LEGISLATIVE COUNCIL

Tuesday 26 March 1996

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos. 57 and 63.

RAILWAY BRIDGES

57. **The Hon. T.G. CAMERON** asked the Minister for Transport—

1. Can the Minister assure the commuters who travel on the Outer Harbor train line, that the railways bridges that support the track between the Alberton railway station and the Ethelton railway station are structurally sound?

2. Will the Minister release a report that highlights their present condition and the appropriate maintenance schedule?

The Hon. DIANA LAIDLAW:

1. I am advised that there are no grounds for commuters to be concerned regarding the safety of the service operating on the Outer Harbor train line.

A report prepared in February 1994 by consultants, Connell Wagner, concludes that the structures are not being significantly overstressed under current loadings. However, due to age factors some work is recommended to bring the structures into line with current codes and standards.

TransAdelaide with the assistance of the Department of Transport will manage the project for strengthening and repair work to bring the structures into line with those codes.

2. The honourable member may wish to obtain a copy of Connell Wagner's report by contacting my office.

SOUTHERN EXPRESSWAY

63. **The Hon. T.G. CAMERON** asked the Minister for Transport—Will the Minister advise why she engaged consultants to assess the alignment of the third arterial road now known as the Southern Expressway?

The Hon. DIANA LAIDLAW: On 16 May 1995 Cabinet approval was given to engage Maunsell Pty Ltd as consultant project manager for the Southern Expressway from Darlington to Reynella.

During the selection process, the selection committee considered that the proposals from Maunsell Pty Ltd and another consultant were clearly superior to other consultants' proposals. Maunsell Pty Ltd were recommended because their fee was considerably less than that for the other consultant.

In addition, consultants have been engaged to carry out the planning and design of the Southern Expressway alignment.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Response by Minister for Industry, Manufacturing, Small Business and Regional Development and Minister for Infrastructure to the Fourth Interim Report on the Review of the Electricity Trust of South Australia

Lifeplan Manchester Unity—General Laws

By the Attorney-General (Hon. K.T. Griffin)—

Regulations under the following Act—

Fair Trading Act 1987—Revocation—Health and Fitness Code

Rules of Court—

Magistrates Court—Magistrates Court Act 1991—Inclusion of Dog and Cat Management Act

Supreme Court—Supreme Court Act 1935—Corporation Rules—Notification of Summons

Criminal Appeal Rules—Various

Taxation

Racing Act 1976—Rules—Greyhound Racing Board—DNA Testing

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Fair Trading Act 1987—Regulations

By the Minister for Transport (Hon. Diana Laidlaw)—

City of Mitcham Historic (Conservation) Zone—Mitcham Village—Report

Crown Development Report—Report by the Development Assessment Commission.

ASER PROJECT AND CASINO

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement on the ASER project and the Adelaide Casino.

Leave granted.

INDOCHINESE AUSTRALIAN WOMENS ASSOCIATION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement on the Indochinese Australian Womens Association fraud investigation.

Leave granted.

QUESTION TIME

SCHOOLS' REVIEW

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 school reviews.

Leave granted.

The Hon. CAROLYN PICKLES: Yesterday, the media reported the Minister as saying that there will be further school closures after the latest round of closures that included The Parks High School and two schools on Yorke Peninsula. The Council would be aware that the Minister has initiated a review of schools across the State to consider options for amalgamation or closure. These reviews involve the school communities and can lead to very positive recommendations for the delivery of education through individual schools or groups of schools. Unfortunately, in the most recent case—The Parks High School—the Minister chose not to accept the recommendations of the review, and the same outcome may well be the case with a review of inner city primary schools where imaginative proposals were put forward by all three schools. To many people it appears that the Minister is driven by budget cuts rather than educational outcomes, and this has devalued the effort put into the review process by school communities. My questions are:

1. Will the Minister provide a list of all schools that are being reviewed under the southern Fleurieu cluster review, the Marion Road corridor review, the Clare and district review, the Whyalla review, the Jamestown review, the central west Adelaide district review, and the Mount Remarkable schools review?

2. Will the Minister indicate the status of the reviews; and, when a review has been completed, will he table a copy of the recommendations?

3. What other reviews are being undertaken, if any; and how many schools does the Minister intend to close?

The Hon. R.I. LUCAS: I am happy to provide that information. It is already on the public record: I answered questions in this Chamber and questions referred from the House of Assembly late last year in relation to all those reviews. They are all on the public record, and I will be happy to find the *Hansard* reference for the Leader of the Opposition and provide her with a ready reckoner so that she can find that reference, because I have answered those questions on a couple of occasions. For example, if the Leader of the Opposition wants to know the names of all the Whyalla schools, I am happy to list them for her. In relation to the Jamestown schools, I am happy to provide her with those names as well.

The Hon. Carolyn Pickles: Will you table a copy of the review?

The Hon. R.I. LUCAS: What review? There were different ones. I am a very open and accommodating Minister. Whenever a review was produced, as the Leader of the Opposition asked me last week for a copy of The Parks review, I willingly complied. I am happy to share information wherever and as much as I reasonably can.

The Leader of the Opposition refers to the fact that, on occasions, I have not accepted the recommendations of local reviews. That is indeed true. That is something that I said prior to the last election and it is something that I have said consistently over the past two years: that the only commitment I would give was that there would always be consultation with the local community regarding its preferred wishes but that, in the end, someone would have to take a decision and that that person would be the Minister for Education and Children's Services. The buck stops on my desk, and I take the responsibility for making the final decisions.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: That is a very good question. One of the schools that we announced on the weekend would be closed at the end of this year (the Port Victoria Primary School) at the start of this year had 11 students. The local review that was conducted unanimously recommended that the school continue for next year. On the sort of flawed logic that the Leader of the Opposition is suggesting—that if a local community says that it must continue or if the review says that it must—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Now the Leader of the Opposition says that she is not saying that. The Leader does not know what she is saying. She now says, 'No, I'm not saying that', yet for the past week she has been critical of me as Minister—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —because I took a decision different from that of a local school review. Now she comes into the Chamber and accepts that that is not what she is saying. She is now saying that it is all right for the Minister to take a position which is different from the local review. That is not the position that she adopted in this Chamber last year when she moved a motion, or indeed—

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Yes. Mr President, the Leader of the Opposition clearly—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order! I call the Leader of the Opposition to order.

The Hon. R.I. LUCAS: —is not sure of her position on this issue, because it changes from day to day, week to week, or month to month. When I look at the blank faces of her colleagues on the other side, I am not surprised at their concern at the very many positions that the shadow Minister for Education takes on this issue. As I have indicated before, and as I do again for the edification of the Leader of the Opposition (and I will speak slowly), this Government is using exactly the same policy as was used by the Labor Government in relation to school closures. This Government, over a period of four years, is closing—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —or amalgamating about 10 schools per year, exactly the same number that the Labor Government closed over the seven years prior to 1993. There were 70 school closures, amalgamations or rationalisations under the Labor Government—an average of 10 a year—and the Liberal Government is doing exactly the same. So, the Chair of the Education Committee (Hon. Caroline Pickles) advising the previous Minister supported a policy of closures and amalgamations when in government, but when the Liberal Government uses exactly the same policy and closes almost exactly the same average number of schools—about 10 per year—suddenly there is mock outrage and indignation from the Leader of the Opposition.

It was the Hon. Caroline Pickles and her colleagues who, prior to the election, said that this Government would close down 363 schools in these four years. It was also the Hon. Caroline Pickles who went to the public, supported by the Hon. Terry Cameron, and recently, through the legal processes, it was proved that the Hon. Mr Cameron—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The courts in South Australia have done over the Hon. Mr Cameron because they found what we knew, namely, that he was not telling the truth. He was not telling the truth at the time of the last election, and neither were the Hons Caroline Pickles or Anne Levy. They were not telling the truth.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: They were not telling the truth. At that time I indicated quite clearly, on behalf of the Liberal Party—and we were honest about it—that there would be school closures and that we would close around 40 schools over the next four years. The Party that was dishonest was the then Labor Government, on two grounds: first, it said that it would not close down another school in the next four years if re-elected. That was its first dishonesty because it was closing down 70 schools in seven years, anyway.

