms of further study that young people may want to undertake. If, for example, TAFE is expanding its offerings, it may well be that some young people are choosing to go down an alternative pathway through the TAFE institutes as well.

The third issue, which might be peculiarly local—although some of the other States, I believe, might have had similar experiences—is that there has been a view in South Australia that the introduction of the South Australian Certificate of Education, with its increasing rigour at year 11 in particular, has meant that a number of young people have begun year 11 and then decided that it is all too hard for them and left school because year 11 is too difficult from their viewpoint. If the honourable member is able to discuss this issue with principals and teachers from, in particular, the northern suburbs, the Iron Triangle, some of the western suburb areas and the southern suburbs, she will know that principals are concerned that one of the problems they have experienced over the past couple of years is the turn-off rate of young people in year 11 because they think that year 11, or the SACE, is too hard for them and is not the option.

However, at this stage that is anecdotal; nothing formally has been presented in relation to that. Through the Senior Secondary Assessment Board of South Australia there is to be a review either later this year or next year of some or all aspects of the South Australian Certificate of Education, and it would be my understanding that this would be one of the very many issues that may well be reviewed in terms of secondary schooling. The linkage is also with TAFE, and the courses to be offered with TAFE will need to be explored, particularly the role of schemes such as the Australian Vocational Traineeship Scheme (AVTS).

So the Department for Education and Children's Services is aware of these issues. Whilst there is not a specifically designated research program going on, a number of officers are considering these issues and providing both the Chief Executive Officer and me with advice. As I said, when the Senior Secondary Assessment Board reviews the introduction of the South Australian Certificate, I am sure it will be considering this issue as well.

The Hon. CAROLYN PICKLES: I have a supplementary question. When the Minister has received completed detailed advice will he be prepared to make public the results?

The Hon. R.I. LUCAS: At this stage I am not going to receive a formal prepared research paper or documented paper. If at some stage I do so, I will certainly be prepared to share that information with the honourable member and with others.

BLOOD TESTING KITS

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about the judgment in the Walshaw drink driving case.

Leave granted.

The Hon. R.R. ROBERTS: Members would be aware of the failure of the Minister for Transport last year for one reason or another to adequately approve blood test kits supplied to drivers whose breath analysis indicated a prescribed level of alcohol concentration. This failure led to the dismissal of the case against Mr Trevor Shane Walshaw in the Port Pirie Magistrates Court on 21 December 1994 because the blood test kit with which he had been supplied by the police had not been officially approved. I have been contacted by a number of drivers and their legal representatives, including representatives from the Royal Automobile Association, who are concerned at the ramifications of this case, and many of them have indicated that they are preparing appeals against convictions based on the Walshaw precedent.

However, many of those who have contacted my office have expressed concern that they are being stymied in their attempts to prepare their appeals because of the decision by the Government not to release copies of the judgment in the Walshaw case. In fact, I am informed that Mr Walshaw's own barrister has been unable to obtain a copy of the judgment in this case. I am sure members assembled, especially those from the legal fraternity, would be most concerned if failure to access what one would have expected to be public property was to jeopardise a citizen's right under the law, or that failure of access meant failure of justice because of some statute of limitations. My questions are:

1. Can the Attorney-General explain why copies of the judgment in this case are being withheld from interested parties?

2. Will he make a copy of the judgment available to me so that I can forward it to my many interested constituents and their legal representatives?

3. Can the Attorney-General assure this Council that no constituent will be denied proper justice because proper access to the Walshaw decision by legal counsel for some reason or another has been denied?

The Hon. K.T. GRIFFIN: I am not aware of the difficulties to which the honourable member has referred. However, I should make clear that the judgment is not under the control of the Government, or the Attorney-General for that matter. The courts are administered by the Courts Administration Authority, established by Act of this Parliament which was introduced by the previous Attorney-General, the Hon. Mr Sumner. We gave general support to it from Opposition but sought changes to it. However, the essence of that legislation is that the Courts Administration Authority has the responsibility for the administration of the courts, including the provision of both transcripts and judgments. It is a very clear provision of the Courts Administration Authority Act that the Government cannot give directions to that authority: all that can happen is that I can request information. As Attorney-General I am required to approve the annual budget. In preparing that budget I can require the provision of information, but I cannot give the authority a direction in all but a limited number of areas, and even then by public notice.

So, it should be very clearly understood that it is not the Government—it is not the Attorney-General or any other officer of Government—blocking the availability of the judgment. In fact, I do not even know that the Courts Administration Authority is blocking the availability of the judgment. It is a fairly emotive description of apparently some inability to gain access to the judgment, but it may not actually accord with the facts. I will ask the Courts Administration Authority to let me know what is the position with respect to that judgment and I will bring back a reply.

With respect to the second question about whether I will make a copy of the judgment available to the honourable member, I do not have a copy of the judgment that I am aware of. There may be one in the Crown Solicitor's Office. Again, I will make some inquiries about that and—

The Hon. R.R. Roberts: If you can't get one, nobody can.

The Hon. K.T. GRIFFIN: Maybe that's the case. I do not know what is the position. I have not made inquiries. I was not aware that the honourable member was going to ask the question, but I will make some inquiries about it. In respect of the third—

The Hon. R.R. Roberts: Even the barrister in the case has been denied a copy.

The Hon. K.T. GRIFFIN: It's a pretty emotive statement to say 'denied'. There may be some simple administrative reason why access or the opportunity has not been given. I do not know, and I am not going to stand here and agree with the honourable member's emotive description of what may or may not have happened with the judgment until I find out the facts—and that is what I will do: I will find out the facts and bring back a reply.

With respect to the third question, I cannot, without knowing all the facts, give a 'Yes' or 'No' answer to that. But, again, I will take some advice on it, obtain information about the facts and bring back a reply.

NATIVE VEGETATION

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about vegetation clearance in the South-East.

Leave granted.

The Hon. T.G. ROBERTS: Again I quote an article out of the widely read, widely respected *South-Eastern Times* of Thursday 25 May, alongside a caricature of a well-respected previous member of this House, Mr Ren DeGaris. Under the headline, 'Greenways' residents fail to save native trees', the article states:

> Greenways' residents have failed in their petition to save all 2 700 native trees on an 850 hectare (2 100 acres) grazing property at Reedy Creek. A major portion of the property will now become a pine plantation which could have far reaching political ramifications.

An honourable member interjecting:

The Hon. T.G. ROBERTS: They are the journalist's words, not mine. It continues:

> Local landholders had petitioned the Native Vegetation Council (NVC) earlier this year to prevent the Department of Primary Industries (DPI) from clearing the trees on the property near the Reedy Creek Conservation Park, north of the Kangaroo Inn Area School.

For those people who know the area, it is a very lovely part of the State. The article continues:

> Following a recent decision by the NVC, it was announced yesterday the area will be the focus of a major revegetation program with 230 hectares to be planted with local species and the existing large gum trees being retained. The remaining 620 hectares will be cleared for pine planting with both projects expected to be completed in the next two years. . . The DPI purchased the property containing manna gums and stringy barks in September last year and had lodged an application with the NVC to clear a portion of it for the purposes of planting a pine plantation.

The article describes the fact that the residents were not successful in being able to save the trees and the intentions of the department are, as the article states, to clear a large portion of the property that is clear fell and plant with pine trees in a monoculture and to revegetate the remnant areas of the 230 hectares that will be left. Local landholders are upset about the decision in that they were competing on the open market in terms of putting in bids for that property and they would have retained the local grazing rights, which is the traditional form of use for properties in that area and would not have been sowing down to pines. The problem that the South-East has is that there is competition for land use between agriculture, horticulture and now viticulture and it is appropriate that the Government has a land management plan and that the needs and views of the local residents are taken into consideration when allocations, particularly those that go against the proposed purpose of the Native Vegetation Clearance Act, are put in place by a Government department. My questions to the Minister are:

1. Did the Government look at other more appropriate parcels of land in the South East that may have been more appropriate for the departmental needs, that is, areas of land that had already been cleared (and there are plenty of them in the South-East)?

2. Are there any other parcels of land the department is considering for similar projects?

3. Does the Government believe that the clearance of 1 800 trees of significant ecological value by the Government could send inappropriate signals to the rest of the community and do damage to the Premier's green image?

The Hon. K.T. GRIFFIN: I will refer that question to my colleague the Minister for Primary Industries and bring back a reply.

WATER PLAN

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question about the State water plan.

Leave granted.

The Hon. SANDRA KANCK: In October last year a consultation program on water planning was launched by the South Australian Water Resources Council. A document entitled 'Discussion Papers on Water Resource Management Issues and Their Implications' was circulated as the focal point for consultation. This document states near the beginning that:

> The Government's vision for water is that South Australians recognise water as a most precious resource and that, through innovation and best practice in its management and use, water will sustain healthy ecosystems and South Australia's development opportunities.

With this stated commitment by the Government to a healthy aquatic environment it seemed odd that the environment stakeholder group was lumped in with the recreation stakeholder group. I point out that current international best practice for water management is based around public consultation, local decision making and integration of water management. This is the reverse of what the Government is doing with the privatisation of Adelaide's water and waste water systems. My questions to the Minister are:

1. What part has the Minister and his department played in the formulation of the discussion paper?

2. Did the Minister provide a list of stakeholders for the discussion paper to be sent to? If so, who was included on the list of stakeholders and what criteria did the Minister use for inclusion on this list?

3. How does privatising the management of Adelaide's water and waste water systems fit in with the principles of public consultation, local decision making and integration of water management in world's best practice water management?

4. How will the successful tenderer for Adelaide's water and waste water systems be directed to develop Adelaide's urban run-off and effluent resource?

5. Will the successful tenderer for Adelaide's water and sewage systems be directed by way of their contract with the South Australian Government to comply with the South Australian water plan? If not, how does the Minister expect the tenderer to play its part in achieving the aims of the South Australian water plan?

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

BUSES, ALDINGA SERVICE

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport a question about bus services.

Leave granted.

The Hon. G. WEATHERILL: Unlike the newspaper referred to by Hon. Terry Roberts, the *Southern Times* is

probably not as widely read; but the Mayor of Aldinga, who also looks after the Sellicks Beach area, is quite upset about the isolated Aldinga and Sellicks Beach residents who are cut off from the rest of Adelaide due to the inadequate public transport service being ignored by the State Government and the bureaucracy. No public bus service is available at night time, weekends or on public holidays for about 6 000 residents in this area. The Government has contracted a company which has volunteers to work and operate just on weekends in the Sellicks Beach and Aldinga region. Also, a very large number of young employed people in that area have to come into the city at different times to try to get employment. With that sort of service, they find it extremely difficult. My question to the Minister is: what will the Minister do in reference to this major problem in the south?

The Hon. DIANA LAIDLAW: I acknowledge the problem, and I acknowledge the concern of the residents, the Mayor and the local member. It is a problem that has been longstanding. I suspect the same issues were raised with the former Minister for Transport.

Members interjecting:

The Hon. DIANA LAIDLAW: Well, it's true. Sellicks—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Yes, well the former Government was there for 11 years and did nothing. It is extraordinary how much we are expected to do in 18 months to rectify all the things you failed to do, and in relation to those things that you did do we have to unravel the mess. So, I would be silent if I were you.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes, well, roller blades, that working party was set up by the former Minister, too. So, I would be quiet if I were you and not embarrass yourself further by displaying no knowledge of the facts. As I said, this problem has been addressed by a former Minister; she did nothing about it. The local people are well aware that, in terms of extended services, this Government has done an extraordinary amount in both the northern and the north-east suburbs. Those new services, including the Athelstone service—while there are some time delays—are a healthy addition to our public transport network. What we are doing now is looking for further cost savings in this system through the contracting of services. It has always been indicated that, when those cost savings have been found, additional services will be provided.

There is no question that the Aldinga/Sellicks Beach/Willunga area is an important one. Improvements to passenger transport in this area and elsewhere in Adelaide will, I repeat, depend on the success of the Government's passenger transport reforms and the cost savings that will flow. Honourable members may be aware that the outer north and the outer south have already been put out to tender. The closing date for tenders was Monday, 3 p.m. There have been four tenders with respect to the outer south and five with respect to the outer north. Those tenders are now being evaluated by an independent panel. The evaluation committee is headed by Mr Tom Sheridan, the former Auditor-General. Those measures, endorsed by this Parliament with the passage of the Passenger Transport Bill, will see cost savings, and those cost savings will for the first time in years allow us more flexibility in terms of provision of subsidies for services in outlying areas. Frequency of services is also an issue for many people, and so are the weekend and night time services, Hon. Ron Roberts, which were cut back by your Government in 1992.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: It has been a problem since they moved there because your Government didn't provide it. I have outlined the plan by which funds will be found in the future for such services. The main issue is whether this will be a subsidised service and, because of the low population and the distance, it is very expensive for commercial operators, or indeed for TransAdelaide, to provide cost effective services. TransAdelaide cannot provide them because under its charter it does not operate further south than the Noarlunga area, and this region is beyond its scope. Under arrangements that have stood for much longer than I have been Minister, TransAdelaide (or the STA) has never operated in that area. The issue is providing subsidies for such transport services. Those subsidies are impossible to find at this stage until we have effected savings through competitive tendering—and I have no doubt that those savings will be forthcoming.

OLD PARLIAMENT HOUSE

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister for the Arts a question about Old Parliament House.

Leave granted.

The Hon. ANNE LEVY: Many people have expressed to me their dismay and outrage that the Old Parliament House Museum is to close. They have sent me copies of letters that they have written to the *Advertiser*, many of which have not as yet been published. The Old Parliament House Museum is an Australian first. It presents the history of Adelaide and our political history for anyone to see. I am sure that the Minister is aware that Sydney has just opened the Museum of Sydney; the Museum of Victoria is opening a major exhibition on the history of Melbourne—this will be a permanent display; and the Western Australian Museum is to open an exhibition on the history of Perth, likewise a permanent exhibition. These displays have all been modelled on the history of Adelaide as shown in the exhibition 'A Tale of One City' in Old Parliament House yet, thanks to the Minister, we are to lose our historical exhibition and slip backwards.

More than one-third of Old Parliament House visitors are from overseas and interstate. It is a major tourist attraction. The audio-visual tape, which is part of the historical display, is in both English and Japanese, thus catering for the Japanese tourist market. I understand that virtually every Japanese person who comes to Adelaide visits Old Parliament House because their own language is catered for. I understand that a German version was also planned to be introduced later this year, but all these intelligent attractions for a tourist market, which I thought we were trying to develop, will now be closed.

I understand that the Minister has said that the displays on the history of Adelaide will go to the Adelaide City Council, but I also understand that the council was not consulted at all before the Minister made her shattering announcement. Further, the Minister wrote to the newspaper to say that public access to the historic parts of Old Parliament House would continue. As the whole building is historic, there are queries as to how this is compatible with offices and committee rooms being set up there, given the security that must obviously apply as it does in this building. It is not only the old House of Assembly Chamber which is historic; on the

ground floor is the original Legislative Council area, which dates from 1843.

The Minister also said in the *Advertiser* that the education service of Parliament House will cater for community and educational organisations and the general public. This was stated in her letter to the newspaper. Currently, there is only one education officer in Parliament House, who is only half time for Parliament House and who barely has time to cater for the school parties who visit this building, and certainly no time to assist other groups who may want to visit this building or Old Parliament House. Furthermore, her salary is paid by the Education Department, I am sure because of the tremendous educational services she provides for the school children who visit here, but I very much doubt whether the Hon. Mr Lucas would feel any obligation to pay for services to be provided for community groups and the public in this or Old Parliament House. My questions are:

1. Will the Minister confirm that the exhibition on the City of Adelaide and the famous Duryea Panorama will be displayed and still made available to the public and, if so, where?

2. Will the exhibition of artefacts from the old Queens Theatre, currently displayed in Old Parliament House as part of the State's history, still be made available for the public to see and, if so, where?

3. Will the Minister provide funds to expand the services offered by the current half-time education officer in this building so that, as well as school children, the general public and community groups can be catered for? If not, how can she possibly say that the general public will receive information and educational tours of Old Parliament House?

4. Where is Speaker's Corner to be relocated, and will its very innovative and welcome practice be continued after its current bookings have been met, as I understand that staff have been instructed to accept no new bookings for Speaker's Corner?