Members interjecting:

The Hon. R.I. LUCAS: One just has to look at you.

The PRESIDENT: Order! The Minister is reflecting on the honourable member. I do not think the Minister need make remarks such as that.

Members interjecting:

The PRESIDENT: Order! If I have to stand up too often, there will be little interjection left in the Chamber. I suggest that the Minister wind up his answer.

The Hon. R.I. LUCAS: The second dishonesty was not only the fact that members opposite said they would not close any schools but also that we would close 360 schools. I said

that we would close about 40 schools over four years, and the Government is completing and fulfilling an election commitment that it gave at the time of the last election.

GRAPE PICKERS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Industrial Relations, a question about pay and working conditions for grape pickers in the Southern Vales.

Leave granted.

The Hon. R.R. ROBERTS: Two recent stories in the *Southern Times* have likened pay conditions of grape pickers in the southern wine districts to those of the Great Depression. This has resulted in grape pickers leaving their jobs in droves, at a time when the southern wine industry is battling to overcome a grape picker shortage. Vineyard subcontractors, hired by growers, pay pickers according to the number of buckets they pick. Recently, pickers have complained that the system is exploiting the south's jobless and failing to give a fair day's wage for a fair day's work. In a number of cases pickers were told initially that they would receive $1 per bucket, and then half way through the picking they were told that they would get 55¢ a bucket. I am advised that this has been as low as 45¢.

In the case of one contractor, workers are being told the price per bucket only at the conclusion of the day's work. To add salt to the wounds, they were also forced to buy their own snippers from their employer, because they were not supplied as part of the job. If one takes off tax, $7.50 for the snippers and petrol money, one sees that they often earned less than $50 for—as one picker has described it—a hard day's work. Other examples include a man who was paid—

Members interjecting:

The Hon. R.R. ROBERTS: Wait until you get to the good part—only $115 for a week's work by the grower, and neither toilets nor first-aid equipment were provided. Another example involved a man and his wife who worked from 7 a.m. until 6 p.m. and were given less than $40. They were often not told how much they would be paid until the work began. It was against this background that last Friday, 22 March, an organiser from the Australian Workers Union was invited down to the Southern Vales after a complaint was made about the treatment from a contractor who, I am advised, is from a company called Ned Kelly Enterprises regarding under-payment of wages and the conditions under which they work.

The organiser did arrive, duly invited by the employees, and was addressing workers in a public car park when two people emerged from the offices of Ned Kelly Enterprises, which is run by Dave Kelly, and told the organiser that he was to desist from talking to workers in a public place. Rightly, the organiser refused, as he was doing his legal work, and he was certainly entitled to talk to workers outside working hours in a public place.

At that point, one of the alleged employees of Ned Kelly Enterprises went back into the office, and the other person engaged in an altercation with the trade union organiser. An assault took place, whereby this gorilla, this thug, allegedly from Ned Kelly Enterprises, assaulted the trade union official and split his eye, required the insertion of six stitches, and he sustained substantial injury. Thereafter, the trade union official raised the matter with Ned Kelly Enterprises, to be told by the proprietor that he did not know who the person was; he was unknown to him. I am advised that this alleged assailant has not been sighted since. Mr Dave Kelly—

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: So, you're accusing the organiser of being a thug. I want to make sure that goes on the record. The Hon. Angus Redford has accused a *bona fide* union official, talking to his members, in a public place, of being a thug.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: This matter was taken up with the proprietor of this organisation, who denied all knowledge of this person. I am advised that this person has not been seen at the place since. Mr Dave Kelly has advised the organisation that he is just as keen as anyone to have this person identified and brought to justice. The trade union official then proceeded to the McLaren Vale Police Station to report the offence to the officer in charge. Sadly, this story gets worse, because on arrival at the police station to report the incident, this union official, with blood streaming down his face and obviously having been involved in some incident, was told by the police officer that, as he was in the process of knocking off, the union official should direct his complaint to the Christies Beach Police Station.

The Australian Workers Union has provided a reward of $500 for information that would lead to the conviction of this man. As Mr Dave Kelly has indicated that that is his wish, I invite him to post a similar reward. Therefore, my questions to the Attorney-General are as follows:

1. To ensure that workers in the Southern Vales are not being exploited, will the Minister make provision for the Department for Industrial Affairs and/or the Employee Ombudsman to investigate the pay and working conditions of fruit pickers in the Southern Vales?

2. Will the Minister have his officers ensure that grape pickers are fully informed of the rates of pay and conditions they will receive before they start work?

3. Will the Minister have his officers or those of the Employee Ombudsman set up a task force, which would include representatives of the Australian Workers Union and the Australian Liquor, Hospitality and Miscellaneous Workers Union to investigate the pay and conditions of fruit pickers to ensure that workers are not exploited by unscrupulous growers and/or contractors?

4. Will the Minister also have the Minister responsible for the police investigate the incident that occurred at the McLaren Vale Police Station in respect of this alleged assault?

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: My questions continue:

5. Will the Minister for Employment, Training and Further Education match the $500 reward posted for information that may lead to the conviction of the thug who assaulted in a public place the trade union official in the course of his duty?

The Hon. K.T. GRIFFIN: I am obviously not familiar with any of the information that the honourable member presented in his explanation. It would be helpful if the Minister for Industrial Affairs could have details from the honourable member, including the date when all this occurred and the name of the person alleged to be assaulted. If that information was available it would assist the Minister to undertake inquiries. Obviously, the honourable member or his constituent have a complaint about the way the police handled

this matter and they can take it up either with the appropriate authorities within the Police Department or they can go to the Police Complaints Authority, although that latter course is generally followed after attempts have been made to resolve a matter satisfactorily by dealing directly with senior police officers. If there has been a criminal offence, it ought to be reported and properly dealt with. I will refer the matter to my colleague in another place. As I said, if the honourable member can provide further information that will help to identify the issue more specifically, that will be of assistance.

LAND, SURPLUS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about the proposed sale of the Mylor recreation camp site and Coppins Bush.

The Hon. T.G. ROBERTS: I have raised previously in this Chamber the matter of the proposed land sale of a number of designated areas in the metropolitan and outer metropolitan areas, which local communities have felt should have been ear-marked for community use. In this case, I refer to the Mylor recreation camp site and Coppins Bush at Littlehampton. The value of the bushland on the Mylor recreation camp site was recognised a long time ago, in 1944, and it was designated a closed area for animals and birds. On 9 June 1966, this status was revoked and the area gazetted as a fauna sanctuary.

I am told that this status still appears on the plans for the area but, in an article in the Mount Barker *Courier* on 6 March 1996, the Minister was reported as saying that the site no longer has that status. This statement has confused many people in the area because a community organisation was set up to defend the use of the recreation area and to keep it in public ownership. The issue of the preservation of Coppins Bush at Littlehampton has been on the public agenda for some six years and has been discussed *ad nauseam*. It has a natural community value and has been recognised by successive Governments during this time. My questions to the Minister are:

1. What is the current status of the Mylor recreation camp site?

2. If the status of the park has changed, how and why was this done?

3. Will the Minister make a commitment to secure the future of this land in public ownership?

4. If the answer is 'Yes,' how long will it take for this process to be finalised?

The Hon. DIANA LAIDLAW: I am not aware of all the issues associated with the Mylor recreation reserve. I am, however, aware of issues relating to Coppins Bush, and perhaps I could inform the honourable member of progress on that matter while referring the other specific questions to the Minister for the Environment and Natural Resources. Coppins Bush at Littlehampton is owned by the Department of Transport and has been declared surplus to immediate and long-term needs. The department has applied for a heritage agreement over the majority of the site from the Native Vegetation Authority, which application, I understand, has support within the authority. We are just waiting for a positive answer to that application. That would then leave some land not covered by the heritage agreement.