The Hon. DIANA LAIDLAW: I thank the honourable member for her question; I am just sorry to hear that she is so ill informed on so many matters. I will seek to enlighten her regarding the Adelaide City Council. Both the Lord Mayor, to whom I have spoken, and the Chair of the Finance Committee, Councillor Jim Crawford, have indicated that a handsome sum of money, more money than we have seen in the past, is available to enable the Adelaide City Council to participate in the display of the history of Adelaide. As South Australia was the first to provide such an exhibition on Adelaide's heritage and history, we will be doing bigger and better things in the future.

The Hon. Anne Levy: Where?

The Hon. DIANA LAIDLAW: I am answering your questions. In terms of the panorama—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —the honourable member may not be aware that if the display is continued a considerable amount of money will need to be found for it, as it is at the end of its life. In terms of the artefacts, I have given an undertaking—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —to the History Trust, and it is well aware—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: There is nothing outrageous about this; in fact, it has been very well considered and many benefits will arise. The artefacts will continue to be exhibited. In terms of the arts portfolio, they are deemed to be extremely important. The Queens Theatre, of course, was the first theatre in Australia and is to be celebrated again at the next festival. Negotiations are taking place in respect of the education facilities and services provided by this Parliament. I understand that the current plan is that the education officer will be housed in the original library in Old Parliament House and that that same area will be used for groups and others to see not only the exhibition about Old Parliament House and the importance of that building but also the general site.

Members will be aware that the current arrangement of school groups using the Centre Hall since the decision was reached to close the specific House of Assembly and Legislative Council entrances has been a real mess. It is inconvenient for anybody, including the education officer, to speak to groups in that crowded place, for the messengers and attendants to operate and generally for members and Ministers to receive guests and to meet appointments. This arrangement will satisfy everybody. There are ongoing discussions on a variety of matters. Those, I anticipate, will be concluded shortly.

In terms of accusations that I am a Philistine, I can assure the honourable—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: I have indicated that some discussions are being conducted and that they will be realised shortly. In respect of—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: It is fixed. The education services will go to that area and therefore—

Members interjecting:

The PRESIDENT: Order! The honourable member had a chance to ask her question.

The Hon. Anne Levy: I did, but she will not answer it.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I have answered it. I said that the education services will be relocated. They will be addressing the groups that cannot be comfortably located and are not receiving a satisfactory service here now because of the cramped meeting arrangements within Central Hall.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It is quite clear that the Hon. Ms Levy does not take any school groups around, because she would understand the difficulties—

The Hon. Anne Levy: I do.

The Hon. DIANA LAIDLAW: —that the education officer and all other members are encountering.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: In respect of Speaker's Corner I sent a press release out to all members, including the Hon. Ms Levy. That press release states quite specifically that old Speaker's Corner, which is an institution in its own right, will be continued. I take some exception to the claim that I am uncaring and the like in respect of this. I claim some credit in terms of setting up the History Trust. I was working as ministerial officer for the Hon. Murray Hill, who is now a member of the History Trust board, at the time the History Trust was—

Members interjecting:

The Hon. DIANA LAIDLAW: The Hon. Ms Levy appointed him. You ask the Hon. Ms Levy how much he got

paid, if you are accusing me of being paid. You have foot in mouth disease, because you speak before you think and you certainly speak without knowledge. He was appointed to that position for good reason by the Hon. Ms Levy, and he has served the trust well. His appointment is not due for some time.

Members interjecting:

The PRESIDENT: Order! There is far too much background noise.

The Hon. DIANA LAIDLAW: I have great interest in history and heritage and in the future of the History Trust, and I can assure members that matters that will be in the interests of the History Trust will be concluded shortly.

The Hon. CAROLYN PICKLES: As a supplementary question, why were all members of Parliament and officers of the Parliament not consulted about the proposal to extend Parliament House facilities into Old Parliament House, as has been the custom with all previous planning proposals on Parliament House?

The Hon. DIANA LAIDLAW: I considered that, in terms of speaking to the History Trust, which was meeting as a board that day, and when outlining various plans it was appropriate to tell the staff first about the outcome of those discussions. The staff were told that day. They were told that their jobs would no longer exist in respect of the exhibition program. I considered it extremely important that they should be advised. At the time they were advised that there should be a public statement, and that explains the timing.

EWS OUTSOURCING

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister for Infrastructure a question about service obligations with regard to water.

Leave granted.

The Hon. T.G. CAMERON: Community service obligations undertaken by the EWS cost about $25 million annually and include free water for the Adelaide city parklands, acid neutralisation at the Brukunga mine site, desnagging the Murray River, contributions for Aboriginal community water supplies and the management of the Murray-Darling Basin Commission. Will the Minister give an assurance that community service obligations now financed by the EWS from internal sources will continue after outsourcing?

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

PATAWALONGA

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Housing and Urban Development a question about the Patawalonga development.

Leave granted.

The Hon. M.J. ELLIOTT: The Minister for Housing, Urban Development and Local Government Relations yesterday announced that he has been informed he may have to spend $1 million on shadecloth to keep birds away from sludge that is to be dredged from the Patawalonga. The Federal Airports Corporation has expressed grave concern about the number of birds that will be attracted to the sludge and flying off it, and considers that it will be a serious danger to aircraft.

The Hon. T.G. Roberts: Highly dangerous for the birds, too.

The Hon. M.J. ELLIOTT: Yes, not too good for the birds, either. On a number of occasions the Minister has been urged to carry out an environmental impact assessment in relation to the Patawalonga development. He has repeatedly stated that an environmental impact assessment was not necessary because it had already been carried out in relation to the previous Jubilee Point project, although there were substantial differences between the two projects. The fact that such an assessment has not been carried out apparently means that there will be delays. The soil cannot be dumped onto the Federal Airports Corporation land until a solution has been found to the possible bird problem.

As I understand it, not only does the Minister face spending $1 million of Better Cities money putting shadecloth over the sludge but, in fact, the whole $11 million of Better Cities money may be put at risk. The Federal Minister (Mr Howe) who is in charge of the Better Cities Program has publicly, on a number of occasions, said that the Commonwealth funds will be available only when a total catchment management plan is in place and the necessary environmental assessments are completed. It is worth noting that there is not a total catchment management plan in place; in fact, the committee itself has just been formed. The Government currently has a proposal to run the Sturt Creek directly out to sea. Neither that nor any other changes in relation to the whole catchment have been subject to any environmental impact assessment.

Also, it is worth noting that a dredge has been on site for at least six weeks. In fact, the dredge was brought in before approval was granted for the dumping of sludge on to the Federal Airports land and, as I understand it, they are paying $4 000 a day for that dredge to sit there. It has already cost the Government $170 000, which equates to the cost of four or five school teachers if you want to make comparisons—

The Hon. T.G. Roberts: Haven't they gone home to Queensland?

The Hon. M.J. ELLIOTT: The operators have but the dredge is still sitting there, and it appears that it will be sitting there for a considerably longer period. In the light of that information, I ask again: when will the Minister agree to carry out a proper environmental impact assessment of the whole project?

The Hon. DIANA LAIDLAW: I will refer that question to the Minister and bring back a reply.

TRAFFIC CONTROL

The Hon. T. CROTHERS: I seek leave to make a brief explanation before asking the Minister for Transport a question about monitored traffic control.

Leave granted.

The Hon. T. CROTHERS: I could possibly direct this question to more than one Government Minister, but having witnessed the due diligence of the Minister for Transport in this Chamber I have decided to direct my questions to her, in the eternal hope that I will get an answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: This morning I happened to be in a location about 100 metres from the intersection of Newton and Montacute Roads in the city of Campbelltown.

The Hon. R.I. Lucas: Travelling which way?

The Hon. T. CROTHERS: Travelling too fast obviously for your dumb mind to pick up. Mr President, it was 8.30 a.m. and at that time of the day Newton Road, which is a major interconnecting road for Adelaide's north-eastern suburbs, carries an inordinate volume of vehicular traffic. I noticed that the traffic from the position in which I was standing was banked up for about one kilometre from the traffic lights at the corner of Newton and Montacute Roads. Notwithstanding the fact that the volume of traffic on any weekday is high, the road at this time was absolutely chaotic. A closer look by me revealed that a truck—probably a local council truck—had blocked off the inside lane for about 50 metres from the lights on Newton Road, thus effectively reducing Newton Road to a single lane highway.

I believe that the truck was from the local council because that body has been resurfacing the footpath on that side of Newton Road. The traffic continued to bank up on that side of Newton Road and, when I left the scene at about 8.43 a.m., it was banked up further than I could see with the naked eye. I could not even begin to express an opinion as to how many motorists were late for work as a consequence of this matter, even if I was allowed to do so. However, it does show some thoughtlessness or lack of care by the people responsible for blocking off the laneway at that time of the day. I am sure many members have been as concerned as I have from time to time when they have seen new roads being laid only to witness some one or two weeks later the same new surface being dug up to install some pipe or manhole cover in the surface of the new road. My questions are:

1. Is the Minister prepared to use her good offices in the interest of better road use to convene whatever meetings are necessary of the various authorities involved, including local government, so as to ensure that events such as I have described, in the interests of all South Australians who use our roads, are not allowed to happen? Even those members who are liberal of thought in this matter must agree that, emergencies accepted, no-one should be allowed to close off half a busy road before 9 a.m. or after 4 p.m.

2. If her ministerial authority does not extend far enough to fully undertake the issues raised in my first question, would the Minister give this Council a guarantee to raise the matters to which I have referred in Cabinet with a view to that body considering the matter and endeavouring to bring down certain standards of behaviour in this State so as to prevent those matters which occur unfortunately all too often from occurring again?

The Hon. DIANA LAIDLAW: It is a policy of the Department of Transport to begin roadworks at any given morning—generally five days a week—by 9 a.m. and finish by 4 p.m. Weekend work is being encouraged on more occasions following various enterprise agreements which have affected the costs of weekend work. The reason why the department has moved to 9 a.m. to 4 p.m. is to address the concerns outlined by the honourable member, and they are real concerns when you are seeking to reach a destination within reasonable time. Sometimes it is not possible for the department to completely fulfil the 9 a.m. to 4 p.m. schedule for a variety of reasons. I know there is one road in the southern suburbs on which work begins at 8 o'clock simply to get it finished for a specific purpose, and the understanding of local people has been sought for that earlier start.

I am not sure of the policy of councils, but I will undertake, both through the LGA and an advisory group that is established within the Department of Transport, to liaise with local governments so that we can see if they can also apply these more reasonable hours in terms of roadworks. In terms of the specific instance to which the honourable member has referred, I will make contact this afternoon with the Campbelltown council to see whether, if it is continuing to work in that area, it could oblige so that the honourable member and other motorists do not have such a bad start to the morning tomorrow morning.

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

In reply to **Hon. R.R. ROBERTS** (30 May).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response.

A proclamation was issued on 25 May 1995 by Her Excellency the Governor bringing the Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Bill 1995 into operation on 25 May 1995 and suspending the operation of certain sections of the Act until further proclamation(s). The proclamation was published in the *Government Gazette* on 25 May 1995 at page 2 200.

EWS RESTRUCTURING

In reply to **Hon. T. CROTHERS** (5 April).

The Hon. R.I. LUCAS: The Minister for Infrastructure has provided the following response.

Before responding to the specific questions asked, I must stress once again that the EWS is not being privatised. This has been stated, many, many times.

The Government will be entering a contract for service in respect only of the metropolitan area for operations and maintenance of water and wastewater treatment plants and the respective networks of water distribution and sewage collection mains.

The Government will continue to own all assets and continue to set the prices charged to customers for the provision of potable water and the collection and treatment of sewage.

1. Yes.

2. South Australians have been kept very well informed about the outsourcing project through parliamentary statements, press releases, media interviews and briefings of private sector firms operating in the water industry.

Despite these efforts, there is still a considerable amount of misinformation being purveyed, not the least of which are the continual references to privatisation which must be regarded as deliberate misrepresentation in view of the facts and many statements to the contrary.

3. Yes.

4. The outsourcing contract which, in fact, is no more than a large contract to provide operational services, will not involve State water planning. Research and development into SA's future potable water needs will continue to be the responsibility of the EWS supported by the water planning work of the South Australian Water Resources Council and the Department of Environment and Natural Resources.

5. The outsourcing contract will produce significant savings in the costs of operations. As indicated in the House of Assembly on 15 February 1995, those cost savings can be passed on to consumers as has been done with electricity and the current water pricing structure. An important aim will be to reduce the cross subsidies which penalise small and medium sized businesses in favour of residences so that SA industry can be more competitive.

6. This issue will not arise because:

- the EWS is not being privatised; and
- the Government has no intention of abdicating its responsibility for determining the prices that the community will pay for water and wastewater.

7. The answer to Question 5 also answers this question.

PAYROLL TAX

In reply to **Hon. T. CROTHERS** (8 March).

The Hon. R.I. LUCAS: The Treasurer and the Minister for Industrial Affairs have provided the following response.

1. Liability to pay-roll tax is not a large issue relating to the operation of restaurants in South Australia as generally the number of full time equivalent workers engaged by what are essentially small businesses are such that the wages paid or payable do not exceed the liability threshold level of $456 000 per annum.

2. The operation of the Workers Rehabilitation and Compensation Act 1986 provides that where such a person, despite the employer's failure to pay a levy, is a worker under the Act and the worker suffers a compensable disability, the Act will provide the full range of treatment, rehabilitation and income maintenance services. This is proper in that an employee should not suffer from the employer's negligence.

Where a claim of this sort is received and the corporation detects that the employer has failed to pay a levy in respect of the worker, sections 69 and 70 of the Act contain powers for the corporation to examine the employer's return and to impose penalties for any false or misleading information it may contain. The corporation acts on all reports it receives of under-payment of levies.

In terms of the issue of cash wages in the hospitality industry, the WorkCover Fraud Prevention Department is already aware of the problem and has been conducting extensive inquiries for some months. More than twenty employers have been investigated in detail so far, and in each case where an employer has been found to be paying undeclared remuneration, the corporation's levies department conducts an audit of the employer's records and takes action to ensure that the appropriate levies are being paid. In many cases, this will include the payment of back-levies and penalties. A number of prosecutions have also been initiated.

The problem faced by WorkCover is obtaining information with which it can focus its investigations. Attempts to establish a formal liaison with the Taxation Office have been foiled by the Commonwealth Privacy Act, although the corporation is continuing its efforts in this respect. At present, the corporation is limited to monitoring tax-evasion cases in the Magistrates Courts, receiving information from the public and acting on disability claims received from persons employed by unregistered or defaulting employers.

3. As noted in the reply to question 2, the compensation fund will cover all costs incurred when a person who is a worker under the Act suffers a compensable disability. There is no question of the State's taxpayers having to cover such costs

4. If some South Australian employers in the hospitality industry are evading the payment of WorkCover levies by under-declaring the remuneration paid, then it is correct that all bona fide employers are being penalised in the sense that the compensation fund, to which they all contribute levies, is covering costs incurred for which no contribution has been paid. The Government is sure that the vast majority of employers are doing the right thing with respect to their WorkCover levies, but the corporation is constantly on the alert for those few who may seek to evade their full responsibilities. I would once again emphasise that South Australian taxpayers are in no way required to cover the costs of work-related injuries.

A close liaison is maintained between the Australian Taxation Office and the State Taxation Office. The outcomes of the Australian Taxation Office investigation will be closely monitored to ensure that any pay-roll tax liabilities that are uncovered in the course of the investigation are followed up and the relevant tax collected.

SOUTH AUSTRALIAN ASSET MANAGEMENT CORPORATION

In reply to **Hon. T. CROTHERS** (4 April).

The Hon. R.I. LUCAS: The Treasurer has provided the following response.

I can confirm that Mr Andrew Woods was not sacked by SAAMC as alleged by various parties inside and outside of Parliament. Mr Woods left SAAMC at the end of February as part of the overall rationalisation of SAAMC's operations. As SAAMC successfully disposes of the residual assets and liabilities of the old State Bank, there will be a necessary reduction in staff resource requirements. All staff will be retrenched as appropriate under a previously agreed retrenchment and redundancy policy. Mr Woods received all his rights and entitlements under this policy and left with the best wishes of SAAMC management.

I can also confirm that Finlaysons were not dismissed as legal counsel to SAAMC in relation to Collinsville, nor have they been dismissed as legal counsel to SAAMC in general.