The correspondence that I have received on the subject has been quite adamant that the land not be lost to the Government sector as a whole and not be sold at all to the private sector. I have been able to confirm that that is certainly the Government's priority. The preference is to keep it in Government hands, whether it be in State Government hands or a partnership with local government. I understand that the Minister for the Environment and Natural Resources is having a number of discussions with other departments that have an interest in this land, including the Department for Education and Children's Services, as well as the local council.

The Government's preferred option is to have that land retained by Government sources. However, the land is definitely surplus to the needs of the Department of Transport and we would prefer that such be transferred across so that the future ownership can be determined by the Minister for the Environment and Natural Resources. We will continue quite intense discussions with the local community, the council and other departments over the next few weeks, but it may take a little longer than that. I will refer the other questions to the Minister and bring back a reply.

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about the sale of allegedly surplus public land.

Leave granted.

The Hon. M.J. ELLIOTT: Over the past four or five years I have asked a number of questions about the sale of surplus public land, a program which has accelerated in the past two years. Today I was also going to focus particularly on the two plots of land referred to by the Hon. Terry Roberts.

The Mylor recreation reserve comprises 51 hectares of pristine native vegetation currently owned by the Department of Sport and Recreation. The site, which has previously been declared a fauna sanctuary, is considered to be one of the most significant pieces of unprotected remnant vegetation in the Mount Lofty region and is the largest in a chain of remnants linking to the Engelbrecht Reserve. The Federation of South Australian Walking Clubs tells me that the reserve's pristine understorey includes native shrubs, daisies, lilies and orchids, some of which are rare and endangered native fauna. According to the Stirling District Environment Association, 103 indigenous species, including 12 orchid species and eight plants of conservation significance, have been identified on the land.

The land, situated on the banks of the Onkaparinga River, is traversed by the Heysen Trail and a network of walking trails. Local residents are urging that this plot of land should be not sold, but in fact added to the parks and wildlife reserve system as a conservation park. The nearby plot of about 3.5 hectares of blue gum, manna gum and pink gum woodland adjacent to the EWS land at Littlehampton, known as Coppins Bush, to which the Hon. Terry Roberts alluded, is also under threat. I understand that this area has largely been cleared and the site has very few weeds.

What has mystified people even more is that the Government, in the last week or two, has talked about returning native habitat and planting millions of trees, including manna gums. Yet, one of the lots that it intends to sell has significant amounts of manna gum on it.

The Hon. Diana Laidlaw: To which of the two lots do you refer?

The Hon. M.J. ELLIOTT: Coppins Bush has manna gums.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: The other one, too, is significant not only because of the upper storey, which in many places is still intact, but because the under storey is intact, which is even more important. Whilst many people have expressed concern about proposals to shift koalas to the Mount Lofty Ranges—and they would probably find Coppins Bush suitable because it has manna gums—they make the point that the major problem and the reason why so many species are threatened is lack of habitat, and at present the Government has under its control two significant plots of native habitat in near pristine condition which are about to be sold.

The Minister in her reply to the previous question suggested that one possibility was a sale to local government. I make the point that it seems to be a practice at this stage, with the Government trying to sell Blackwood Forest Reserve and several other bits of so-called surplus land to local government, of passing on the bill to local government. My questions are:

1. What plans has the Government for these two tracts of land?

2. When does the Minister expect to make decisions and, indeed, will we see genuine community consultation in relation to these issues?

3. Why is the Government, which recognises that some land needs preservation, asking that local government should buy it, particularly as, under the Local Government Act, it has been trying to restrain local government spending?

4. Why is the Government currently promoting the planting of more manna gums in the Mount Lofty Ranges and the State's South-East while selling off and virtually losing control of land which includes such species?

The Hon. DIANA LAIDLAW: It is apparent that the honourable member did not listen to my answer to the Hon. Terry Roberts, that question having been asked just before he rose to his feet. If he had listened and not read from a prepared script, he would have appreciated that I said the Government's preferred option in terms of Coppins Bush is not for sale and that we are looking at a whole range of scenarios which mean that the land can be retained in Government ownership, but that it is not appropriate that such ownership should be with the Department of Transport. As the honourable member noted, it is pristine land. Manna gums under bush have been retained. It is not appropriate for the Department of Transport to hold such land for development purposes.

The department does not intend to develop that land, and that is why the department has sought a heritage agreement over the majority of the land. To suggest, as the honourable member has, that we are selling it off, that we are about to rape the land and that koalas would not have a chance to live there if they were relocated: it was quite an emotive set of propositions for an audience that only the honourable member can speculate about, but it certainly had nothing to do with the matter I addressed one question earlier. In fact, the honourable member need not have asked the question at all in terms of Coppins Bush if he had cared to listen. In terms of the other issue at Mylor, I will refer that to the Minister and bring back a reply.

RIDERSAFE MOTORCYCLE TRAINING PROGRAM

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about the Ridersafe Motorcycle Training Program.

Leave granted.

The Hon. T.G. CAMERON: In the push to outsource all before it, no matter what the consequences, the Government has invaded yet another excellent service to the South Australian motoring public. I speak of the push to outsource the unique Ridersafe Motorcycle Training Program. In 1987 the then Labor Government recognised the need for a compulsory motorcycle rider training program for people wishing to obtain a motorcycle licence and, under the guidance of the Department of Road Transport, industry representatives, motorcycle club representatives and Motorcycling Australia (SA) Inc., a unique training program was developed. Aspects of motorcycle rider training from all over the world were encompassed in the program, which received acclaim nationally. The reduction in motorcycle rider fatalities and a reduction in major motorcycle related injuries are testimony to the success of the compulsory rider training program. The motorcycle training program is now under threat and the quality of training could well be reduced if allowed to be outsourced. Will the Minister give an assurance that the ridersafe training program will not be outsourced in recognition of the outstanding service it provides to the community?

The Hon. DIANA LAIDLAW: On Friday of last week I met with the gentleman who established the ridersafe program within the Department of Transport, Les Jackson (who has subsequently retired), together with a representative of the ridersafe trainers and Mr Peter Mount from Motorcycling Australia (SA) Inc. We explored a number of options following a move by the Department of Transport to assess the feasibility of outsourcing the ridersafe program. No decision has been made by the department and no recommendation has been made to me that this excellent program, as the honourable member has acknowledged, should be outsourced. We explored various options. I gave an undertaking to the people who made representations to me that I would communicate with the Department of Transport and indicate to it that a consultancy that it proposed would not be necessary and that I would like it to consider a proposition presented by Motorcycling Australia (SA) Inc. that it be delegated the responsibility to administer this program.

So, I have proposed to the department that representatives of ridersafe trainers plus Motorcycling Australia (SA) Inc. prepare a submission in association with the Department of Transport to consider how the motorcycle trainers and riders can be responsible for the training program in this State. I understand the sentiment expressed by the honourable member today that there are some misgivings about outsourcing the program. Having spoken to a number of people—including the three I spoke to last Friday—I am very aware that there are many sources of dissatisfaction with the current program, one of them being the lack of will by department representatives responsible for this program to undertake initiatives which the ridersafe trainers want implemented and which would keep this program well advanced in Australia in terms of safe riding practices.

I was given a whole list of issues that the ridersafe trainers and motorcyclists generally had presented to the department's ridersafe unit over the past two years. There is total dissatis-

faction at the lack of action on those issues raised. Therefore, in the circumstances, I would be quite comfortable to see the department and Motorcycling Australia (SA) Inc. examine the circumstances under which the motorcyclists and their representative association could be responsible for this work in the future. That is the path I will take in this matter, and the department's proposal in terms of engaging a consultant for outsourcing, which could see the possibility of this work being undertaken by an interstate operator, is something that I will not condone.

MIGRANTS, HEALTH

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about health screening of migrants.

Leave granted.

The Hon. BERNICE PFITZNER: Migration patterns have changed from the traditional sources of south Europe and the UK to South-East Asia, the Middle East and Eastern Europe. There is a table of origin of migration in the financial year of 1994 that I seek leave to incorporate in *Hansard* without my reading it.

The PRESIDENT: Is it purely statistical?

The Hon. BERNICE PFITZNER: Yes.

Leave granted.

Table 1. Origin of Migrants (Financial Year 1994-95)

Region	Number	Per cent
Oceania	13 592	15.5
Europe and the former USSR	25 523	29.2
The Middle East and Northern Africa	7 146	8.2
South-East Asia	14 861	17.0
North-East Asia	9 899	11.3
Southern Asia	7 616	8.7
North America	2 576	2.9
South and Central America and the Caribbean	1 329	1.5
Africa	4 857	5.6
Not Stated	29	
TOTAL	87 428	100.0

Source: Bureau of Immigration, Multicultural and Population Research, Department of Immigration and Ethnic Affairs.

The Hon. BERNICE PFITZNER: Members will note that this table supports the change in pattern in that Europe and the former USSR have 29.2 per cent of the migration to Australia, whereas South-East Asia, North-East Asia and Southern Asia have a total of 37 per cent of the migrants entering Australia. Migrants from the lesser developed areas of the world such as some parts of Asia, the Middle East, South America and Eastern Europe might not have as high a standard of health as those resident in the Australian population. All people seeking Australian residence for longer than 12 months must have a medical examination in their country of origin. The medical report is assessed by the national health clearance unit in Australia. The assessment involves general medical history and physical examination. All those over 16 years are required to have a chest x-ray, and those over 15 years, an HIV test. Pregnant women are required to undergo hepatitis B testing and children under 15 years only undergo tests in specific circumstances. The only finding that specifically precludes migration is a confirmed, positive HIV test. Chronic and terminal medical conditions make selection less likely, and evidence of old or active TB leads to a deferral of migration.

While chest X-rays are routine in adults, Mantoux testing is not. If there are only minor changes in the X-ray, migration can proceed, subject to the person's signing what is called a health undertaking in which the migrant agrees to contact the appropriate health authorities within a specified time of arrival in Australia, to accept any investigation or treatment recommended and to keep the local health authority informed of his or her whereabouts while under supervision. Those with significant X-ray changes cannot migrate until further assessment is carried out in their country of origin. Applicants with active TB must complete six months of chemotherapy, after which they may migrate subject to signing this health undertaking.

For refugees, post-arrival screening programs vary from State to State. Not all refugees are checked, as post-arrival screening is voluntary. Post-arrival screening involves a Mantoux test, a hepatitis B test, a syphilis test, and a review of immunisation status. Many migrants come from regions where hepatitis B is endemic or prevalent. The prevalence of hepatitis B in east Asia is 10 to 15 per cent. Most potential migrants are not screened for hepatitis B. In the light of this procedure for health screening and checking of migrants, my questions to the new, effective and efficient Federal Government via the State Minister for Health are:

1. Why are migrant children (under 16 years) not required to have a chest X-ray?

2. A Mantoux test is an indicator of a person's reaction to the TB bacillus and, as such, is a very useful guide to the status of whether a person has or has not been infected with TB. As it is a most helpful adjunct to TB screening, why is Mantoux testing not a routine test as is a chest X-ray?

Members interjecting:

The Hon. BERNICE PFITZNER: I ask these questions because these matters were raised with me through the State screening area and therefore are quite appropriate.

Members interjecting:

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: These matters were raised in a former Federal arena, but nothing has been done. Therefore, I ask these questions now. I continue:

3. Why are children not routinely Mantoux tested?

4. What are the procedures for follow-up migrants who have signed what we call a health undertaking?

5. What is the non-compliance rate of migrants agreeing to be followed up medically?

6. What is the procedure for contacting those who fail to honour their health undertaking?

7. What is the rate of uptake by refugees for post-arrival screening?

8. Of those who do not have post-arrival screening, do we have some means of checking whether they are healthy; and, if not, why not?

These questions have nothing to do with discrimination but everything to do with the whole Australian community, both newly arrived and older, settled people.

The Hon. DIANA LAIDLAW: I am confident that the Minister will be pleased to seek answers from his Federal colleague to the questions asked by the honourable member, and I believe that we will see in respect of these issues a more diligent attitude which was clearly not the case in the past.

Members interjecting:

The PRESIDENT: Order!

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order, the Minister for Transport!

RAIL TRANSPORT

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Transport a question about rail transport.

Leave granted.

Members interjecting:

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! I ask members to listen while the question is being asked, particularly the Hon. Ron Roberts!

The Hon. P. HOLLOWAY: During the recent Federal election campaign, the former Prime Minister (Mr Keating) announced that the headquarters for Track Australia would be established in Adelaide and that under this authority private operators would be allowed to run freight trains on the rail network. Following the Prime Minister's announcement, on 5 February the State Minister for Transport issued a press release which welcomed the establishment of the headquarters of Track Australia in Adelaide and said that the decision augured well for South Australia's push to site the proposed headquarters for the national passenger network in Adelaide. The Minister's press release also listed a number of advantages that Adelaide offered for a national agency such as Track Australia. The Federal Liberal Party did not match this promise, and press reports indicate that this initiative may be scrapped by the new Coalition Government. My questions are:

1. Does the Minister still support the concept of Track Australia and, if so, what action has she taken to ensure that the new Federal Coalition Government continues this project and establishes its headquarters in Adelaide?

2. What action has the Minister taken to pursue the reopening of the Wolseley-Mount Gambier and Portland-Snuggery rail lines in the South-East; and does she believe that the establishment of an organisation such as Track Australia is necessary before these rail lines are likely to reopen?

The Hon. DIANA LAIDLAW: The answer to the last question is 'No.' I have heard of no suggestion from the Federal Minister for Transport or the Federal Government generally of any intention to scrap the Track Australia initiative. This matter has been canvassed by Transport Ministers. On two occasions, representatives of Federal, State and Territory Governments have met, and it is my understanding that, following a consultant's report, considerable progress has been made on this initiative. In fact, it is more likely to be supported by a Federal Liberal Coalition Government than a Labor Government, and that is just one of the reasons why I—as were all other State Transport Ministers of all persuasions—was prepared to applaud so strongly the earlier initiative by the former Federal Minister for Transport (Mr Brereton) to establish Track Australia.

The Coalition Parties have always advocated that there should be third party access to intrastate and interstate railway lines. There is no question that, when you have ownership within one company (which is also the single operator of those lines), there is great difficulty if that ownership remains in the hands of the company and yet third parties are encouraged to use the line. We have a situation in Australia now where it is wise to bring the line owned by Australian National, VicRail and New South Wales State Rail—and I understand there are some discussions with the Queensland Government also—under Track Australia.

The one thing that the Federal Minister has said is that he does not support the funding project which was mooted by Mr Brereton, for which no funds were available, anyway. So, it is hardly surprising that it would not proceed without the availability of funds, and I suspect that the statement made by the new Federal Minister (Mr Sharp) would have been made by Mr Brereton at about the same length of time after the Federal election was held. I will continue to advocate that Adelaide be the headquarters for Track Australia. It makes good economic and transport sense.

SUPREME COURT PUBLICATIONS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Attorney-General a question about Supreme Court publications.

Leave granted.

The Hon. G. WEATHERILL: Recently the Supreme Court criminal appeals rules, published on 14 March, were duplicated on 21 March. Could the Attorney-General tell me why, knowing that he has been trying to save money in the courts system?

The Hon. K.T. GRIFFIN: I have no idea. I will find out. The courts are independent of the Executive arm of Government. I get some information about what happens. Certainly, rules of court are tabled in this Parliament, but the courts are not obliged to let me know everything that happens, whether in relation to the matter raised by the honourable member or other matters. They are independent under a statute which I certainly supported but which the previous Attorney-General and Government brought into the Parliament. If the honourable member has any other information which might assist in tracking down the matter to which he refers, I would be happy to refer it to the courts, ascertain a response and bring it back in due course.

THE *ADVERTISER*

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the *Advertiser*.

Leave granted.