The facts are that given the problems experienced when Mr Wickham failed to adhere to the specific terms of the contract for the sale of Collinsville and made threats of legal action, SAAMC sought independent legal advice on the contract. Advice from a litigation specialist from another firm in order to protect SAAMC and respond to Wickham, is a normal, prudent strategy to adopt in such circumstances. Two important issues should be noted:

1. The independent advice confirmed that SAAMC's interpretation of the relevant disputed clauses in the contract drafted by Finlaysons were correct and that Finlaysons had drafted a legal, enforceable contract subject to specific conditions being met. This fact allowed the contract to be ultimately terminated when such conditions were not met.

2. Finlaysons continued to provide SAAMC commercial legal advice in tender documents relating to the Collinsville sale subsequent to the dispute over the Wickham contract.

SAAMC continues to utilise the services of the Finlaysons legal firm in other matters.

BALANCE OF PAYMENTS

In reply to **Hon. T. CROTHERS** (21 March).

The Hon. R.I. LUCAS: The Minister for Industry, Manufacturing, Small Business and Regional Development has provided the following response.

1. I believe that the States have a role to play in this endeavour. Export growth from South Australia will help to redress any adverse aspects of Australia's external accounts.

2. The Industry, Technology and Regional Development Council is acting on various issues to ensure that export opportunities are maximised. Among issues to be considered at the next meeting of the Council are the implementation of AusIndustry development programs to the States and Territories and progress on the APEC Bogor Declaration on trade liberalisation, trade facilitation and economic cooperation.

3. This Government is addressing the issue of industry clusters and the role they can play is underpinning a competitive industry structure and sustainable export growth for South Australia.

4. This question has been answered by the preceding response.

RADIOACTIVE MATERIAL

In reply to **Hon M.J. ELLIOTT** (6 April).

The Hon. R.I. LUCAS: The Premier has provided the following response.

The honourable member's questions assume that the letter signed by the honourable Minister for Housing Urban Development and Local Government Relations on 20 February 1995 amounted to an approval by the South Australian Government for the transfer of radioactive waste from St Marys, Sydney, to Woomera. That is an entirely false assumption. The letter was sent after the Minister's department had been asked for advice from the Commonwealth Environment Protection Authority about South Australian conditions which may apply to the transfer of the waste. The Minister's response was an interpretation of the law, which was all that had been asked for.

TORRENS BUILDING

In reply to **Hon. ANNE LEVY** (11 April).

The Hon. R.I. LUCAS: The Premier has provided the following response.

The Premier has had discussions with the honourable Minister for Industrial Affairs, the honourable Minister for Family and Community Services and members of the Torrens Building Relocation Committee about suitable arrangements to enable this project to proceed. The Government is awaiting a response from the community groups involved.

RACISM

In reply to **Hon. M.S. FELEPPA** (5 April).

The Hon. R.I. LUCAS: The Premier has provided the following response.

The honourable the Treasurer gave a full account of this matter to the House of Assembly on 5 April 1995. There is no need for any further action.

MINISTERIAL RESPONSIBILITY AND CONDUCT

In reply to **Hon. R.R. ROBERTS** (6 April).

The Hon. R.I. LUCAS: The Premier has provided the following response.

The Premier has been advised that the letter tabled by the honourable member does not accurately reflect the context of the meeting.

UNCLAIMED MONEYS

In reply to **Hon. R.D. LAWSON** (11 April).

The Hon. R.I. LUCAS: My colleague the Treasurer has provided the following response.

1. The cost of publishing supplementary *Gazette* No. 40 was $8 650.

2. These costs have been charged in full to Santos Limited.

3. The Unclaimed Moneys Act is currently under review. The review will cover all facets of unclaimed moneys administration, including the arrangements relating to advertising of amounts unclaimed.

COLLINSVILLE MERINO STUD

In reply to **Hon. R.R. ROBERTS** (11 April).

The Hon. R.I. LUCAS: My colleague the Treasurer has provided the following response.

I can confirm that as the legal owner (via various subsidiaries) and mortgagor of the Collinsville properties, SAAMC is aware of all legal encumbrances on its properties.

As part of the tender process implemented for the sale a Form 18 was prepared in the normal manner outlining details of land offered for sale. The Form 18 was prepared following searches of all titles in December 1994.

On 3 April 1995 SAAMC signed an option agreement with Elders which, under certain circumstances including that it was not sold by 30 April 1995, could have resulted in Collinsville being sold to Elders on 3 July 1995.

On 6 April Mr Phillip Wickham lodged caveats on various Collinsville land titles.

SAAMC does not consider that Mr Wickham has any interest in the Collinsville land and is taking standard legal steps to remove the caveats to enable SAAMC to settle the sale of Collinsville in the normal manner.

RADIOACTIVE MATERIAL

In reply to **Hon. T.G. ROBERTS** (6 April).

The Hon. R.I. LUCAS: The Premier has provided the following response.

1. The question should be put to the Federal Government. It is the Federal Government which, on the one hand, proposes World Heritage Listing for the Lake Eyre region and on the other, has stored radioactive waste on the edge of the region.

2. No.

CHILD CARE

In reply to **Hon. CAROLYN PICKLES** (7 April).

The Hon. R.I. LUCAS: In response to the honourable Member's question on 7 April, 1995 in relation to a report from the Department for Education and Children's Services regarding the cost impact of changes to proposed regulations, I provide further information.

I have recently received a draft copy of that report provided by Coopers & Lybrand. On receipt of the final report I am happy to make the results of it public.

The report has reached conclusions derived solely from information contained in responses to a survey which was conducted by Coopers Lybrand, issued to a selected sample of child care centres.

Approximately 70 centres were surveyed. The sample was selected to ensure an adequate mix of different types of community managed and private sector centres. An industry reference group was involved in advising the consultant.

Key features of the results include indications that the majority of existing centres are unable to vary their space to meet the new requirements. This was something which had been anticipated and which could be accommodated with 'grandparent' provisions in the legislation.

There are some concerns raised by centres about additional costs which would be brought about by changes to staff mix and increased qualified staff. A number of centres in the sample stated that there would be little or no increased costs.

This Government is mindful of the pressures placed on families in respect of the accessibility of child care and the potential impact on the viability of some centres.

There is therefore a need to give consideration to phasing in some of the changes in order to maintain the viability of child care operations and the affordability to families. In the final recommendations for changes to the regulations these factors will be taken into account.

LEAD LEVELS

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to incorporate in *Hansard* a ministerial statement made today in the other place by the Minister for Health about environmental lead levels.

Leave granted.

I wish to inform the House on matters relating to environmental lead levels as raised in the media.

As reported in this morning's *Advertiser*, I was briefed on lead level issues on 6 July 1994. The briefing was prepared by the Public and Environmental Health Division of the South Australian Health Commission, at my request, following electorate concerns that had been expressed to me with respect to lead. The brief summarised information that was already publicly available and did not request or recommend any action on the part of the Government or me as Minister. It was nothing more than a collection of facts which were well known at the time.

Indeed, lead toxicity to humans, particularly in occupations, has been known since the turn of the century. Studies over the last two decades have demonstrated effects at much lower levels than previously recognised. It was these studies that led to initiatives to reduce the impact of lead on the general population.

The Government believes that the level of lead contamination in the South Australian community is falling due to a decline in the three main sources of contamination. Firstly, motor vehicle exhaust lead emissions are being significantly reduced through the increasing use of unleaded petrol. Between 1985 and 1991, air lead levels have decreased by 30 per cent. Sales of leaded petrol have fallen by 20 per cent in the last 18 months. A second source of lead is leaded paint—lead has not been common in paint since the 1960s. As old paintwork is replaced this factor will continue to diminish. A third source of lead is industrial contamination such as the Port Pirie smelter and the Health Commission has been active, working with the smelter, to reduce the level of lead in that community.

In any strategy to reduce lead contamination it is vital that we have reliable data to assess any problems and guide any response. To this end, South Australia is actively participating in the National Blood Lead Survey which involves testing the blood of children across the nation. Late last year, I sought specific information on the results of a small pilot study conducted under this national survey. The response was the blood lead results from the children from the city areas tested had a mean of 4.8 µg/dl. This is less than a third of the National Health and Medical Research Council action level for individual children of 15 µg/dl.

I would point out to the House that, whilst the NHMRC has issued an action level for children, there is no known safe level of lead.

The Government understands that the results of the National Blood Lead Survey will be available in the next two or three months. At that stage we will consider what action may be necessary in the light of the survey results. We will do so conscious of the fact that there is a base level of lead contamination awareness in the community. This awareness was strengthened by the Lead Alert campaign early in 1994. This Government will base any further action on lead on solid empirical data as would be expected to flow from the National Blood Lead Survey.

MATTERS OF INTEREST

PRINT MEDIA

The Hon. A.J. REDFORD: The topic I want to speak about today is to do with the print media in South Australia. With the closure of the *News* early in the morning of 27

March 1992, South Australia effectively became a Murdoch society so far as the print media was concerned. The closure itself and the process that led up to that closure was an indictment on the then State Labor Government and Federal Government. No-one in this Parliament would dispute the fact that a private monopoly in any commercial environment is unhealthy, and this is particularly so when you have a monopoly in the area of the media. This has had an enormous impact on our daily and political lives.

The News Corporation has continuously pushed the argument that, as the circulation of newspapers declines, publication of newspapers is becoming more and more uneconomic. It has used that argument to justify the closure of newspapers all over the world, from Auckland to Hong Kong, prefaced with the comment that there is a declining market.

I will not analyse the closures themselves in the short time that I have available, but I think I ought to draw members' attention to some of the consequences that have occurred as a result of this monopoly. I ask members to bear in mind that our major community newspaper in metropolitan Adelaide, the *Messenger Press*, is also owned by the News Corporation and operates closely with our major daily newspaper, the *Advertiser*.

So, what are the consequences and the complaints? The first of these relate to journalistic standards. Over recent months, I have had numerous complaints from various people in legal and other circles regarding interstate stories on court reports which fail to identify their source. All too often one is two-thirds into the article before one realises that one is reading about a Victorian or New South Wales case. I have some concern that perhaps there is a viewpoint within the management of the *Advertiser* that it is cheaper to publish an interstate case, perhaps at the expense of reporting important local news items and important local cases.

The other area where there has been a drop in standards is this habit lately of mixing news with opinion. Too often reports are dressed up as fact and based wholly on opinion without any identification as to where that opinion came from. One only has to look at the debate on euthanasia. No-one has said in the paper what this debate is about, what it means. It has been sensationalist and it has been reported without explanation.

We then look at journalistic ethics. I think it is important that we all learn a lesson from the experience of Westminster. I was fortunate to be present and to listen to the debate on the suspension of the two members who took money for the purpose of asking questions in Parliament. I agree that the MPs concerned acted wrongly in taking the money, but what sanctions were applied to the journalists who offered the bribe, offered the money—none whatsoever! But there is another important point. Members of Parliament from every political Party stood up, confident in the fact that they would get away with it and criticised Murdoch and his stable of journalists. I doubt whether any politicians with any sense in this State—and I exclude the Deputy Leader of the Opposition from that—would have the courage to do that.

The other important issue is the question of commercial monopoly. The News Corporation has 90 per cent of the metropolitan advertising print media market. Notwithstanding that, and unhappy with that, it decided to commence a monthly insert to compete directly with the *Adelaide Review*. One would have thought that if one had 90 per cent of the market one would be happy. But not so News Corporation. The real risk is that we will lose a publication which is presenting a different and diverse view from that which is being presented by mainstream media in Adelaide.

In closing, I draw members' attention to the fact that when I recently attended Dublin, a city of 1.3 million people—not that much larger than Adelaide—it had three quality newspapers in the morning and two quality newspapers in the afternoon. One has to question the propaganda put out by News Corporation that a city of this size cannot support two newspapers. At the end of the day, we are all suffering from the one paper town mentality. What happens, as the former Labor Government found to its cost, when the only paper in town, rightly or wrongly, turns against the Government? Where does the Government go? How can people ensure that there is the widest possible dissemination of views? What effect will that have on a robust and responsible system of Government? I fear for our future!

EWS RESTRUCTURING

The Hon. M.S. FELEPPA: My subject in the grievance debate will be the sale of the EWS. In recent months, a question in the minds of many South Australians is whether or not the cost of water and sewerage will be more expensive with the sell-off of the EWS. Mr Olsen, the Minister for Infrastructure, says that it will not, because his Government will retain power over prices and services. But the people remain unconvinced. No matter how insistent Mr Olsen tries to be, we cannot be quite sure that prices will not rise.

There is a link between the price of water services and the ability of the contracting company to manage the infrastructure. The Government may deny this, but there is strong evidence that under company management the cost of services in this instance at least must rise and will rise. Mr Hemmings, a former Minister, is reported as saying that the water and sewerage charges have risen in the United Kingdom 5 per cent faster than inflation since privatisation. These charges have risen because the companies have been allowed to pass on to the consumers much of their investment cost in meeting water quality and environmental obligations.

Also, two University of New South Wales researchers have found that privatisation has caused water rates to rise up to 67 per cent in the United Kingdom and up 30 per cent in France. It is from these two companies that the bidding for the EWS contract has come. So, can we really expect in South Australia anything different from what has already been experienced elsewhere as a result of a private operator managing water and sewerage services? For the Minister to claim that the South Australian Government will retain the control over prices, quality and ownership remains to be seen, and for the moment the people just do not believe it.

The doubts raised worry at least one of the bidders. On behalf of a British bidder, North West Water, Mr David Knipe, in a letter sent to all of us and dated 12 May 1995, says:

> There is the suggestion that the price of water services to Adelaide customers will be increased by the operator. This is not correct. The State Government will determine the price of water—not the operator.

But this does not rule out the company providing the grounds for the Government to increase the charges to the satisfaction of the company, and this could well be so as Mr Knipe goes on to say:

> In the United Kingdom it is true that the charges increased after the water and wastewater treatment services were privatised in 1989.

However, British companies, including North West Water, were required to increase prices substantially to raise the massive amounts of capital for new infrastructure as a result of neglect over many years.

It happened there and I believe it could happen here as well. My warning to the Minister and the Government, despite his assurance that this Government will be in control of the price and quality of water, is that the price could well be expected to increase with the scheme and policy of the Government in privatising the service.

NATIVE VEGETATION

The Hon. M.J. ELLIOTT: Today I will speak on the subject of native vegetation clearance. I was quite prepared to support changes in the Native Vegetation Act which allowed the clearance of isolated trees as long as there was reasonable compensation environmentally. No-one ever contemplated that the clearance of isolated trees could possibly mean the clearance of 1 900 trees, as is proposed for Reedy Creek in the South-East. I suspect that the granting may be illegal and I will pursue that further; but I put that on the record. A number of important issue have arisen in relation to the clearance of these 1 900 mature eucalypts. The Native Vegetation Council received a petition from landowners angry at the suggestion that this land should be cleared. No matter how sensible the conditions may appear to those who gave the clearance approval, there is no doubt that private landowners will see this approval as an interdepartmental deal.

At a time when the Conservation Council of South Australia and its member groups are striving to save individual trees, the clearance approval for 1 900 trees is unacceptable to them and will look particularly inequitable in the press when considered with point one. The Conservation Council of South Australia had been of the understanding that primary industry in South Australia has held a policy that it will not clear native vegetation for the planting of pines. They were aware that the policy was not absolute as some failed plantations in highly modified areas burnt in the 1983 bushfires were cleared for purpose of pine plantations. But they are most concerned that the clearance at Greenways will be setting a dangerous precedent. Its information is that the Government owns cleared land in the vicinity and questioned why that was not used instead.

Concern also exists in relation to the Kaiser Stuhl Conservation Park. The Kaiser Stuhl Conservation Park is the major remnant of natural vegetation of the Barossa Valley area. There are some 2 500 hectares of very high conservation value. Immediately adjacent to it is farmland with a significant number of old growth trees. The Native Vegetation Council apparently has approved the clearance of these trees and vines have been planted. I am not sure how such approval should have been granted, but the vines have been planted to the very border of the park. One normally expects something of a buffer zone to be around the park, but in this case it has not happened. As a consequence of that, it means that fungicides, herbicides and the like, which are used frequently in viticultural practice, will be used and will quite clearly be entering the park. That must have an impact upon the park. So, rather than having a buffer zone around the park we will have a strip within the park that will be damaged by the practices outside.

If there was to have been a countervailing environmental compensation for the clearance of trees, it would have seemed obvious that there be a requirement for a buffer zone around the park to ensure that the practices outside were not damaging to the park. It appears that, unfortunately, the people who applied for the clearance, Yalumba, have been particularly poor neighbours for Kaiser Stuhl, for a number of reasons. I have been told that they have not be particularly approachable. Yalumba has diversions on creeks which naturally run through the Kaiser Stuhl Conservation Park and, as I understand it, it has largely stopped the flow of water down into the park, and that is now a threat to a number of species within the park itself. So, its actions outside the park are having a detrimental effect within.

Since a favour has been done for Yalumba in terms of allowing it to clear trees, it is a great pity that some pressure was not brought to bear that it do something by way of environmental compensation to ensure that at least some water flow continued down the creek into the conservation park, because clearly some species and some parts of the ecosystem would have been dependent on those water flows. In both cases it appears that the Native Vegetation Council, in trying to be amenable to some primary industry, has perhaps overstepped the mark and clearly overstepped the intent of the legislation. I suspect that in at least one case it may have been illegal and I will explore that further.

VIETNAMESE BOAT PEOPLE

The Hon. BERNICE PFITZNER: The matter of importance I wish to speak about concerns the Vietnamese boat people. Whatever the policy of the Federal Government may be with regard to immigration, a refugee person deserves special consideration. Some may see this issue as a Federal issue, but human rights is always universal. The United Nations 1951 convention relating to the status of refugees defines refugees as 'persons outside the country of their nationality because they have or had well-founded fear of persecution due to race, religion, nationality, social group or political belief'. It should be noted that the United Nations definition excluded persons displaced within their own country or forced to leave it because of economic circumstances or natural disasters. The 1951 refugee convention included only those refugees made homeless as a result of events occurring before 1 January 1951, and also limited events to those occurring in Europe. The temporal and geographical limitations were removed by the 1967 protocol. This protocol was ratified by most of the parties to the 1951 convention.

There are now 50 000 Vietnamese boat people in various camps in South-East Asia. The United Nations High Commission for refugees (UNHCR), formed by the statute in 1950, has been given $250 million to monitor a recently developed refugee determination screening process. The contributors to this fund are the USA, the European Community, Canada and Australia. The UNHCR mandate was not only to monitor the process, but also to protect the boat people in the first asylum camps. This screening process was initiated under the comprehensive plan of action (CPA) adopted at the 1989 Second International Conference on Indo-chinese Refugees. The screening had to occur at the first asylum country—usually a South East Asian country.

There have now been allegations that these off-shore screenings are unfair and corrupt. There is documented evidence that refugee suicide attempts are numerous, due to the blatant unfairness of the process. The suicide attempts are by hanging, burning or slashing of wrists. It was reported

recently that, of 100 refugees who have attempted suicide, 20 are now dead. The alleged corruption occurs in the offshore host country and involves financial payments, sexual favours and ill treatment. It is alleged that the people from the UNHCR are not preventing such alleged corruption and the general feeling of the boat people is that they may even be condoning such corruption.

I quote just one of the numerous pieces of evidence to supported this flawed screening process. I quote concerning a 59-year-old Vietnamese Army officer involved in a *coup d'etat* and the findings from the Human Resource Office of the Bureau of Immigration:

> It appears from the foregoing that applicant was never considered a bad element at first. His difficulties only started when he was involved in an anti-communist activity. He was closely watched and monitored after that, but this could not be a form of persecution. It is but normal for every state to monitor the activities of violators in the exercise of police power to avoid repetition of similar offence. I deny applicant's application for refugee status. October 1990.

As a financial contributor to the screening process we need to ask many questions. This state of affairs is completely unacceptable and we Australians have always had a high standing with regard to human rights. We must raise this gross deficiency in the screening process with our Federal MPs in a bipartisan manner. We must pressure the Federal Government to investigate these allegations and remedy or ameliorate the situation. We must live up to our designated role in the South East Asian community, that of advocates for human rights. In particular, at this time we must support these courageous but most vulnerable people, the Vietnamese boat people.

OLD PARLIAMENT HOUSE

The Hon. ANNE LEVY: In the brief time available I wish to make some further comments about the closing of Old Parliament House. The closing of Old Parliament House has been described by the *Advertiser*—no less a body than the *Advertiser*—as being a bad decision of the Brown Government. In today's editorial, the *Advertiser* further describes it as 'destruction of an admirable institution'. It is appalling to many people in South Australia that this very valuable museum will now be closed and will no longer be available. I can perhaps now understand more fully why the Minister changed the title of the department from Arts and Cultural Heritage to Arts and Cultural Development. She obviously has no interest in heritage, no particular concern about it, and consequently wishes to get rid of the name and being associated in any way with the heritage part of the cultural life of this State.

The staff of Old Parliament House were told just a few hours before the official announcement that their museum, to which they have devoted so much, is to close. They were told that there would be a job loss of seven. The equivalent of seven people's jobs will be lost. More individuals than that will be affected, but some were casual, some part-time or half time. I am sure that the Minister is doing this purely to save a bit of money. There can be no other rational explanation—if, indeed, that can be called rational.

The History Centre is now to be hidden away in the armoury behind the South Australian Museum, where its existence will be unseen by anyone who goes along North Terrace. It will be very hard to access for people who are not familiar with the maze of buildings behind those that front North Terrace. The staff there who are trained historians and curators of exhibitions will have their prime responsibilities removed from them. I understand they will be assisting in doing newsletters to historical societies around the State. I do not think one needs to be a highly skilled historian and exhibition curator to write a newsletter. Furthermore, this comes on top of the fact that we have had no State historian appointed for over 12 months. The restaurant licence people were not informed ahead. I understand that they are most unhappy as they will lose all the flow-on business which comes from Old Parliament House Museum. I wonder whether their lease terms will be adjusted downwards to account for the fact that they expect to have much less patronage.

There has been no consultation whatsoever with the parliamentary committees, which are apparently going to move into Old Parliament House. The Chairs, members and staff of these parliamentary committees have not in any way been consulted. I would have thought that it is contrary to the provisions of the Parliamentary Committees Act that such consultation did not occur. However, the overall picture is a deplorable one. Many people are absolutely outraged that we are losing a museum. It is not a question of putting it on ice until better times arrive. It is being closed, removed from the public, at a time when other States have all been following our example and setting up their own comparable museums. I am absolutely appalled.

The Hon. R.D. Lawson: You should've thought of that before you bankrupted the State.

The Hon. ANNE LEVY: What a stupid thing to say!

The PRESIDENT: Order!

INTERNATIONAL TREATIES

The Hon. R.D. LAWSON: I wish to speak on the subject of international treaties. On 7 April this year, the High Court of Australia handed down its decision in the *Minister of State for Immigration and Ethnic Affairs v. Teoh*. This case dramatically illustrates the impact that treaties can have on Australian law, notwithstanding that the particular treaty may not have been incorporated into any local law, whether State or Federal. In that case, the applicant, Mr Teoh, was convicted of a number of serious drug offences. A delegate of the Immigration Minister ordered that Teoh be deported. However, he was the father and stepfather of a number of Australian children, and it was said they would suffer great hardship if their father was deported, and the mother would have found it difficult to provide the necessary care for the children as she had a drug addiction problem.

In the High Court, the judges, by a majority of four to one, said there was a legitimate expectation that the decision maker would act in accordance with the treaty on the rights of the child or, more correctly, the Rights of the Child Convention, which requires that all actions of Governments concerning children have as their primary consideration the best interests of the children. This concept of legitimate interest underpins much modern administrative law. It distinguishes the case from a situation where citizens have a legal right from those where there is no legal right but there is an expectation that certain procedural fairness will be given. In Teoh's case, the majority of the High Court held that the fact that Australia was party to a treaty such as the Rights of the Child Convention created a legitimate expectation that Government decision makers would act in accordance with that convention. The majority said:

> Ratification of a convention is a positive statement by the Executive Government of this country to the world and to the

Australian people that the Executive Government and its agencies will act in accordance with the convention. That positive statement is an adequate foundation for a legitimate expectation that administrative decision makers will act in conformity with the convention.

The High Court did emphasise in the case that it was possible for the Parliament to displace the legitimate expectation by some law or for the Executive to do so by some Executive action. As Australia is a party to some 900 treaties, it seems likely that this decision will give rise to challenges to a number of administrative decisions. This decision does have the capacity to have serious consequences for decision makers, in relation to both Federal matters and State matters.

The somewhat knee-jerk reaction of the Federal Attorney-General is an announcement to introduce legislation into the Parliament to negate the effect of the decision in Teoh's case. That approach has been condemned by, amongst others, Sir Ronald Wilson, who is the President of the Federal Human Rights and Equal Opportunity Commission. However, the decision does emphasise the need for a new approach to treaties in this country. The proposal for a treaties council is one that ought to be adopted by State and Federal Governments. There ought to be a requirement that treaties be examined by Parliaments before they are entered into. The States ought to have an opportunity to have input into decisions regarding the ratification of treaties.

There ought to be a joint House treaties committee of the Federal Parliament; treaties ought to be tabled in the Federal Parliament before ratification; and there ought to be some mechanism by which State and Federal Parliaments and members of Parliament have an opportunity to express views upon treaties.

GLOBAL VILLAGE

The Hon. T. CROTHERS: I rise to speak briefly on the Global Village and the present and future shortcomings that even the most casual observer can see in respect of the emergence of that concept. When one analyses the Global Village—and it is a fact that it is here—it does not matter into which aspect of life one looks, one sees that it has intruded into all aspects of our social life and other elements of our day-to-day living. It seems to me that all Governments—the Federal Government in this country, various State Governments and Governments elsewhere—have paid little or no attention to the emergence of such an enormously powerful entity as the Global Village, and to that end have not considered at all any sort of controlling legislation that might be applied to ensure that the elements that are currently out of control in the global economic village are brought back into control for the betterment, safety and well-being of humankind.

I think it is an absolute shame that that matter is not being and has not been addressed. Sometimes when I talk to people about this they say to me, 'But we have the United Nations.' However, one has to look only at the weak-kneed attitude that has surrounded the activities of the United Nations when it has tried to act as a world peacemaker in Somalia and Rwanda and now the ongoing and sad saga of events surrounding the old Yugoslav province of Bosnia-Herzegovina. This shows us how essential it is that, relative to the continuation of world peace, we have an international body which has teeth and meaning and which is supported by the national Governments of this earth in properly discharging its functions.

One of the real problems that has not been addressed for 50 or 60 years or more in respect of being able to get into place apparatus relative to trying to create checks and balances and regulations for the global economic order that now exists is, of course, the fact that within the worldwide community of peoples there is not a common language. Endeavours were made at the turn of the century to interest people and Governments in a language called Esperanto, thereby enhancing the means of communication that is so necessary as the environment in which we live is each day reduced in size by technology but increased in scope in the way in which it applies to our ordinary day-to-day lives. It would be remiss of me not to mention that one of the greatest masters of the English language in this century and perhaps in the latter part of the nineteenth century, George Bernard Shaw, was very interested in the learning and spread of Esperanto. In fact, when he died, well into his ninety-fifth or ninety-sixth year, he left the bulk of his estate in fund to endeavour to ensure that the cause of spreading the knowledge of people who could speak, understand and write Esperanto was continued.

The Hon. A.J. Redford: He wanted phonetic English.

The Hon. T. CROTHERS: I don't know about phonetic English. I note the frenetic nature of the interjector about phoneticism or fanaticism, I am not sure which in his case. I will let that go. That is another problem with a global environment: we get all sorts in here. One could speak for days and days on this matter, but no-one listens. People take you so seriously that they even interject. I will conclude on that note and continue at some other time.

MOUNT GAMBIER PRISON

The Hon. T.G. ROBERTS: I move:

1. That a select committee of the Legislative Council be established to inquire into and report on the tender process and contractual arrangements for the operation of the new Mount Gambier Prison with particular reference to:

(a) the forward program for rehabilitation through education, training, work, psychiatric support and counselling;

(b) costs and benefits to the people of South Australia resulting from any transfer to the private sector;

(c) the criteria upon which the tender was assessed;

(d) the recommendations of the tender assessors;

(e) whether or not the tendering process was genuinely competitive;

(f) the role and conduct of the Minister for Correctional Services;

(g) the legality, or otherwise, of the contract;

(h) public standards of accountability as embodied in the terms of the contract;

(i) methods by which Parliament can ensure scrutiny of expenditure of public funds in the provision of correctional services by organisations other than the Department of Correctional Services;

(j) methodology for evaluating contract management of the new Mount Gambier Prison which includes:

(i) the basis on which costs should be compared;

(ii) the basis on which quality of service can be assessed;

(iii) the overall financial and other impacts on the State and State's corrections system of contract managed centres;

(k) any other related matters.

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

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

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

I rise to support my motion, which has been moved in response to the Government's intention to privatise the Mount Gambier Prison. The debate that went on in this place over a long period of time and the subsequent meetings that were held in conference did not dissuade the Government from pursuing its ultimate position of privatisation. Since that Bill was defeated in this Council, the Government has called for expressions of interest. It has gone through the process of adjudicating on tenders and is now in the position of calling for expressions of interest from future employees. It will be seen that the Government's privatisation program was not set back at all when the Parliament rejected the proposition of privatisation.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: As the Minister interjects, the State will move ahead regardless of Parliament's intentions. I will speak to a disallowance motion. It is the intention of the Government to regulate rather than legislate to achieve the same end.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. ROBERTS: As the Hon. Ron Roberts says, there was an attempt to do shopping hours by regulation rather than by legislation, and we now have the disorder—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Our Government did at least have the consensus available to get it through to enable those organisations outside this place to agree to the way in which the regulations were applied.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I have not made much progress because the interjectors on the other side have come to life. Perhaps an extra piece of technology might be a seat that takes the interjectors out through the roof rather than sending them out as we do in the Lower House. In all seriousness, the interjections regarding the Opposition's position in opposing many of the proposals put forward by the Government regarding privatisation present legislators such as ourselves in the Legislative Council with a problem.

A number of major issues are being put forward by the Government in relation to privatisation. We have a lot at risk. There is a lot of the State's capital at risk. There are a lot of standards at risk. There are certainly a lot of employment opportunities at risk. What I would regard as an effective and efficient public sector that has operated in this State over a long period of time is now to be totally dismantled in a large number of areas, in the pursuance of a philosophical program relating to privatisation. The benefits, in most of the cases, have not been announced. They are in place in other countries in the world; the honourable member behind me in his grievance related to the Global Village concept. In the case of prisons, these propositions are being moved out of the United States of America into Britain and now into Australia. Many of these conceptual plans on privatisation have not been around long enough for me to have confidence that they are the way in which Governments ought to be managing taxpayers' funds, moneys and infrastructure.

It appears to me that, particularly in relation to prisons, we have not only the difficult juggling of the associated responsibilities of securing prisoners but the difficult problem associated with rehabilitation—making sure that recidivism and returning to the prisons does not occur—and that prisoners are able to be held in safety and security from the brutalisation that occurs in prisons between prisoners and between prisoners and prison officers. We need to be able to make sure that prison officers can go about their daily work in a way in which they are able to be kept safe and protected and, unfortunately, that is not the case. I am not saying that the public system allows for those ideals to be picked up, presented and determined in a way that brings about 100 per cent results in all areas of prison management, but the prison management system in this State is probably as good as any in the nation and therefore—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I would say, even if you did a survey of our prisons to this point. I am receiving a lot of calls from prisoners and prison officers now saying that the number of prison officers and the problems associated with overcrowding, particularly in the Ark and in sections of Yatala, are presenting problems for prisoners and prison officers in relation to their own personal security. I argue that the structure and the philosophical programs that run within the prison system are as good as any in the nation and, therefore, as good as any in the western world. I would not want to do any comparisons with some of the underdeveloped countries. We are now entering a period in which the justice system will be separated from the correction system, to some extent, and that also causes us concern.

As I indicated before, the Council has a difficult job before it, in that we have a select committee proposal now for prisons; we have one for water; and we have the Modbury Hospital privatisation program, which will now develop into Modbury—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: With SGIC there is general agreement between the Government and the Opposition on the way to proceed on that. The argument that I am putting to the Council is that the Government does not allow for any negotiated position where a consensus can be drawn between the Government, the Opposition and the Democrats in relation to how to proceed in many of these areas. In relation to prisons we argue that the reforms required for cost savings ought to be examined within the ownership and control of the public system. If those savings could not be managed or negotiated, then we would have a look at the proposal that was being put up for privatisation; that if the Government could convince the Opposition that private companies were able to deliver the same services with the same security and the same rehabilitation programs, if not better, with cost savings to the community, then we would gauge our position from those proposals.