The Hon. ANNE LEVY: I understand that the *Advertiser* management last Friday issued an edict that it would no longer employ any outside columnists. This means the end of Philip White, Kerry Cue and other such columns, which I am sure many people will regret. Of great seriousness is the effect that this will have on reviews of the arts in South Australia. While some members of staff with the *Advertiser* are well qualified to review theatrical performances, and do so competently, there is no-one on the staff of the *Advertiser* who has any knowledge whatsoever of music and would be able to undertake a proper professional review of music performances in this State.

I remind honourable members that a vast number of concerts are held annually through the Symphony Orchestra, Musica Viva, the Adelaide Chamber Orchestra, the Australian Chamber Orchestra, the Australian String Quartet and many other choral and performing groups in this State, all of which are of professional standard and worthy of a professional review.

This new policy by the *Advertiser* means that it will not be able to have professional reviewing. This is from organisations which I suggest supply something like $750 000 to $1

million worth of advertising to the *Advertiser* each year, and they are not even to get a professional review of their work.

The large audience for these works certainly look for the reviews of the concerts which they have attended, and these people are really serious about the arts, have a long and continuing commitment to music and expect professional reviews of music performances. The same applies to the visual arts: no-one on the staff of the *Advertiser* can provide a professional review of visual arts or crafts activity in this State.

Time does not permit me to list the vast number of galleries and organisations which expect and deserve professional reviews and pay good advertising money to the *Advertiser*. Will the Minister take up this matter with the *Advertiser* as a matter of extreme urgency so that Adelaide, following our very successful Festival, is not made the laughing stock of Australia by not being able to provide professional reviews of the arts in this State?

The Hon. DIANA LAIDLAW: The honourable member has asked me to undertake to make urgent representation to the *Advertiser*. I have already done so. I understand that my office made contact with the *Advertiser* this morning. I am not sure of the accuracy of the honourable member's reference to the *Advertiser's* not engaging people such as Phillip White, Kerry Cue or Jane Jose to write columns. I suppose a number of sports people are also in that category.

I am aware, however, of the most extraordinary dictate that the *Advertiser* no longer engage outside people to undertake reviews. It is a surprising and disappointing instruction from the new Editor, Mr Howard. I understand that Mr Howard is a keen rugby fan and may have been encouraged to fill the position as Editor of the *Advertiser*. Just because we may not see the Super League here this year or in the future does not mean that Mr Howard should take out his anger on the arts.

I take issue with the honourable member when she said that there is nobody on the *Advertiser* who reviews music: that is not true. David Sly, for instance, is superb in his capacity and authority to review contemporary music, but in terms of fine or classical music even the people engaged to address arts activities in South Australia, mainly Samela Harris as Editor, supported by Tim Lloyd and Louise Nunn, who are diligent and knowledgeable and would review work with considerable integrity, particularly in the performing arts, but would not profess to have the skills to do so for the visual arts and crafts or for fine or classical music.

This is a decision which the *Advertiser* should be encouraged to reverse, and I will certainly play my part in seeking to have the decision reversed. I know of not even provincial papers in country towns that would adopt such a policy as this, particularly in an industry that deserves the highest level of recognition by any leading newspaper, such as the *Advertiser* professes to be. As the honourable member noted, to make such a decision so soon after the triumph of the Adelaide Festival and the Fringe is quite depressing in terms of the *Advertiser*'s commitment to this State.

ROAD TRAFFIC (DIRECTIONS AT LEVEL CROSSINGS) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

The Bill seeks to amend the Road Traffic Act 1961 to allow railway employees to protect level crossings. The need for the amendment arose from the passing of the Passenger Transport Act 1994 and associated amendments to the Road Traffic Act 1961. As a result of those amendments, a change to the method of protecting railway level crossings occurred. General operating and safe working rules regulate train services nationally, and incorporated within these safe working rules is a provision for allowing trains to operate over the opposing directional track. Ordinarily, this occurs when essential track work, breakdown and/or emergency situations obstruct the normal directional track. The amendment will assist in allowing train movements to operate safely, during those times of essential track work, breakdown and emergencies on the opposing directional track. It will also ensure that obstructions and delays not only to public transport users but to other road users are kept to a minimum.

This amendment will give the Railway Authority employee legal authority to regulate traffic across level crossings without the attendance of a police officer. Members of the Police Force are not normally available to attend level crossings for track work. In addition, no direct communication is available between police and the Railways Operations Control Centre. This communication link is essential for maintaining safety and communicating times of train movement through the respective level crossing. The amendment to the Road Traffic Act in South Australia is in line with the current draft proposals for the Australian national road rules. It is imperative that essential track work continues on the rail system and in times of emergency or failure of electronic equipment and other associated malfunctions, the Railway Authority, presently TransAdelaide, must be allowed to legally protect railway level crossings from danger to road users and the public. The proposed amendment will allow this to happen. I commend the Bill to the Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 80—Restrictions on entering level crossings

This clause amends section 80 of the principal Act. Under section 80 it is an offence to drive a vehicle onto a level crossing if warned not to do so by a member of the Police Force. It is also an offence to drive onto a level crossing if a warning device is operating at the crossing or if the crossing is closed by gates or barriers, unless a member of the Police Force directs the driver to proceed through the crossing.

The power to direct drivers to stop at a crossing (or to permit drivers to proceed through a crossing despite the operation of the signals) for the purposes of the offence under section 80 can at present only be exercised by the police. This amendment now also permits persons who work for or on behalf of the operator of the railway or tramway to exercise that power of direction, where such persons are in uniform or produce evidence of their identity on request.

Clause 3: Amendment of s. 89—Duty of pedestrians at level crossings

This clause amends section 89 of the principal Act. Under section 89 it is an offence for a pedestrian to enter or remain on a level

crossing if warned not to do so by a member of the Police Force. It is also an offence to enter or remain on a crossing if a warning device at the crossing is operating or if the crossing is closed by gates or barriers, unless a member of the Police Force directs the pedestrian to proceed across the crossing.

The power to direct pedestrians not to enter or remain on a level crossing (or to permit pedestrians to proceed across the crossing despite the operation of the signals) for the purposes of the offence under section 89 can at present only be exercised by the police. This amendment now also permits persons who work for or on behalf of the operator of the railway or tramway to exercise that power of direction, where such persons are in uniform or produce evidence of their identity on request.

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

DE FACTO RELATIONSHIPS BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1030.)

The Hon. A.J. REDFORD: I rise in support of this legislation. Indeed, I congratulate the Attorney-General and the Government for this much needed reform to our law. It is my view that changing community and society circumstances have created a demand for this Bill and for the reform of the law as it stands. As set out and explained by the honourable the Attorney and also the Hon. Robert Lawson, the current common law leaves a lot to be desired. In fact, the current common law in dealing with property on the finalisation of a *de facto* relationship relies upon the concept of a constructive trust, which was an artificial mechanism, first developed by Lord Justice Denning some 40 years ago and, through the common law in the past 40 years, changes of the law to effect property on the end of a *de facto* relationship have been very slow and have led to a lot of injustice. The Hon. Robert Lawson cited one case.

The problems with the existing law can be summarised by quoting the comments made by Justice Kirby in a decision of *Forgeard v. Shanahan*. In 1994, Justice Kirby said:

> Most of the 'rules' were developed long before the existence of the phenomena to which the statute must now typically apply, as in the instant case. I refer, for example, to:
>
> 1. The widespread ownership of real property by working people, and especially the exceptionally high incidence of home ownership in Australia;
> 2. The high incidence in contemporary Australian society of home ownership, including co-ownership, by women;
> 3. The changed nature and availability of credit and the widespread availability of consumer credit;
> 4. The high levels of *de facto* married relationships which have now become an unremarkable feature of our society. At the time the 'rules' were developed, such relationships were exceptional and generally regarded as a scandal;
> 5. The frequent treatment of *de facto* married relationships as mainly equivalent for legal purposes to marriage, with incidents such as co-ownership, including of real property, which need to be sorted out when the relationship breaks down; and
> 6. The high incidence of breakdown of such relationships and the consequent necessity for the courts to adjust the claims of the parties according to principles apt to the sense of justice and the requirements of conscience today—as distinct from by reference to 'rules' developed for the adjustment of property claims expressed long ago and far away, usually for completely different problems in utterly different social conditions.

Indeed, the argument for law reform in this area by this Government is unarguable, and other jurisdictions in this country have adopted a legislative framework in dealing with this specific issue.

When I first raised this topic within Government circles, I approached Carmel O'Loughlin, who is the Women's Adviser in the Office of the Status of Women, to give me some indication as to her views on the introduction of *de facto* relationships legislation in this State. She sent me this fax, which I will quote, as follows:

> New South Wales and the Northern Territory have introduced legislation to simplify property division for people who separate after a *de facto* relationship. From my years at the Women's Information Switchboard, I believe there has long been a similar gap in the justice system in South Australia. Finishing a long term relationship is difficult enough without the complicated system which the common law can be.

I agree with her wholeheartedly, and she goes on to say:

> It has become a question of access to basic justice when one partner has performed the traditional caring role without outside income. If you decide that—

in this sense she is directing her statement to me—

> there is not a need for introduction of specific legislation, there is at the least the need for widespread dissemination of information regarding rights and responsibilities under common law. As we discussed, the core problem is that most people still believe, until proved otherwise, that they can and should trust their partner. This is even more the case when there are children. No-one really believes that they will not live happily ever after until it happens to them. It is generally still women who take on the carer's role and that leaves them vulnerable.

She goes on to say that the Government ought to look at alternative dispute resolution models, mediation and some sort of small claims mechanism for the division of assets. I will deal with some of those issues later. Indeed, it is interesting to note in my practice as a lawyer that in recent years many important law book publishers have seen fit to publish separate books and publications on *de facto* relationships law. Indeed, CCH provides a loose-leafed service, entitled 'Australian *de facto* relationships law', which is said to contain a commentary on legislation, relevant common law and equitable principles affecting *de facto* relationships. It provides practice information, case reporting and key legislation, and it advertises that publication.

CCH is a commercial outfit and, if it sees the need and a commercial market for a law book in that area, it indicates to me and to the public at large that there is a real need for a simplified and certain law in this area. At present there is no legislation governing property distribution between partners if the relationship breaks down. Because of the inadequacies of the common law with respect to *de facto* couples there is a need to enact law to overcome these injustices, a need to clarify the law and a need to facilitate a more just and equitable regime for resolving disputes arising from the breakdown of *de facto* relationships. There is a real need for people to have access to justice.

In New South Wales the De Facto Relationships Act 1984 commenced on 1 July 1985. One might ask why it has taken so long for South Australia to follow the lead of New South Wales. I am not sure why and it is perhaps unproductive to start pointing the finger at any group, person or Government. In any event, at least we are doing it today. In the New South Wales legislation a *de facto* relationship is described as 'a relationship between *de facto* partners who have lived together as a husband and wife on a *bona fide* domestic basis for a minimum of two years or alternatively have lived in such relationship in which there has been a child'.

The Hon. Carolyn Pickles: Is it two years?

The Hon. A.J. REDFORD: It is two years in New South Wales. In New South Wales there is an overriding section

which would bring that threshold to below two years where there has been a substantial financial or other contribution by one or the other parties to the financial resources of the parties. The New South Wales legislation sets out that 'financial resources' include superannuation, retirement benefits, the vesting of any property in either of the partners and property controlled by them or any other valuable benefit'. The New South Wales legislation gives no general right to claim maintenance, other than where a claimant has full-time care of a child under 12 or a handicapped child under 16 and cannot otherwise support him or herself adequately. The courts generally—both local courts and the Supreme Court—have jurisdiction in this area. That legislation has provision for cohabitation and separation arrangements and they can be entered into and be subject to and enforceable under the law of contract. I will turn to that aspect later in my contribution.

In Victoria a De Facto Relationships Bill was introduced in 1986 and, for reasons not known to me, was withdrawn on 19 August 1987. Part 9 of the Property Law Act 1958 refers to real property and that, for the uninitiated, is basically land of *de facto* partners. It does not cover other sorts of property. The Australian Capital Territory has a Domestic Relationships Act 1994, which commenced on 31 May 1994. That ACT legislation is different to other jurisdictions in that it recognises non-heterosexual relationships. It also provides for similar provisions in relation to maintenance, property and financial resources as does the New South Wales legislation. The Northern Territory introduced its De Facto Relationships Act in 1991 and it commenced on 1 October 1991. Western Australia's De Facto Relationships Act came into effect in 1995 and was based on the New South Wales Act and the recommendations of the Queensland Law Reform Commission.

I point out that the Queensland Law Reform Commission and its work in this area in my case has been of great assistance and I hope that South Australia at some future stage can see fit to establish a similar commission because in this case the work produced by the Queensland Law Reform Commission has been outstanding and first class. Tasmania has some State legislation dealing with *de facto* relationships. The Community Welfare Act provides maintenance for *de facto* partners with children, but other than that the position stands the same as currently applies in South Australia. I am not sure whether in Queensland its legislation has yet come into effect, but it will in the near future. The Queensland Government decided to transfer responsibility for property transactions in *de facto* relationships to the Commonwealth where, I understand, they will be dealt with by the Family Law Act.

Indeed, Mr Lavarch was quoted by the Hon. Robert Lawson in his contribution about that aspect. The only argument against this sort of legislation that can reasonably be established is that people choose to enter into *de facto* relationships in order to avoid the legal system, the legalities and all the associated paraphernalia attached to the ordinary marital relationship. It is suggested that on many occasions people enter into *de facto* relationships because they simply do not want the Family Law Act and all its associated sequelae to apply to them. From my own experience, I have to say that there must be some examples where that is the case.

The Hon. T.G. Cameron: What does 'sequelae' mean?

The Hon. A.J. REDFORD: It means 'it follows'. In any event, I am sure that some people deliberately embark upon or choose to enter into a *de facto* relationship simply because they do not want to bring themselves under the Family Law Act and be subjected to that sort of regime. I am sure that those people who do enter into a *de facto* relationship with that Act in mind fall into two categories: those who have thought their way through it, want to enter into a *de facto* relationship and establish what they do in terms of property and how it is to be distributed by way of agreement before entering into it; and those who would seek to avoid the consequences and effects of the Family Law Act based on ignorance.

As a lawyer—and I practised to an extent in this area—I was approached on many occasions by a person who was about to enter into a *de facto* relationship. I would be less than frank if I did not say that, almost invariably, I was approached by the male of the relationship who asked, 'How can I order my affairs in such a way that, if there is a break up, my *de facto* wife gets nothing, or does not get my house, etc.?' Members opposite, I am sure, would expect a lawyer to give them advice based upon that request, and I did so.

It is very easy under the current law for a person—and in most cases it is the male—to structure their affairs in such a way that, if there is a break up down the track, the female of the relationship gets very little or nothing. It is very easy to structure a person's affairs in that way. When one steps back and looks at that situation from the position of the legislator, it is not a healthy situation. In my view, it is quite undesirable. If two people who are well informed, well advised and understand the full consequences of what they are doing, seek to have that consequence and result, then it is my view that we should not seek to interfere.

However, it is my experience that most people do not think about those things when they enter into a relationship. Carmel O'Loughlin commented that most people enter into these relationships thinking it will be happy ever after and, when the relationship breaks down, they are often caught with a nasty surprise. If a survey were conducted of *de facto* couples today and they were asked what they thought might happen with their property upon break up of their relationship, I believe they would assume that similar rules would apply to them as applies to a marital relationship. In that sense, it is my view that this piece of legislation seeks to accommodate a wide range of views in relation to people who either enter into or are engaged in a *de facto* relationship.

It seeks to accommodate those people who do not think about the property and financial consequences of a *de facto* relationship, and it does that by enabling a court to make orders in the event of a break up. At the same time it seeks to establish a mechanism for those people who seek to avoid the consequences of a *de facto* relationship and the Family Law Act. At the end of the day, some people choose to enter into a *de facto* relationship as opposed to a marital relationship because that is what they want to do. The Government has in this legislation sought to accommodate that point of view, and it has done so by enabling those people to enter into an agreement whereby if the relationship should break down then that agreement would apply.