That did not happen. Some attempts were made to achieve the reforms that were required within the public sector prison system, but they were half-hearted attempts. The negotiations that were taking place at the time when public statements had been made around privatisation only exacerbated an already difficult negotiating system within the prison system with the prison officers, because the threat of privatisation was used as a stick in those negotiations. You cannot sit around a negotiating table while people hold guns at sections of those

negotiating bodies' heads. That is the way in which the Minister conducted the negotiations.

In Western Australia the Government proceeded in an entirely different way, a way in which we would have participated and cooperated. It proceeded to achieve those necessary savings within the public system and then said to the negotiating bodies, 'If you don't produce the results that we require, then we will look seriously at the privatisation of prisons in this State.' We would have preferred that to be the negotiating framework by which the Government proceeded but, unfortunately, that did not happen. The Hon. Ron Roberts said by way of interjection that the Government did indicate that it was not going to privatise prisons.

I have in front of me a press release from the midday news of 5SE of 25 August 1993—just prior to the election—when Wayne Matthew was on his way around the State speaking to various sections of the media where prisons were located. It is a transcript of the news broadcast given by Wayne Matthew on the Liberal Government policy on closing small prisons and privatisation. Country areas are concerned about the future of the prisons in their area. The Government and I are supporters of maintaining prisons in country areas, particularly Cadell, because of the functions that country prisons hold in relation to rehabilitation. Country people are able to build up a relationship with prisoners that perhaps is not able to be built up in prisons such as Yatala, and this has a good rehabilitation effect on those prisoners. The prison at Cadell has a particular function in relation to rehabilitation through work programs associated with agriculture. I believe that needs to be supported rather than undermined and threatened to be closed. The transcript of the news broadcast made by the Hon. Mr Matthew on 25 August 1993 reads:

> The Arnold Government and the unions have been accused of starting a dirty tricks campaign in the lead up to the election by suggesting—

fancy that—

> a Liberal Government has a hidden privatisation agenda. A Queensland university law lecturer has been brought to Adelaide by the Public Service Association to speak out against the privatisation of gaols in that State. Our Opposition spokesman on prisons, Wayne Matthew, is fuming over some of the implied claims.
>
> Mr Matthew said: 'I am absolutely outraged that anybody could suggest that a Liberal Party Government would close our small prisons and we would privatise existing prisons. That is absolutely wrong. The Liberal Party has never said that, will not do that, and it would appear the Labor Government is becoming very, very desperate at this stage in the lead up to the State elections, so much so that it and the trade unions have to peddle such outrageous rumours through our community.'

After the statements were made, the first cab off the rank for the Government was the new prison being constructed in Mount Gambier and almost finalised to the point where the honourable member made his statement. Even now, we do not have that prison in the correctional services system to allow for the flexibility that is required to give a Government the maximum amount of flexibility in managing the total correction system.

That prison has been idle in a completed state and without any prisoners in it for almost 12 months now. The episode of *Yes Minister* about the hospital without patients certainly lingers in my mind, and the justification by the bureaucrats in relation to that hospital without patients certainly could be applied to the prison without prisoners. I am sure that we could write a couple of good episodes of *Yes Minister* on the Mount Gambier Prison. We are now at a stage where the signatures are on the sheet for the owner and operator of the prison to come in, and I understand that there has been an agreement for the prison to be up and running within the next four to six weeks.

I am certainly not gunning for any of the people in the arena of internationalisation of prison management services and systems: the criticism I have is of the Government. However, the PSA certainly is directly critical of the successful tenderer based on its record. The problem that all administrative private sector operators have is that prisons generally are very difficult places to manage. It does not matter whether the systems are in public or private sector hands, there will always be some difficulties in managing the total range of administrative programs that go with the various prisoner categories. However, I point out that private sector managers will opt for categories of prisoners which will give them the least amount of trouble and which will return the most amount of profit. The history of the privatisation of prisons is that the transfer from public to private administrative programs and administration has never been an easy one.

The Hon. A.J. Redford: Don't you miss the point? That might be the case, but they do it better than the State so why not let them do it?

The Hon. T.G. ROBERTS: The point I make about administration of prisons is that we have evolved an administrative process within this State that is as good as any in the nation. If something is working, why do we have to change it?

The Hon. A.J. Redford: Because we lost money with the State Bank; it is as simple as that.

The Hon. T.G. ROBERTS: The interjection is that, had the Government been better placed and in a better financial position, it would not be privatising the prison system, the EWS, the hospitals or the other programs that it has lined up. That is absolute nonsense. The position in relation to health and hospitals is that there is no pressure for the State to privatise the administrative programs, services or the hospital system. Other States have found it quite adequate to run publicly owned and administered systems in conjunction with the Federal health system. Other States in Australia have found themselves in the same position in relation to failed investments in the 1980s, such as Victoria, New South Wales and Western Australia, but they have not gone to the degree of privatisation that has been indicated in this State.

Certainly the centralised position that South Australia has in relation to a city State is far different from that of most of the other States. It would be far easier for the profitable sections of the business enterprises to be picked off and privatised leaving the cost subsidisation program for regional people in a very difficult position. However, that philosophical position does not apply to prisons.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member says that, if the private sector can run prisons more cheaply than the public system, that is the only argument you need to look at.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: It is the only interjection you have made. I can assume that the bottom line is that if it is cheaper it is better: that is not the case. You cannot measure the case for privatisation in prison systems. We will have a lot of people in relation to the setting up of this committee taking a lot of evidence in relation to the matters that are raised. Amongst other things, the select committee is being established to inquire into and report on the tender process

and the contractual arrangements for the operation of the new Mount Gambier Prison, with particular reference to the forward program for rehabilitation through education, training, work, psychiatric support and counselling.

Inherent in paragraph (a) of my motion is the important ingredient of being able to secure prisoners, rehabilitate them and ensure that we can fit them back into society so that they do not become recidivists. In terms of the public sector management of those programs there is a history in this State of having some success.

The Hon. A.J. Redford: Expensive success.

The Hon. T.G. ROBERTS: The expense that the honourable member is talking about in relation to the investment that society is prepared to make is generally weighed against the benefits incurred through the programs that are put in place. There is a certain amount of experimentation in relation to rehabilitation and there is an ongoing process by which people find throughout Australia that some programs work better than others in relation to some categories of prisoners, and States are always trying to change the way in which prisoners are rehabilitated. So there will be ongoing programs of total incarceration without any benefits for those prisoners who are very difficult for prison officers to deal with and those who are involved in violence with other prisoners, and there will be other programs for prisoners who will be out on service orders and who take very little management at all. So you will be able to use electronic devices, home detention and service orders for work at the other end of the spectrum. In between you will have experimental and other rehabilitation programs that have been seen to bring about results, so that the category of prisoner between the two ends of the spectrum are moved through those cycles to hopefully get a correctional services management program that suits the needs and requirements of those prisoners.

Not only do you have all ages of prisoners but you have all categories of prisoners to manage. The point I am making about the privatisation of prisons is that the Government is making a statement that it is only privatising new prisons and not the existing prisons. So out of the full range of management programs, services and options, you take a range of options out of the State's ability to manage a whole range of categories of prisoners. The only other way you can do it is to exclude prisoners from the mainstream management process, and you hand over to the private sector those prisoners that are easy to manage. In the main, if you take the Junee Prison in New South Wales and the Gorrie Prison in Queensland, the intentions are—and I am not sure whether they have achieved those management objectives thus far—to take the less violent prisoners who are easy to manage and those prisoners whose rehabilitation programs do not require the same work, energy, effort and supervision that the other categories of prisoners have. It is not just a case of bottom line management and at what cost you can house a prisoner because averaging out the cost of a prisoner is difficult as it is difficult to manage, weigh up and assess that.

The figures that people will be putting forward in relation to the rehabilitation through education, training, work, psychiatric support, counselling and so on will depend on the level and the adequacy of those programs that are put forward. You can pay lip-service to those programs and they will cost very little but you will not have any returns on them. The problems of those prisoners will remain when they are released into the community; they will re-offend and come back into prison. How do you measure that? The private sector will not be able to put up management programs that will allow you the ability to work out whether or not a system is working. The position for assessment will basically become an arbitrary assessment; it will become a bottom line figure worked out by accountants, and the Government will be able to say, 'We are down to $25 000 a year per prisoner; when it was under the State control it was up to $46 000 per prisoner; we have saved $21 000 per prisoner. Isn't the taxpayer lucky?'

But when you look at the rest of the burden that has to be picked up by the Government sector management of prisons, you will find that there will be an increase in prison costs because they will end up with a different category of prisoner and a different management system which uses far more staff, surveillance and different methods than the private sector managers or management. It is important that paragraph (a) is seen as setting some standards that can be managed by the private sector when it is working in conjunction with the public sector.

I have visited the Junee Prison in New South Wales and it had some good programs running there, but I am sure that some of the rehabilitation programs, particularly the education programs, may find their way into public sector prisons. There are, I think, some benefits that may flow through integrating some of the services but it does not get away from the point that there will be a categorisation of prisoners and a lowering of costs to private sector management prisons compared to the public sector prisons.

Paragraph (b) provides that we need to look at the costs and benefits to the people of South Australia resulting from any transfer to the private sector. It will be very difficult, as I said, to be able to compare the figures with the results. But hopefully we will be able to do so, as long as the companies do not hide behind the confidentiality of their costs in relation to their management programs and refuse to supply those figures. I am sure the committee will be able to negotiate with those companies and make sure, if they are to remain private and confidential, that we can go *in camera* and take those figures on board. That will be up to the committee to decide. It may be that the company and the committee come to an agreement to make those figures public.

Paragraph (c) refers to the criteria upon which the tender was assessed; paragraph (d) concerns the recommendations of the tender assessors; and paragraph (e) addresses whether or not the tendering process was genuinely competitive. Paragraph (f) addresses the role and conduct of the Minister for Correctional Services during those processes. Paragraph (g) concerns the legality, or otherwise, of the contract; paragraph (h) concerns public standards of accountability as embodied in the terms of the contract; paragraph (i) concerns the methods by which Parliament can assume scrutiny of expenditure of public funds in the provision of correctional services by organisations other than the Department of Correctional Services, and that gets to the public accountability and the methods by which the Parliament can make assessments. It gets back to the fundamental basis of ministerial management and responsibility for their departments. Given the way in which the Government is going, the Ministers will have portfolios without departments and/or responsibilities, because all they will be doing is reading bottom lines in relation to the funding programs while the management of all the public sector assets, programs and services will be in the private sector.

Paragraph (j) deals with the methodology for evaluating contract management of the new Mount Gambier prison

which includes the basis upon which the costs should be compared, the basis upon which quality of service can be assessed—and I made those points earlier—and the overall financial and other impacts on the State and its corrections system of contract managed centres; and paragraph (k) concerns any other related matters.

So the program for the select committee will be to make an assessment of the first privatised prison in this State, to talk to the successful tenderers, and to be able to gauge their intentions in relation to their ability to manage future prisons. Although that is not built into the contract we should be able to make some assessment as to how successful that program may be in relation to privatisation, and we can then have some accountability back into the community for those matters for which we become responsible. So the general thrust of the motion is to bring about some accountability to the people of South Australia through the parliamentary process in relation to the privatisation of prisons. I urge members to support the motion.

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

CORRECTIONAL SERVICES ACT REGULATIONS

The Hon. T.G. ROBERTS: I move:

That the regulations under the Correctional Services Act 1982 concerning communication with prisoners, made on 11 May 1995 and laid on the table of this Council on 30 May 1995, be disallowed.

The regulation, if read in conjunction with my previous contribution, does give concern that the privatisation of prisons is being done by regulation rather than legislation. The Opposition's position was to cooperate with the Government to get the reforms and savings required but, as I said, that did not happen and was not pursued far enough. The Government is now attempting to regulate the process, and I am moving for the regulation to be disallowed.

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

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

The Hon. K.T. GRIFFIN: On behalf of my colleague, the Minister for Education and Children's Services, I move:

That the time for bringing up the committee's report be extended until Wednesday 26 July 1995.

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 until Wednesday 26 July 1995.

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 until Wednesday 26 July 1995.

Motion carried.

SELECT COMMITTEE ON ALTERING THE TIME ZONE FOR SOUTH AUSTRALIA

The Hon. BERNICE PFITZNER: On behalf of my colleague the Hon. Caroline Schaefer I move:

That the time for bringing up the committee's report be extended until Wednesday 26 July 1995.

Motion carried.

EWS OUTSOURCING

Adjourned debate on motion of Hon. T.G. Roberts:

1. That a select committee of the Legislative Council be established to consider and report on proposals by the Minister for Infrastructure to outsource functions now undertaken by the Engineering and Water Supply Department with particular reference to:
   - (a) whether the specifications will ensure best international practice is achieved in the delivery of a continuous supply of water that meets AWRC/NHMRC health related guidelines;
   - (b) the level of financial protection and security of service against default by the contractor or sub-contractors;
   - (c) the probity of criteria used for short listing tenderers and the decision to exclude Australian based companies;
   - (d) the effect on public finances over the contract period;
   - (e) the effects on consumers including the price and quality of water, sewerage charges, connection fees and response times to faults;
   - (f) the effect on environmental performance in regard to the conservation of water and the treatment and disposal of sewerage;
   - (g) the timeliness and standard of maintenance of infrastructure;
   - (h) commitments by the Government in relation to the provision of capital;
   - (i) proposals by the Government for the management and control of the contract; and
   - (j) any other matter concerning the public interest in relation to the above.
2. That Standing Order 389 be suspended to enable the Chairperson of the committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.
4. That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 12 April. Page 1918.)

The Hon. T.G. ROBERTS: During my last contribution I sought leave to conclude my remarks, and I would like to continue them now. The principles and terms of privatisation remain the same. The motion in relation to setting up a select committee to look at the EWS Department and outsourcing is far more important than the prisons system in relation to the responsibility and finances of the State. The matters in relation to privatisation of prisons are separate from water supply but, inevitably, the responsibility for the Parliament to be able to scrutinise such major steps and changes to policy development in this State needs to be taken into account. The principle of privatisation of prison systems should not be seen as anything to be downgraded, but it certainly has different outcomes and impacts in relation to the tie between the justice system and prisons, whereas the privatisation or potential outsourcing of the water supply certainly has major implications in relation to the finances of this State and can also impact in many other areas, including quality of water and

delivery, the responsibility for infrastructure, the pricing mechanisms and other implications associated with outsourcing.

The select committee terms of reference are to look into whether specifications will ensure best international practice is achieved and the delivery of a continuous supply of water that meets with AWRC and HMRC health-related guidelines. I mentioned in my contribution previously that there were doubts as to the intentions of the Government in relation to being able to monitor and control those standards and guidelines. I notice that the Minister in recent days has started to send out fact sheets and also notice in my mail that some of the competing tenderers are starting to put out information with regard to the background and history of their organisations. We are grateful to be able to make those assessments based on the PR programs that they are starting to set forward. At least two of the major competitors have made offers to address Caucus (I am not sure whether three competitors have made that offer).

The disappointing thing about the Government's position on privatisation or outsourcing of water is that, although in the prison system the local prison officers were given an opportunity to put forward a tender (I am not sure whether it was the Government's intention to take the tender seriously, but at least it got into the tendering process), in relation to the outsourcing of water I understand that it is the Government's intention to include only those tenderers already in the international field and already managing privately what used to be the function of Government in other countries. The reasons for that, I understand, being spelt out by the Minister is that he would like to develop international contacts with other potential privatisation programs that might be able to be put forward in the near region, that is Malaysia, and some of the Asian countries such as Indonesia, and PNG is probably a potential customer. For that reason he is using the international companies as a Trojan horse to go into the international arena, taking forward the privatised packages, using the Australian experience to make those contacts.

I find that a difficult concept with which to grapple. Being realistic, Australia has some of the better management systems of public enterprises of anywhere in the world. They may have been feather-bedded in some areas, particularly in management service sectors, since computerisation has emerged as a major factor in being able to get benefits and derive cost savings and productivity gains, but I think that was because in many cases the transitionary progress between the introduction of those technologies and their applications were starting to feed through. The benefits of administrative programs being put in place by building up software and the technologies for making the applications back into those programs, which relates particularly to water, were just starting to emerge.

I am sure that, had the programs of reform put forward by the previous Government continued, many major cost savings would have been made and some of the padded out figures that we see in relation to cost per kilolitre of water to customers may have been brought down over a relatively short time. Unfortunately, the department itself was never able to get into the negotiating ring to put forward those proposals to allow its program of reforms to be fully tested and weighed against an economic performance, because the Government announced that it was going to outsource not the infrastructure but the management services of the program, at a cost in the vicinity of $1.9 billion.

In privatisation terms that makes the water program much more important than some of the other privatisation programs, but also highlights the difficulty Parliament will have in scrutinising the programs without the setting up of a select committee and/or feeding that information back to standing committees for Parliament to look at. We have a Government saying, 'Trust us.' We have a yet unproven system to be put in place, risking a large proportion of taxpayers' money in infrastructure and, presumably, those private companies at the end of the day will want to make a profit.

It is not unfair for the Government to make a system as transparent as possible to allow for parliamentary scrutiny, but as a safeguard either select or standing committees do make a contribution in being able to monitor the programs as they proceed, so that we are not left with a small number of bureaucrats making decisions on behalf of the State in conjunction with the Minister and then relaying that information in small promotionary grabs to the media which, in the words of the Hon. Mr Redford, is diminishing daily, particularly the printed media. If people are relying on a fair assessment of many of the privatisation programs and weighing up in their own minds some of the results of those programs, I am sure that that information will never reach them.

We have a proposal now before us to look at the setting up of a select committee to examine the outsourcing of infrastructure to outsource functions now undertaken by the EWS Department. The program sets out in enough detail the requirements by which the select committee can look at that program to ensure that it is transparent. I will raise again the difficulty the Legislative Council will have in being able to set up monitoring committees to look at all aspects of the Governments programs.

It is quite clear that we will be looking at those programs on the run. After the signatures have been put to programs, we will be examining retrospectively those processes that have been put in train by the Government over a considerable period. In today's Orders of the Day: Private Business, we have the Modbury Hospital and now we have the prisons, and we also have the outsourcing of the Engineering and Water Supply Department. In the absence of any standing committee being able to look at privatisation as a single issue, we will have a plethora of select committees. I hope that the Government is able to provide the resources to those select committees to enable them to do the job properly. I also hope that the witness range and the information provided to the committees will be able to be serviced and that, through those deliberations, we will be able to keep up with the program that is being set by the Government and, hopefully, report back to the community and to the taxpayers of this State that, in relation to the fears that they have, particularly with health, water and prisons, the program that has been set by the Government will do what it is trying to achieve, that is, save taxpayers' money in relation to those sources. The proof will be in the pudding, and hopefully the select committees will be able to keep up with the information that has been put before them, make the assessments and get that information back out into the community.

The Hon. M.S. FELEPPA: This is a timely motion, and I wish to thank my colleague for moving it, because it gives us an opportunity to express our concern in relation to a number of points that have been raised in the motion. It concerns the sell off of the Engineering and Water Supply Department, which at present is a profitable public monopoly.

It is profitable, according to the Minister, Mr Olsen, and he is reported by the *Sunday Mail* of 21 May this year as saying that the EWS should be praised:

> . . . for delivering among the cheapest water in the nation, with no water restriction in recent memory, and for the turning of a $140 million loss into $90 million profit in the past eight years.

Now that the EWS is apparently profitable, the Government wants to sell it off. It is not fully justified. It makes me wonder why for a short-term gain of one amount we should cut our State off from the long term gain in profits from the operation over the coming years. It is not certain that the savings they are hoping for will actually be gained by this sale. I will come to that point later in my contribution.

There are about 13 topics in the terms of reference in the motion proposed by my colleague, the Hon. Terry Roberts, all of which have great importance. I will not take up much of the Council's time, but I will certainly cover aspects of three or four of them. My impression is that the Government is more interested in achieving financial stability, which in a sense is more important, but at the expense of social equity. It wants to do that as quickly as possible no matter who gets hurt in our community. The Government is quite happy to shed thousands of jobs for the sake of dollars saved rather than seeing that everyone has purchasing power and financial independence. Mr Olsen, the Minister responsible, seems to take pride and pleasure. It was further reported in the *Sunday Mail*, that he:

> . . . noted that the EWS had already shed 1 000 jobs as part of its efficiency drive and would lose another 700 from its present work force of 2 200 under the changes.

These cuts in employment have taken place right throughout the Public Service, and it is still throwing good tradesmen and workers on the scrap heap. So much for the Government and social equity! The Government is more concerned with financial stability, at any cost. But I suspect that the sell off of the EWS may not be a great contribution to financial stability. With the sell off of the EWS, it will be most important to see that the level of financial protection and the security of the services contracted out are guaranteed against default on the part of the contracted company.

The community has had experience on a smaller scale of such unsecured risks. Time after time, we have seen a building contractor fall into bankruptcy because of poor business management, or for other reasons, leaving subcontractors and clients without payments and completed buildings. Of course, they are left with no-one to buy them out. If such a failure were to be experienced with a business contracting to manage and supply water to the State and for the disposal of waste, the State would have the obligation and extra expense of bailing us out. I suppose it would be an added expense for the Government and a burden on the taxpayers generally.

If the contracting company cannot meet its obligations, the community must meet those obligations, as I have already indicated, from the taxpayer via the Government. I believe that the risks involved in the supply of water and the disposal of waste cannot be ignored. It is simple. There should not be any risks. That we are protected from such a risk of failure by the contracting company is a matter on which I am convinced the proposed committee will have to satisfy itself in conducting broadly the inquiry. Usually, with such a contracting arrangements, the company is required to post a bond or cover itself by insurance against a failure to meet its obligations. In the case of the EWS, the contract will involve such huge sums of money that even a part of a bond would seriously deplete the financial base of the company, even though the bond may be earning interest with time. The insurance premium would be high, as the risk of financial or management failure is very real, and would make insurance a costly form of guarantee.

However, I believe that there should be an essential clause in the contract that it is the responsibility of the contracting company one way or another to guarantee against its failure to meet its obligations. I hope that the committee will take up this suggestion: this should be one of its recommendations.

Another topic that needs to be examined by the committee is the exclusion of Australian companies from tendering for the EWS contract. This matter was raised some time ago in the Federal Parliament, I believe in March during Question Time, by one of our South Australian colleagues, Senator Foreman, who asked Senator Cook the following question:

> Is the Minister aware that none of the four companies left in the bid is Australian owned or has a majority of Australian ownership? What impact on Australian industry development will there be if the water resources in the driest State in the driest continent are managed by a foreign owned or controlled company? Has industry expressed concern about the damage such a move by the South Australian Government will cause?

The Hon. A.J. Redford interjecting:

The Hon. M.S. FELEPPA: I want to draw these questions to the attention of members, particularly the honourable member who has just interjected. These questions should be of grave concern to all South Australians. The honourable member who has just interjected should take the time to walk through the streets of Adelaide. If he is associated with community groups he would know that this topic is of great concern to them. Senator Cook replied, in part:

> The South Australian Government acted in a way in which it excluded the opportunity for Australian companies to be properly formed to bid for this project.

The peak organisation representing Australian water authorities, the Environment Management Industry Association of Australia, wrote to Mr Olsen calling for time to enter the bidding process. Mr Olsen rejected the efforts of Australian interests to become involved in the bidding, his reason being that Australian companies did not have the expertise to handle the multi-million dollar contract. In my view, Australian companies should be encouraged to participate with foreign contractors who will have the upper hand, as has been demonstrated in this case. That is hardly good enough. Australia has a number of reputable companies that are internationally competitive and skilled in the management of liquid and solid waste and water supply. There are Australian companies that have expertise in handling multi-million dollar finances. I might add that we have more than sufficient expertise in this country to handle such a contract, and it is a shame that Australians have been excluded from the bidding in this case.

Water resources in Australia, particularly in South Australia, should remain in the hands of the people of Australia through their representatives and not be relinquished so easily to foreign interests that make decisions overseas affecting matters of internal concern for Australia. This does not mean that we cannot invite foreign participation with Australian ownership, but foreign ownership should be ruled out. I suggest that the proposed select committee should vigorously address this issue as being fundamental to the financial and economic integrity of this country. Australia should be and should remain for Australians.

Another concern is the social issue involved in the operation of the EWS. When the EWS was first set up, it was realised that its services should be available to all as far as possible: the rich as well as the poor, big business as well as struggling enterprises. New enterprises, both big and small, need to be helped with special assistance when first setting up. This special assistance is a bargaining point in attracting businesses to this State rather than interstate, whether they develop here or overseas. Water and waste management is one of these concessions through which we can assist these people.

Concessions are not only bargaining points; more importantly they are social and human issues that affect people. When social considerations come into the financial equation, it always means that taxpayers' money must be spent without expecting that the outlay will be recouped by the user paying the full cost. In my opinion, some of the cost may be recovered but not the full outlay. That has never been disputed. It is the philosophy upon which Governments in the past have developed the EWS and other Government services. In my view, that is how it should be. The services of the EWS came into the hands of the Government to organise, operate and control when private enterprise could not or would not accept the responsibility. Private companies have always operated on a different philosophy from Governments. The company must make a profit to survive.

The social and human considerations that are important to a business are those which add to the profit by maximising human effort with the least frustration to the workers. This philosophy is called human resource engineering. It relies on psychological and sociological ideas that will enhance the business operation. However, social considerations that take profit out of the company or divert profits from flowing into the company are completely ignored as far as possible. One example of this is the lack of accident prevention that requires legislative enforcement. It does not equate with maximising profits. One can be rest assured that, for instance, a company director who advocates a deficit for social reasons or who diverts profits for the same reasons will place his position at risk, and he could quite easily lose his position of responsibility on the board.

I believe that water and the disposal of waste cannot be considered without there being some social cost to a company or a Government. If the company is not prepared to suffer any loss due to social obligations, the social cost will have to be met by the Government. This will be a cost to the taxpayer through the State purse, or the poor and the struggling will have to suffer the consequences. The members of the proposed select committee will, in due course, have the responsibility of addressing this aspect of the contract and assuring themselves that there will not be a loss of social obligations and that the maintenance of these needs will not become a burden on the taxpayer or a remuneration to the contractor for the loss of profits.

There is one other matter that I wish to raise which is not in the terms of reference but which concerns the sale of the EWS and all proposed or existing outsourcing contracts. The Government has advertised in the *Advertiser* newspaper and the *Weekend Australian* and, maybe, other papers for evidence to the following terms of reference:

To investigate the effectiveness of current and future outsourced activities in order to determine whether the agencies are achieving their stated outcomes.

To recommend the appropriate mechanism for Parliament to effectively monitor outsourcing contracts.

The audit report recommended outsourcing and the disposal of assets by contract. It is on these recommendations that outsourcing has already begun and contracts are being considered. Yet, with this investigation before the Economic and Finance Committee, it seems that the Government has suddenly realised that it has gone into or is contemplating contracts which quite possibly may not achieve their stated goals—that is his impression.

The Government has been, in my view, blindly flying around and it could cost the State millions in this enterprise. If the mechanisms it is looking for are not already in place, it is a bit late, I believe, to try and discover what they should be. The contracts may be off the rails before they are far down the track. The EWS contract could involve the State in a most serious loss if the financial agreement cannot be enforced, if the social issues are being totally ignored or the control of the resources is actually operated from overseas and out of our control.

Finally, the proposed select committee examining the sale of the EWS may do its best if it gathers its evidence but defers its final decision until after the Economic and Finance Committee has the opportunity to examine outsourcing of Government agencies and reports to Parliament. With these main concerns of mine about the sale of the EWS, I have all good reason to strongly support the motion for a select committee of inquiry as one that must be held, I believe, before the contract of the sale of the EWS is finally let.

The Hon. SANDRA KANCK secured the adjournment of the debate.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

Adjourned debate on motion of Hon. A.J. Redford:

That the interim report of the Joint Committee on Women in Parliament be noted.

(Continued from 12 April. Page 1920.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I am very happy to support the motion. As a member of the committee, I think the committee has made a very sensible interim report. I would like to correct a few errors that some of the members of the House of Assembly seem to have about precisely what this interim committee is trying to do. This interim report was brought down because the committee believed that while Parliament House was being renovated we should make some suggestions now—before it was too late—about long-term plans for people with family responsibilities. The recommendations that we made were as follows: that Parliament should investigate with other organisations, such as the Casino and the Adelaide College of TAFE, the feasibility of joint child-care facilities. That was not intended necessarily to say that those facilities had to be located at Parliament House. It was a suggestion that, because those other organisations are in the city area and the close vicinity—and I understand the University of South Australia is also about to extend its campus to the western part of the city, so it may also be interested in having a child-care centre—this would be an opportunity for the Parliament to explore options for child-care for the future.

Our second recommendation was that during the current refurbishment of Parliament House urgent consideration be given to the allocation of space within the parliamentary building for a room or suite of rooms in which members

could meet with their families. It would appear that Mrs Lorraine Rosenberg and Mr Evans, at least, in another place, have the misapprehension that that recommendation meant that we were asking for child-care facilities to be made available on site. We were doing no such thing. We were considering that a number of members of Parliament now have young families whom they do not see from Tuesday to Thursday at dinner times and they would quite like to meet with them and, realising that the facilities—their rooms in Parliament House—are not suitable for such kinds of meetings, we were suggesting that during the refurbishments something could be set aside.

Indeed, the committee met with the Presiding Officers of the Parliament (the Hon. Mr Dunn and the Hon. Mr Gunn) to explore this possibility, and it seemed that our suggestions were met with favourable consideration. However, I am not sure what stage this is now at, whether or not they are going to provide those kinds of facilities for us. To overlook them at this stage would be very remiss. I am very pleased to see that some sensible suggestions are being made in relation to the dining room facilities, where members who would like to bring in their families often cannot make a booking because the very small strangers' dining room is booked out. It is suggested that we could extend into the members' space, which is probably a very sensible suggestion.

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: To answer the interjection, which is contrary to Standing Orders, I would say that most Labor Party members would look favourably on that proposition. What we are looking at here are measures by which we are trying to improve the very difficult work space that we have. We have to work within a nineteenth century and middle of this century building with some modern extensions, which has grown *ad hoc* over the years. Obviously, it is not possible to have a child-care centre as such located in this building, as we have no outside play space and no more roof space in which to put a play area. I understand that we need to provide outside space, and that is not possible within the confines of this structure.

When some of the House of Assembly members were giving their contributions they also overlooked the very large numbers of female staff, in particular, who work in this building and who work the same kind of hours as we do—the Clerks of the Parliament, the messengers in the Parliament, the people who work in *Hansard*, some of the secretarial staff and the people who work in the dining rooms and bar facilities. Clearly, quite a number of those would be women who would have the care of younger children and who would prefer, at times, to have somewhere where they could locate their children while they were working.

I believe that the first recommendation that we were looking at might overcome those difficulties. The third recommendation was that strategic planning should also take place to ensure that adequate consideration be given to the future needs of members and their families. This is looking at something further down the track when we may wish to extend the Parliament House building at some stage. I cannot envisage that that will be possible in the near future because of the cost and the lack of facilities, but somewhere down the track this may be possible to look at. The fourth recommendation was that the system of the days of sitting and the sitting hours be changed to make them more suitable for members with family responsibilities, that due consideration should be given to school holidays in the organisation of sitting days and that late night sitting should be avoided. I can only say 'Hear, hear!' because it seems to me that the system of the sitting of Parliament has been designed for people who have someone at home to look after the kids, and that is generally not women members of Parliament.

I think that the number of younger members who are coming into the parliamentary life and the change in emphasis of family responsibilities can be taken into account. Unfortunately, the primary care of children is still the responsibility of women but I think that is slowly changing. These recommendations will not only assist women but will also assist male members of Parliament to have more adequate contact with their children and with their partners. After all, because we sit such late hours, it is often very difficult to communicate with our families and I think that we would benefit by remembering that we are human beings and that we too need to have a few early nights.

I do not believe that anything sensible comes out of sitting until 2 a.m. or 3 a.m. It is legislation by exhaustion and I do not believe that we should ever have that kind of a situation. People tend to get a little bit stroppy at those hours of the night as I know I do. I do not think that we get through the legislation any more quickly; if anything, it takes a lot longer, so we need to look at that issue. Our final recommendation was that we refer these recommendations from our committee to the appropriate parliamentary committees—the Joint Parliamentary Services Committee and the Standing Orders Committee of each House—to explore how they can best be implemented and report back to the respective Houses. I do hope that the Parliament takes up the challenge offered in this interim report and sensibly addresses the situation.