The Government has sought to provide some checks and balances: the check is to ensure that people are properly advised before they enter into such an agreement. I am sure that if a person is not properly and fairly advised by a member of the legal profession before entering into that arrangement then their professional indemnity insurers, and perhaps themselves, will suffer the consequences. At the end of the day the nature and extent of relationships, the lifestyles

people seek to lead, and the financial relationships people enter into ought, in my view, be not the subject of arbitrary interference either by the Government or the courts.

It is my view that the Government has sought to achieve a balance in these circumstances. I am sure that if injustices arise and there is a plethora of cases of people entering into agreements and finding they cannot vary them because they perceive them to be unjust, or if the legal profession is unable to fulfil its responsibility—and I doubt that very much—then we can revisit this piece of legislation. After all, we have waited some 12 years since New South Wales first enacted legislation of this type before introducing legislation in this Parliament. I am sure that, if there is an injustice in that small area—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I am not going to get political about this because the honourable member has a lot more on his side to worry about than we have. If a problem arises, then let us seek to legislatively interfere in that case. I understand some of the arguments put by the Hon. Sandra Kanck and the Leader of the Opposition, that there ought to be an overriding supervision of the court where a court might perceive some unjustness at the time a contract is entered into. I would like to think that, in the 1990s, people as well educated and informed as they are today are capable, with the assistance of legal advice, of entering into an arrangement, and the current legislation recognises that.

It is interesting to research the nature and extent of *de facto* relationships. The nature, extent and type of *de facto* relationships vary enormously. We all know, and it has been suggested in previous contributions in this place, that some 8 per cent of relationships today are *de facto* relationships. My research would reveal that the average length of relationships before they end—and they usually end in either two ways: by the couple becoming married, or by way of separation—is between two and five years, depending on the age of the partners and their previous marital status.

In 1981 the Australian Institute of Family Studies conducted a survey of 18 to 34 year olds, and then visited those same respondents 10 years later. The exercise was called the Australian Family Project and the study's emphasis was on first marriages and families. Some data was collected on cohabiting couples. Glezer (1991) looked at the responses from the subgroup who had never been married or who were in their first marriage and found that where these people had been in *de facto* marriage relationships the relationship had lasted, on average, about two years; 25 per cent of *de facto* relationships lasted 12 months; around half ended after two years; and three quarters had ended by four years. I remind members that I am talking about an age group of 18 to 34 years. These were the life experiences of fairly young people and the oldest was only 44 at the time of the second survey. When I spoke to Helen Glezer, she pointed out that the experiences of older people, especially those who had been married and then entered into *de facto* relationships, could be quite different. However, she did not have any data to confirm that.

The second source of information on *de facto* relationships comes from the Australian Family Project National Survey, conducted by the Research School of Social Sciences at ANU in 1981 and subsequently in 1986. The data on cohabiting couples have been analysed in great detail by Gordon Carmichael. However, he did not look at the average duration of individual relationships. When I spoke to him, his personal feeling was that the average duration for older people and those who had been married would be longer than two years partly because of older couples' different expectations of a relationship and partly because a sizeable group would be prevented from ending the *de facto* nature of their relationship by marrying until they could obtain a divorce. Still, Dr Carmichael informed me that the median duration of older *de facto* relationships would be less than five years. I have spent some time looking for data on the question and talking to some demographers, but the best estimate on informed opinion is that most *de facto* relationships last for two years, but not for five.

The Australian Family Formation Project 1991, conducted by Helen Glezer, has some interesting statistics, and I will highlight some of them. The first is that the rate of people between the ages of 20 and 29 marrying has been declining since the 1970s, but the rate of *de facto* relationships has increased. The increasing incidence of divorce has resulted in a high incidence of cohabitation after marriage breakdown. Cohabitation can arise on about four different occasions. The first is a stage in courtship; the second is a trial marriage; the third is a prelude to marriage; and finally, but not least, it can be regarded as an alternative to marriage.

In 1982 some 4.7 per cent of couples were in a *de facto* relationship; in 1986 that increased to 6 per cent; and in 1991 it increased to 8 per cent. I understand that some figures have been released recently, but I do not have them to hand. However, I am sure that others will correct me or inform me better after my contribution.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: The Leader of the Opposition interjects that it is about 10 per cent now, although there is not a great deal of confidence in the accuracy of that figure, and I do not think that Helen Glezer is overly confident about the figures that she has produced. It is unfortunate that we do not have more accurate statistics about the nature, type and extent of *de facto* relationships. It might make it easier for legislators to pass laws and get the threshold period and things of that nature correct if we had that information.

A third of those cohabiting in 1991 had previously been married, and about half of those had children. Of people living in a *de facto* relationship in 1981, some 24 per cent were still in *de facto* relationships 10 years later, and 78 per cent had married. Some 25 per cent of *de facto* relationships lasted for 12 months, about half ended after two years and three quarters had ended by four years. However, many ended in marriage. Of people in their first marriage, 36 per cent of husbands and 30 per cent of wives had lived with their spouse before getting married. Men are more likely than women to believe that cohabiting allows them to keep their independence. They believe and perceive it to have economic advantages.

In any event, we are faced with an institution which is growing in importance and is affecting not just larger numbers of couples, but larger numbers of children. I saw in the paper the other day that 26 per cent or 27 per cent of children today are now being born out of wedlock. The interests of those children should be looked at and considered, irrespective of the sort of relationship that their parents might choose to have, in dealing with maintenance and things of that nature.

One of the issues that has been raised in this debate previously is how we deal with same sex relationships and whether this legislation should be broadened to cover them. I note the contributions made by the Leader of the Opposition and the Hon. Sandra Kanck, but I think that to some extent

they probably misunderstand what the Government is seeking to achieve here. I know that this might seem unusual coming from an Upper House member, but, since my election to this place, I have had a number of complaints from women who have been poorly treated by the law in terms of matters arising from *de facto* relationships, but I have not had one complaint from a person who has been in a homosexual relationship about the law and its treatment of them. That is my personal experience, it is anecdotal and it probably does not have any statistical or factual basis, but it is important when we come to our individual conclusions. However, since this legislation was introduced I have been approached by various people regarding this legislation and whether it should be extended to cover homosexual relationships. Indeed, I have had submissions from a couple of people that it should. I would be less than frank if I did not say that I have some sympathy with the view that same sex relationships may be included. However, when one looks at the issue closely—I am speaking from my own perspective—I believe that more problems would be created by the inclusion of same sex relationships than would be overcome.

The biggest problem in determining whether a same sex relationship should be covered by the principles set out in this legislation is determining whether the two people intended to live together in a *de facto* relationship. In my view, it would create an enormous opportunity for abuse by an aggrieved partner or someone who happened to live under the same roof and there would be a huge burden on the court to determine whether the parties intended to have a *de facto* relationship or merely to cohabit.

The Hon. Anne Levy interjecting:

The Hon. A.J. REDFORD: I am not sure about that. It is one thing for a judge with his personal experience to say, 'On all the evidence and the facts presented to me, those two people were living together as husband and wife by the ordinary standards I see surrounding me in my daily life.' I do not come across homosexual relationships to a large extent, and if I were a judge I would find it exceedingly difficult to determine what is a homosexual couple living in a *de facto* relationship and how that is distinguished from two people of the same sex who live together and who, at the time and during the period that they live together, claim that they are not *de facto* partners. They may be having casual sex with each other or with other people and they may or may not have any financial relationship together. I am saying that the issues that they are seeking to resolve in this legislation, if it were extended for their benefit, may, on the other hand, create and cause many problems in determining whether a *de facto* relationship exists.

One would imagine that a homosexual appearing in court in this sort of relationship would be aware of the type of cross-examination regarding the information that might be put out in just simply establishing whether or not such a relationship existed. Such a person may well find themselves far more embarrassed than an ordinary heterosexual person should those allegations be put. It is my view that it does impose a very difficult task on the courts and, indeed, if this is to be extended to homosexual relationships—putting morality to one side—a case needs to be made. Other than purely the emotive argument, I have not seen any case made out, any injustice or any great demand for this legislation other than from (if I can use the term) the politically correct lobby.