I refer to the scathing comments of Ms Rosenberg that Parliament is not a place for children. This Parliament has many children coming through its doors every day. My children are grown up but I do quite like to see my grandchildren from time to time, and I do not think that—

The Hon. Diana Laidlaw: Do you get time these days?

The Hon. CAROLYN PICKLES: No, not much. Members who have young children certainly would like to see them during the week and we could have a facility where it would be more comfortable for children to gather. It could perhaps have a television set, but it does not have to be anything elaborate or expensive. In fact, the committee put in a suggested list of items that it felt could be included in this space and suggested that it be located in the basement on the House of Assembly side of the building. That room was the Hon. Frank Blevins's old room and it actually had a bathroom facility, so I think that that was a very sensible suggestion. So, the interim report of the Joint Committee on Women in Parliament—

Members interjecting:

The Hon. CAROLYN PICKLES: People who have been around longer than me have told me that that room once was the manager's flat, so obviously it would be a sensible place to use. I hope that the Presiding Officers take up our suggestion and that, in the fullness of time and in not too much time, we will get a report back from the JPSC and the Standing Orders Committees of both Houses as to what they propose to do with our recommendations. There is nothing particularly radical in this first report; it is merely sensible, and contains suggestions which I think would make this building a little more user friendly and ensure that the difficult and long hours of members of Parliament and all the people who work in this building are made a little easier, as they would not have to go for days at a time without seeing their children. I commend the motion to the Council.

The Hon. ANNE LEVY: I rise very briefly to support the motion. I was impressed on reading the interim report, and I very much look forward to the full report which will obviously deal with much wider matters, such as how we can get more women into Parliament as part of the elective and preselective process, as I think that is probably the fundamental matter which needs to be tackled. However, it is certainly important that Parliament be made more family friendly so that people are not put off trying to be elected to Parliament by the lack of facilities for families, the lack of concern for family life which is forcibly led by members of Parliament or the lack of attention which was given to the personal lives of members of Parliament when the procedures and processes of Parliament were drawn up.

I do not consider this to be a radical interim report. I almost wish that it had recommended that child care facilities should be provided in Parliament House, but I recognise that it would be very difficult to do so given that the physical constraints of the existing building would hardly enable that to occur. I would have liked to see the report recommend that the committee felt it was highly desirable and that it should be explored. However, it does make very sensible suggestions regarding provision of child care off site, perhaps in conjunction with other institutions. This is not a new suggestion; it has been kicked around for quite a time, and one of my concerns is that there does not seem to be anyone driving it. Although the suggestion has been made, it is not clear as to whose responsibility it will be to see that this is translated from a good suggestion into reality. It will certainly need someone to take the responsibility for achieving the recommendation before it is ever likely to be achieved. The suggestion of a family room is an admirable one and is the main reason why the interim report appeared at the time that it did. In view of all the alterations which are occurring in Parliament House at the moment it was timely to have such a recommendation made public so that account could be taken of it in the renovations. I certainly hope that this will be taken up and I would be grateful if the mover of the motion, in his reply, could give any indication as to whether, since the publication of the report, he or any other members of the select committee have had any intimation from the authorities as to whether that recommendation will be acted on. Obviously, if it is to be acted on it must be acted on very soon, or the window of opportunity will have been closed—and closed probably for another 100 years. I hope that this recommendation will be followed up and, even more, that it has been followed up and will be implemented.

The report also recommends that sitting hours should be changed to be more family friendly. I endorse the remarks which have been made about the undesirability of night sittings, and I do not see why the Parliament cannot sit from 9 am to 5 pm, which are the working hours of everybody else, seeing that it sits for only three days a week. However, I was a bit disappointed that the select committee—

The Hon. K.T. Griffin: You need to have Party meetings before then and all your standing committees.

The Hon. ANNE LEVY: Standing committees could meet on Monday morning and Cabinet and shadow Cabinet could meet on Monday afternoon. One might have to make it that Party meetings occurred at 9 o'clock on Tuesday and Parliament did not start until 11 o'clock on Tuesday, but on other days of the week it would be possible to sit between 9 am and 5 pm or 10 am and 6 pm, if one preferred, thereby making parliamentary hours far more family friendly than they are currently, without in any way reducing the number of hours that Parliament spends on its business. I think it would be irresponsible to suggest shorter sitting times, as we know the trouble we now have getting through the business towards the end of a session, but the same number of hours could be reorganised.

I was slightly disappointed that the select committee report merely recommended that different hours be looked at by the Standing Orders Committees. It would seem to me to be helpful for the select committee to make recommendations, which the Standing Orders Committees could use as a basis for their consideration. Obviously the Standing Orders Committees will make up their own mind, but I think guidance from the select committee as to appropriate hours would show that the select committee had considered the matter and was taking seriously the question. The Standing Orders Committees probably would welcome the recommendations of the select committee as to what the changed hours could be, taking into account the two priorities of not shortening the hours of sitting and making them more family friendly.

I think that it is a mistake for people who are looking at matters in detail not to come up with detailed solutions but leave it to others who are not as familiar with the details to invent the solutions. The select committee could come up with suggested hours which would be suitable rather than leaving it to the Standing Orders Committees to invent such hours. With these very minor caveats, I support the broad thrust of the interim report and look forward with great interest to the final report when it is brought down.

The Hon. A.J. REDFORD: I take this opportunity to thank all members for their contributions, which have been of value to the committee. With regard to the Hon. Anne Levy's comments about the recommendations in relation to the Standing Orders Committees, one has to be mindful of the fact that we have a limited brief. The Standing Orders Committee does have the responsibility for dealing with Standing Orders, and obviously any recommendations, to some extent, will depend on the reaction of the presiding officers and the JPSC to our recommendations concerning child-care. If they ignore our recommendations one approach might be taken and if they accept them another approach might be taken with regard to sitting hours.

I remind members of the effect of some of the evidence given by Dean Jaensch, who said that on occasions such as this we must bite the bullet—that is it important to understand that we have an important job to perform as members of Parliament, that we should be given the resources, facilities and opportunity to carry out that work and, on occasion, that we should ignore some of the more extreme outbursts from the cynical public and media. I think that this is one of those occasions where we should bite the bullet.

I agree with the comments of the Leader of the Opposition in this place, particularly her comments regarding the criticisms that were made about the committee's report. Those criticisms are to be regretted and perhaps were made without clearly thinking through the issues. As a member of that select committee, I can say that we did have the opportunity to think through those issues and, in my view, we came up with the correct answers.

In answer to the Hon. Anne Levy's question as to whether or not there has been any intimation as to the implementation of the recommendation, I can only say that I personally have not received any intimation. However, I hope that the presiding officers will implement it. I am sure that the

presiding officers are mindful of the fact that the JPSC has an important role to play and I am also sure that they are mindful of the fact that at some time, I hope later this year, we will be delivering a final report, and obviously if the recommendation is not followed through comment will be made in our final report about the inaction. I am not saying that in the sense of waving a stick about; I am just pointing out the obvious position the presiding officers and JPSC are in. There will be a final report and obviously an occasion to explore some of these issues in more detail. I commend the motion to members.

Motion carried.

SGIC (SALE) BILL

Second reading.

The Hon. K.T. Griffin, for **the Hon. R.I. LUCAS (Minister for Education and Children's Services):** I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill involves the eventual sale of the State Government Insurance Commission (SGIC).

This sale, which the Government intends to conclude this calendar year, is an important part of the Government's debt reduction program. This program, mandated by the 1993 election, aims to return South Australia's economy to one of growth and prosperity. The Government's program involves a substantial effort to reduce the State's debt which blew out of all proportion with the economic disasters which occurred during the late 1980's and early 1990's.

SGIC commenced business in January 1972, predominantly as a motor vehicle and household insurer. It was set up by an Act of this Parliament to provide an alternative provider of general insurance for the South Australian public.

Over the years SGIC expanded its business operations. In the early 1970's the SGIC began writing Compulsory Third Party Insurance, and since 1975 it has been the sole CTP insurer in South Australia.

In 1977 the SGIC Act was amended to allow the SGIC to write life insurance, and in 1987 the SGIC commenced its health insurance operations.

In the forthcoming sale of SGIC the Government will sell the competitive business operations of SGIC. These are general insurance, health insurance and life insurance. The Bill allows for the creation of a new corporate structure, referred to as the 'Newco Group'. It is expected that the Newco Group will consist of a holding company and five subsidiary companies. Two of these companies are existing SGIC subsidiaries being the health insurance company, SGIC Health Pty Ltd, and the superannuation trustee company, SGIC Superannuation Pty Ltd. The Bill provides the Treasurer with the power to vest asset and liabilities of SGIC into the Newco Group. It is intended that the assets and liabilities of the General Insurance, Life Insurance and the Head Office operations will be vested into separate subsidiaries in the Newco Group.

This will leave the Compulsory Third Party Insurance fund and the discontinued operations in the Commission. The discontinued operations include the businesses that SGIC should never have entered into, but, used the Government Guarantee to underwrite. These include Inwards Reinsurance, Financial Risk (including aircraft residual value insurance) and securitisations.

The underwriting of Compulsory Third Party Insurance will not be included in the sale. Instead, the Government will amend the *State Government Insurance Commission Act 1992* to form the Motor Accident Commission. This statutory authority will have responsibility for the CTP scheme, and will contract out the management of that scheme to the SGIC for a period of three years. This management contract will be part of the SGIC sale.

Over the next three years the Government will appoint a Committee to review the operations of CTP insurance in South Australia. In consultation with the Motor Accident Commission, the Premiums Committee and other interested parties this Review Committee will consider reforms to CTP operations that may be desirable.

CTP insurance is a significant cost to South Australian motorists and the Government wants to consider the future options for CTP with due care and in a timely manner. If CTP, after a three year period, were to be deregulated, the SGIC because of its ongoing experience with this South Australian business, would be initially granted a share of the deregulated market.

In selecting a purchaser, the Government will not be driven by price alone. Although price will be a key objective of the sale, the following objectives are of similar importance:

- to sell all the SGIC businesses offered for sale as a whole;
- to maintain SGIC as major financial institution in South Australia;
- to maintain SGIC's existing staff and branch structure;
- to maintain SGIC headquarters in Adelaide;
- to deliver future economic benefits to South Australia; and
- to ensure that the purchaser capitalises SGIC's businesses to current industry standards, and gains all necessary regulatory approvals and licences.

The last objective is particularly important. The SGIC has always had its liabilities covered by a Government Guarantee. This has permitted the SGIC to operate its businesses with less capital than private sector insurers. The Government Guarantee also enabled the SGIC, in the 1980's, to venture into areas of risk-taking where its capital base was inadequate and to undertake activities which have cost this State dearly.

After the sale of the SGIC the Government will phase out the Government Guarantee. All existing policies at the sale date, which are covered by the Government Guarantee, will remain covered until their renewal date. The only exceptions to this are those policies in the life insurance area which have indefinite or very long terms. In these cases the Government will continue the guarantee for five years and then phase it out.

The purchaser of the SGIC will be immediately regulated by various bodies, including the Insurance & Superannuation Commission. The ISC sets minimum capital requirements that must be met. Further, as part of the sale requirements, the Government will insist that the capital backing of the SGIC meets industry standards. This will ensure that the capital of the SGIC exceeds regulatory requirements.

At present the SGIC is not legally required to meet all regulatory rules and (after the 1980's) it has not always had the capital to do so. The sale of SGIC will ensure that SGIC's capital base meets and exceeds regulatory standards.

Preparing the SGIC for sale involves considerable restructuring. The businesses for sale will be transferred into a corporate structure—the Newco Group—which allows the Government to sell its shares in the Newco Group and its various subsidiaries.

There are a number of assets and liabilities, mainly left from the excesses of the 1980's, that will be excluded from the sale. These include financial risk insurance. These operations will be managed and worked out as soon as possible. The responsibility for that will rest with the MAC.

The operations for sale are well performing insurance operations in competitive insurance markets. There is no reason for Government ownership of these businesses and their sale will allow SGIC to compete in these markets without the hindrance of public ownership.

The Government is aware of the sensitivities of employment in this asset sale. The SGIC workforce contains specialised insurance and finance sector people. This workforce is expected to be required by the purchaser of SGIC.

SGIC employees and management have worked closely together to achieve substantial productivity gains which has assisted in making SGIC an attractive purchase option for companies seeking to enter the insurance industry or for those seeking to expand their operations in Australia, and South Australia. Indeed, substantial interest has been expressed already from national and international companies in this sale.

I commend this Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains the definitions required for the purposes of the new Act.

Clause 4: Date of divestiture
This clause defines the date of divestiture for Newco and the Newco subsidiaries. The date of divestiture is a concept of particular importance to the provisions dealing with the government guarantee.

Clause 5: SGIC subsidiaries
This clause defines SGIC subsidiaries. These are the bodies corporate listed in Schedule 2. Additions to, or variations of, the list may be made by proclamation.

Clause 6: Territorial operation of Act
This clause is intended to give the new Act extra-territorial operation to the full extent of the legislative power of the State.

PART 2
NEWCO

Clause 7: Provision of capital to Newco
This clause provides for capital subscriptions to Newco.

PART 3
TRANSFER AND SALE OF ASSETS AND LIABILITIES

Clause 8: Transfer of assets and liabilities to Newco and Newco subsidiaries
Under this clause assets or liabilities of SGIC or an SGIC subsidiary may be transferred to Newco or a Newco subsidiary.

Clause 9: Re-transfer of assets or liabilities
This provides for the re-transfer of transferred assets or liabilities.

Clause 10: Conditions of transfer (or re-transfer)
Conditions may be imposed under this clause on the transfer or re-transfer of assets or liabilities.

Clause 11: Supplementary provisions
This extends the operation of securities in relation to transferred assets or liabilities.

Clause 12: Legal proceedings
This provides for the continuation of legal proceedings in respect of transferred assets or liabilities by or against the transferee company.

Clause 13: Evidence
Under the clause the Treasurer or the Treasurer's delegate may issue certificates about the transfer or re-transfer of an asset or liability under the new Act. The certificate is to have evidentiary value in legal proceedings.

Clause 14: Transfer of shares in Newco or a Newco subsidiary
This provides for the Treasurer to enter into a sale agreement shares in Newco or a Newco subsidiary, or assets or liabilities in Newco or a Newco subsidiary.

Clause 15: Application of proceeds of sale, etc.
This clause deals with the application of the proceeds of the sale.

PART 4
STAFF

Clause 16: Transfer of staff
This clause deals with the transfer of staff from SGIC or an SGIC subsidiary to Newco or a Newco subsidiary.

PART 5
GOVERNMENT GUARANTEE

Clause 17: General guarantee
This is a general guarantee of all liabilities of Newco or a Newco subsidiary that fall due before the date of divestiture.

Clause 18: Government guarantee (Part A policies—general insurance)

Clause 19: Government guarantee (Part B policies—term life and other insurance)

Clause 20: Government guarantee (Part C policies—continuous insurance)

Clause 21: Government guarantee (Part D policies—investment contracts)

Clause 22: Government guarantee (Part E policies—unit investment contracts)
These clauses provide for less extensive guarantees of liabilities under various kinds of policies where the liabilities fall due after the date of divestiture.

Clause 23: Amortisation principle
The amortisation principle is the principle under which liability under a guarantee is gradually reduced and then extinguished. The principle is used in the above provisions for guarantees operating after the transferee company's date of divestiture.

Clause 24: Appropriation of Consolidated Account
This provides for the appropriation of money that may be required for the purposes of a guarantee.

Clause 25: Subrogation
If a liability does have to be paid out under the guarantee, the Treasurer is subrogated to the rights of the person to whom the payment was made against the company whose liabilities were guaranteed.

Clause 26: Agreement that this Part will not apply
This clause provides that a company may enter into a policy on the basis that the guarantee will not apply.

Clause 27: Restrictions on the application of this Part
This clause empowers the Treasurer to impose restrictions binding on a transferee company about the terms and conditions on which insurance policies and investments offered by the company may be entered into or made, or about the variation by agreement of the terms and conditions governing a guaranteed liability.

Clause 28: Government guarantee under the State Government Insurance Commission Act 1992
This provides that the guarantee under section 21 of the *State Government Insurance Commission Act 1992* has no application to transferred liabilities.

Clause 29: Schedule 5 proclamation
Schedule 5 may be varied by proclamation made during the transfer period by the addition of further items.

PART 6
MISCELLANEOUS

Clause 30: Transfer of assets and liabilities to other authorities
The Governor may, by proclamation, transfer assets and liabilities of SGIC or an SGIC subsidiary to an authority or person nominated in the proclamation.

Clause 31: Payment to be made to Consolidated Account
A transferee company that makes a profit before it ceases to be an entity under the control of the State may be required under this section to make a payment to the Treasury in lieu of income tax.

Clause 32: Registering authorities to note transfer
This provides for registration authorities to note the transfer of land and other assets under this Act.

Clause 33: Stamp duty
Transfers of assets under this Act are exempted from stamp duty.

Clause 34: Act overrides other laws
The new Act will operate override the *Real Property Act 1886* and any other laws that might impose limits on its operation.

Clause 35: Effect of things done or allowed under Act
This clause will prevent action taken under the new Act being treated as the trigger for a liability or other adverse consequence under another law or instrument.

Clause 36: Regulations and proclamations
This provides for the making of regulations and proclamations for the purposes of the new Act.

SCHEDULE 1
Consequential Amendments to the State Government Insurance Commission Act 1992

This schedule makes amendments necessary to transform the present State Government Insurance Commission into the *Motor Accident Commission* to operate the compulsory third-party motor accident insurance scheme.

SCHEDULE 2
SGIC Subsidiaries

This schedule lists the companies that are to be regarded as SGIC subsidiaries for the purposes of the new Act.

SCHEDULE 3
Superannuation

This schedule defines the superannuation rights of transferred employees.

SCHEDULE 4
Amendment of Motor Vehicles Act 1959

This schedule amends the *Motor Vehicles Act 1959* to provide (in effect) that insurers cannot be approved to enter the compulsory third-party insurance field until 1 July 1998.

SCHEDULE 5
Policies subject to Government guarantee and referred to in Part 5

This schedule categorises the various kinds of policies issued by SGIC for the purposes of the provisions dealing with the government guarantees.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

RESIDENTIAL TENANCIES BILL

In Committee.

(Continued from 30 May. Page 2021.)

The Hon. K.T. GRIFFIN: I will not proceed with the insertion of a new schedule, in the light of the different structure which has now been approved by the majority of the Committee. The appointment and selection of assessors, which is the subject of my amendment, will undoubtedly be revisited when the matter is further considered in the House of Assembly.

Schedule.

The Hon. ANNE LEVY: I move:

Clause 2, page 38, line 11—Leave out the definition of 'former Tribunal'.

This amendment is consequential on previous amendments.

Amendment carried.

The Hon. ANNE LEVY: I move:

Clause 4, lines 19 to 24—Leave out subclauses (2) and (3).

This amendment is consequential on amendments previously carried.

Amendment carried.

The Hon. ANNE LEVY: I move:

New clause, page 38, after line 27—Insert new clause as follows:
President of Tribunal—Transitional provision
5A. The person holding office as Chairman of the Residential Tenancies Tribunal immediately before the commencement of this Act will continue in office (on the same terms and conditions) as the President of the Tribunal under this Act.

This amendment is to change the terminology from 'Chairman' to 'President', which I understand is a common change being made these days as a way of achieving gender neutral language and as a transitional provision it means that the person holding the office as chair will continue in that position once the Act is proclaimed. This is obviously necessary to allow for continuity.

The Hon. K.T. GRIFFIN: I will not oppose it. My understanding was that 'Presiding Member' was the description. 'President' of this Residential Tenancies Tribunal seems a bit ostentatious, but we can review it once the Bill has been dealt with in the House of Assembly.

The Hon. SANDRA KANCK: I indicate that the Democrats will support the amendment. I am inclined to agree with the Attorney that the title 'President' does seem a little over the top and 'Presiding Member' may be a better one, but at least it will get rid of those interminable arguments that I seem to get into about the origins of the word 'chairman'.

Amendment carried.

The Hon. K.T. GRIFFIN: I will not proceed with my next amendment because, although it is still compatible with the amendments now moved and supported by the majority of the Committee, it is in the scheme of things inappropriate for this body to be part of the Courts Administration Authority umbrella. It will, of course, be reviewed in the context of any conference which might result from deliberations in the House of Assembly.

The Hon. ANNE LEVY: I am sorry the Attorney is not moving the amendment because I was going to support it. It seems to me that this is a quite separate matter. I certainly would have no objection whatsoever to the Residential Tenancies Tribunal coming under the Courts Administration Authority in terms of location, general administration, and so on. It would seem to me quite compatible with the tribunal as it currently exists, which is being continued, through the view of the majority of this Chamber, but to me that does not in any way seem incompatible with it coming under the Courts Administration Authority. I know the previous Chief Justice did not favour such a location or administration. Perhaps the Attorney may have information as to what the Chief Justice elect feels on this matter, because I can see no inhibition and, in fact, many advantages. It would be administratively be very tidy, if one has a tidy mind, to have the Residential Tenancies Tribunal as administered by the Courts Administration Authority.

The Hon. K.T. GRIFFIN: The difficulty is that none of the persons who hold office are judicial officers. The person who chairs the Residential Tenancies Tribunal is paid according to the level of a magistrate but is appointed for a term of no more than five years and the other members are appointed for varying terms, up to five years as I recollect. The argument by the former Chief Justice—and I think it had some substance—was that where you had a body whose members were appointed for limited terms, there was an issue about independence, judicially, and whether that was compatible with the broader notion of judicial independence, which is that once appointed a judicial officer cannot be removed except under the very limited provisions of the Constitution Act or the Magistrates Act, as the case may be, until age 70 for judges and 65 for magistrates.

So, it is an important issue that has to be resolved in the broader debate about judicial independence. It is an issue which, of course, has surfaced in other States not only in Victoria but in South Australia and in other States of Australia. I have not discussed this matter with the new Chief Justice. It is one of the reasons why I am not proceeding with it now, but also because I think there is an issue of importance about the structure of the Residential Tenancies Tribunal as now proposed by the Legislative Council which I think would preclude it from being covered by the Courts Administration Authority. But it is an issue to which I want to give some further consideration and obviously have some discussions about it with the new Chief Justice. It will be resolved one way or the other at the time when this Bill is finally resolved, presumably at a deadlock conference.

The Hon. ANNE LEVY: I move:

Division 3, pages 38 and line 39—Leave out Division 3 (clause 6).

This is consequential.

Amendment carried; schedule as amended passed.

Long title.

The Hon. ANNE LEVY: I move:

Leave out 'to make related amendments to the Retirement Villages Act 1987;'.

This is consequential.

Amendment carried; title as amended passed.

Bill read a third time and passed.

STATUTES AMENDMENT (PAEDOPHILES) BILL

Adjourned debate on second reading.

(Continued from 6 April. Page 1797.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports this Bill. The Attorney can be assured of a bipartisan approach in relation to this matter. The Government and the Opposition are equally concerned about this apparent loophole in the law which has been identified, whereby people with illicit motives have been legally permitted to persistently loiter around schools, and so on, hoping ultimately to take advantage of the children there in some way. I tend to agree with the Attorney that the Bill targets the specific problem quite appropriately. Essentially, a kind of restraining order can be taken out against

people found loitering near school premises and other areas where children may gather, if the person has been found guilty of a sexual offence relating to children or if there is evidence that the person has persistently been loitering in these sorts of places without good reason. The terms of the restraint order can be flexible and they will be set by a court.

The Bill further provides that parole conditions for certain prisoners can be set to include orders preventing loitering in these public places where children are frequently present. It should be stressed that where an order is sought against a person restraining them from loitering in these kinds of public places the defendant will have the opportunity to justify his or her behaviour and to put any reasons why such a retraining order should not be made. I believe that there is adequate protection of civil liberties inherent in the Bill. I support the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for her indication of support for this Bill. It is an important piece of legislation, and I am delighted that it has bipartisan support.

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

PUBLIC TRUSTEE BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 1872.)

The Hon. ANNE LEVY: The Opposition supports this Bill. It is a very welcome Bill. It will, at last, give greater status to the Public Trustee than just having the Public Trustee buried in the Administration and Probate Act, which is not a title under which one would expect to find the Public Trustee and, given the importance of the Public Trustee to many people in this State, I welcome its having its own Act. The Bill before us is mainly a rewrite of the existing legislation—a very welcome rewrite, I might add—which removes a great deal of the sexist language and the quaint legal phraseology that was used in 1917 when the current Act was first drawn up.

The biggest change that has been made is the change to the common fund. The common fund will now be able to accept other funds, which it can then invest on behalf of the owners of those funds. I understand that the extension, which is to be approved by the Minister, is expected to be for certain charitable funds and trusts and such funds where the trustees may feel that they have difficulty in adequately managing the funds of their trust, which may not be very large, and where putting them into the common fund of the Public Trustee is likely to benefit such funds considerably, the Public Trustee funds being of large amount and managed very professionally. When I was Minister they averaged a better return than the average private investment funds. Whether they have continued that remarkable performance, I do not know.

Another change from the old situation is that the limit on management fees for the common fund is now expressed in the Act. Previously, it was determined by regulation. The current maximum management fee (one-twelfth of a per cent of the value of the fund per month) is, I understand, the same as that which applies in the Trustee Act for other trustees, and it is the same limit as was set in the regulations previously. So, it is not a change in practice, but it has been moved from regulations to the Act. Likewise, there will be a legal requirement for the Public Trustee to report to Parliament each year. For many years, the Public Trustee has reported to Parliament, and very adequately, but it was not legally required to do so. With the passing of this Act, it will now be a legal requirement. That is hardly an imposition as, in any case, the Public Trustee has done so for many years.

I note that the Common Fund Reserve Account—which no doubt was updated in the 1970s or 1980s—will no longer be held by Treasury but will be left to the Public Trustee to manage. I do not know what Treasury thinks about this, but it seems perfectly sensible that if it is its fund reserve account it should be responsible for it as it is for the common fund itself. I do not know what sort of sums are involved, but I do not think they are very large, and the Treasurer probably will not miss it from his account.

This is perhaps a minor point, but the 1917 Act gave the Public Trustee the power to administer and manage the Catherine Helen Spence Fund and the Tom Price Memorial Scholarship Fund. At that time, the first named fund consisted of $4 420 and the latter consisted of $4 000—undoubtedly significant sums in those days. The new Bill before us under the transition provisions enables the Public Trustee to continue to administer the Catherine Helen Spence Fund but makes no mention of the Tom Price Memorial Scholarship Fund. It may well be that in the intervening 78 years that fund has come to exist no longer, but perhaps out of historical curiosity the Attorney might be able to ascertain some information about what happened to that fund.

I understand that the Catherine Helen Spence Fund recently got a boost. When there was a collection of money by public subscription to erect the statue of Catherine Helen Spence, which now stands in Light Square, more money was subscribed than was required for the statue and the remainder was placed into the Catherine Helen Spence Fund held by the Public Trustee. I am interested to know how much is in that fund at the moment and perhaps even what it is for. Obviously, it is to commemorate Catherine Helen Spence, a very important person in the history of this State, but how the fund or the income of the fund is applied I do not know. I appreciate that the Attorney may not have these answers at his fingertips, and I do not want to hold up the Bill, but if he is able to ascertain answers to these questions he could perhaps let me know at some future time. It is simple curiosity on my part, but I am interested to indulge that idle curiosity.

I should say, too, that the change in the language that is used is remarkable. The old Act talks of things such as the curator of intestate estates and other quaint terminology. It also talks about a widow or a husband: the term 'widower' is never used. Obviously, if a woman loses her husband she becomes a widow, but if a man loses his wife he remains a husband, in the terminology of 1917. There is a strange clause on the marriage of infants and what the Public Trustee must do in those circumstances, and there are a number of provisions in which women are treated quite separately from men. There is a patriarchal assumption that women are not able to look after themselves, whereas men apparently are. It was with great amusement that I read the old legislation and was delighted that the current Bill abolishes all that sexist nonsense and is a great improvement, apart from being in much more readable English, and will be much easier for the general public to understand. I am very pleased to see this Bill before us and support it wholeheartedly.

The Hon. R.D. LAWSON: I also support this Bill. The Public Trustee in South Australia has had a long and honourable tradition of service to the community. The Public Trustee

was originally established in this State by the Public Trustee Act of 1880 and, like the Hon. Anne Levy, I agree that it is good to see the Public Trustee being again recognised in a separate statute, rather than being buried within the general provisions of the Administration and Probate Act, which deals, of course, with the administration of estates generally, not only by the Public Trustee but by any other trustee in this State.

When the Public Trustee Bill was originally introduced in 1880 the Chief Secretary commented that the object of that Bill was to protect the estates of persons dying intestate, that is without a will, and the estates of lunatics and others. For that purpose it was proposed to extend the powers of the then Curator of Intestate Estates and divest them in a Public Trustee. The old office of Curator of Intestate Estates was abolished and the Public Trustee took over those duties. The measure was widely supported at that time in Parliament, although there were some reservations because a private company had only latterly been established to carry out the functions then to be vested in the Public Trustee.

It is of some historical interest to note that Sir Henry Ayers strongly supported the measure. In his second reading contribution he commented that there was far more trouble in administering the affairs of a deceased friend than in looking after one's own immediate business. That remark received the approbation of the members of the Council. Sir Henry went on to say that even if a solicitor were consulted and the advice proved to be unsound, it was no protection to the trustee to say that he acted with the best legal advice he could procure.

In one particular case Sir Henry had been legally advised by two gentlemen who were subsequently elevated to the bench that he could safely adopt a particular course but, on application to the court, he was informed that the course proposed to be taken could not legally be taken. So, that eminent gentleman applauded the introduction of the Public Trustee on, amongst other grounds, the ground that the trustee would always have the Supreme Court to direct him and the inheritors would have a claim against the public revenue in case anything went wrong.

As I say, from that beginning the Public Trustee has had a long and honourable tradition of service to the community. In introducing the measure the Attorney has outlined, in some detail, the community service obligations of the Public Trustee, which will continue under this measure. The Hon. Anne Levy mentioned the Tom Price Memorial Trust, which is apparently not mentioned in this latest Bill, and the Catherine Helen Spence Trust, which is. Of course, Public Trustee does administer a large number of similar public charitable trusts by virtue of his having been so appointed initially; by reason of the fact that, on certain occasions, the court has appointed Public Trustee; or by reason of the fact that, in a number of other cases, original trustees have ceased to act and the court has ordered that a scheme be established for the administration of such trusts. I am sure that will continue.

One measure which I would like to see adopted but which is perhaps inappropriate to have included in this Act specifically dealing with the Public Trustee is the provision of some statutory mechanism to enable beneficiaries and others interested in trusts to appeal against decisions of trustees or, if not to appeal, at least, in certain circumstances, to have the decisions of trustees reviewed. These days, with superannuation becoming more increasingly available and, in certain circumstances, compulsory superannuation, the trustees of superannuation funds have enormous power over individuals, and the mechanisms by which individuals can challenge the decisions of trustees are very limited and rudimentary in our system of law.

There is a statutory provision in Queensland's Trustee Act which enables those affected by trustees' decisions in certain circumstances—and I will not say every circumstance, but in certain circumstances—to have decisions reviewed by an independent third party. That is a measure that I would like to see more closely examined in South Australia, but it is not, as I say, one that specifically ought to be included in the Public Trustee Act; rather it ought to be in the Trustee Act, if we are to adopt such a measure. I commend the Attorney for bringing in this improvement to the provisions relating to the Public Trustee and I support the second reading.

The Hon. K.T. GRIFFIN: I thank members for their indications of support of the Bill. With respect to the Hon. Anne Levy's questions, I indicate that I will seek advice and information and let her know at an appropriate time by letter the answers to her questions. With respect to the Hon. Robert Lawson's observations in respect of the right of beneficiaries to challenge the decisions of trustees, it is a matter more appropriately dealt with in the Trustee Act, but it is something upon which I will have some work done and, again, let him have a response by letter rather than delaying the consideration of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 42 passed.

The CHAIRMAN: I point out that clause 43, being a money clause, is in erased type, so there cannot be questions. A message will be sent to the other place indicating that it is desirable for the proper operation of the Bill.

Clauses 44 and 45 passed.

The CHAIRMAN: I point out that clauses 46 and 47, being money clauses, are in erased type. There cannot be any questions. A message will be sent to the other House indicating that they are necessary for the operation of the Bill.

Remaining clauses (48 to 55), schedules and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 6.7 p.m. the Council adjourned until Thursday 1 June at 2.15 p.m..