It is my view that any discrimination suffered by people in same sex relationships can be dealt with in other ways which are far more effective in ensuring an absence of overt discrimination. There are a number of important areas where there is overt discrimination in relation to same sex relationships, and Governments ought to deal with them on an issue by issue basis. There are many examples of which superannuation is but one. Homosexual relationships are clearly discriminated in relation to the application of superannuation laws.

The Hon. Anne Levy: So are single people.

The Hon. A.J. REDFORD: The Hon. Anne Levy interjects and says, 'And so are single people.' In respect of income tax, there is a discrimination factor in relation to heterosexual *de facto* relationships as opposed to homosexual *de facto* relationships.

In relation to social security, same sex relationships receive a greater advantage than do heterosexual relationships. If I am an old age pensioner and I am married to or in a *de facto* relationship with a woman, we do not both receive a single pension: we receive a married pension which for both of us does not add up to two lots of single pensions. If you add the total amount as if I were in a same sex relationship with another person, we would get more money. It has been suggested by some commentators—and I will return to this in a minute—that a number of homosexuals will be quite annoyed if law reform is made in that area, because it would cost them money.

The rights of a partner at a death bed is another issue in relation to same sex relationships that ought to be considered. The control of funeral relationships—and we have seen this on television in relation to AIDS deaths—creates enormous difficulties for one or the other partner in a homosexual relationship where the partner has died.

Finally, there are issues relating to intestacy. Some of these issues are peculiar to the Federal Government and others to the State Government. In my view, they can be best dealt with on a case by case basis. There is ample scope for all the States and the Commonwealth to examine some of these issues on an overall basis rather than introduce legislation on the run in this case. I would like to see how the Australian Capital Territory legislation operates for a couple of years before we embark upon the course on which the Opposition and the Democrats would have us embark.

In any event, I do not believe that the legislation would make that much difference to the lives of people involved in same sex relationships. I might be wrong but, as I said, I have not had any personal complaints, although I know that the Leader of the Opposition might have. I have not seen any articles in newspapers. The only contributions I have seen in relation to whether or not same sex relationships ought to be recognised were some articles in the *Australian* in January 1995 where Christopher Pearson advocated against legislation of this type being applied to same sex marriages. Christopher Pearson is the Editor of the *Adelaide Review*, and I understand that he was the speech writer for the Prime Minister during the last election campaign. Some may say that that qualifies him to comment on a lot of things.

The Hon. Carolyn Pickles: Would you say that?

The Hon. A.J. REDFORD: I am an admirer of Christopher Pearson's intellect. I think he is a fine intellect, and I always go to some trouble to read the articles that he contributes to our national media. He said:

> . . . there are some things to be said about gay marriage. For a start, it is an oxymoronic notion. Marriage is the intrinsically heterosexual enterprise. I think its centrality to the survival of the

race warrants the privileges and special regard that we accord the institution.

The Hon. Anne Levy: You can have kids without being married.

The Hon. A.J. REDFORD: I am not sure that they are a product of a homosexual relationship, but I remain to be corrected. Christopher Pearson refers to some of the problems that arise from same sex relationships, and comes to the same conclusion—as I did quite independently—that some of these issues ought to be looked at on a case by case basis. He provides some other examples such as travel entitlements, employment relations and things of that nature. I know of an example that occurred over 10 years ago, when a homosexual couple travelled together and were in a longstanding relationship. One of them suffered quite extraordinarily as a consequence of doing that, whereas if they had been a heterosexual couple no-one would have raised an eyelid.

Of course, we all have to live within the moral framework that exists at the time in our lives. If members are interested in the article by Christopher Pearson, who has written extensively on this topic, I would be happy and grateful to provide them with a copy.

My final comment in relation to the property aspect relates to superannuation. I know it is not the Attorney-General's responsibility—in fact, I think it is more the responsibility of the Treasurer and, more importantly, the responsibility outside the State Public Service of the Federal Treasurer—but it seems to me that a number of injustices and inequities apply to *de facto* couples in relation to superannuation. I have had people approach me where they, their spouse or their partner would be substantially disadvantaged in the event of their untimely demise.

Indeed, it was suggested to me by one constituent that the result would be quite bizarre. I will explain the situation to members. The constituent married her husband, and the marriage lasted for some eight to nine years, both being members of the State Public Service. They divorced and had a property settlement, which, as members would no doubt realise, took into account their respective superannuation entitlements. Her first husband has since cashed in his superannuation, purchased a business, remarried and got on with his new life.

When the woman who approached me made inquiries of the State superannuation scheme and asked what status her current *de facto* husband, with whom she had been living for four or five years, would have in relation to that superannuation, she was told that he would get the superannuation notwithstanding that that matter had been dealt with in the Family Court and adjustments of property made. In fact, it was indicated to her that her new *de facto* husband with whom she had lived for over five years would have no entitlement at all.

I know that this is not an easy or simple issue, but quite clearly it is wrong and unjust, and I invite the Attorney-General to draw the matter to the attention of the Treasurer—just give him a copy of my speech—so that perhaps a committee can look at what can be done in that specific area. I know that we are not talking about large numbers of people, but if you happen to be one of them you feel the problem acutely.

The only other point I would like to raise relates to the role of lawyers in granting certificates. I have no doubt that the Attorney has thought this matter through—although I have not had a chance to talk to him—and that, in conjunction with the Law Society, appropriate training seminars will be run where lawyers will have explained to them the importance of cohabitation agreements and the advice that they give and the disastrous consequences of giving poor advice. I have no doubt in the world that, as a group, the legal profession will respond to the challenge of providing proper advice when giving certificates concerning agreements and that people will be able to seek damages from a lawyer who provides negligent advice which leads people to enter into such an agreement.

At the end of the day, I think adequate protection will be provided for people who enter into those agreements, through either being able to sue their lawyer for negligent advice or receiving proper advice before entering into such an agreement. One must balance that adequate protection with the importance and desirability of allowing people to enter into an agreement freely with their eyes open and of their own will and to govern their own life in accordance with how they see fit, because at the end of the day people know better how to run their life than legislators, judges and Governments, particularly retrospectively. I congratulate the Attorney, and I commend the Bill to the Council.

The Hon. ANNE LEVY: I rise to make a brief contribution. I was not going to speak in this debate. However, in the light of some of the remarks made by the Hon. Mr Redford, I think I can contribute only anecdotal information, but at least it will counter his anecdotal information. I completely support the second reading of the Bill. The unfair treatment of property division when *de facto* couples separate is a problem of which many people have spoken to me over many years. A number of people have approached me following the break-up of a *de facto* relationship of longstanding, in some cases 10 or 20 years, to inform me of the grossly unfair treatment which was meted out, usually to the woman because no account was taken of non-financial contributions to the relationship.

I am delighted that the Attorney is giving our courts the same role as the Family Court has in relation to the division of property of married people and that non-financial contributions are to be taken into account as well as the needs of children, if any, in any property settlement. I regret that this is not being done on a national basis through referring powers to the Federal Government. The disadvantage of each State acting unilaterally is that there will be differences between States and we will again have the situation of different treatment of Australian citizens according to the State in which they happen to live.

Also, these fairly rare cases will be dealt with by courts which have no experience or knowledge in the area, whereas the Family Court deals with this type of problem every day of the week and is building up precedents and a consistency of approach as a result. I am not saying that the Family Court is perfect, but the fact that it deals with many such cases provides a consistency and knowledge which will not be gained by our local courts where such cases will be infrequent and where a particular judge may meet only one or two such cases in a year or even in his or her working life as a judge. So, greater variability might be expected, even though the principles to be followed are the same. However, I am not one to query the half loaf which is being offered—it is certainly better than nothing.

With regard to the comment made by the Hon. Mr Redford, and the Hon. Mr Lawson the other day, relating to an amendment to be moved by the Opposition

involving the same arrangements applying when a same sex couple splits up, the Hon. Mr Redford said that he had never been approached by such a couple with such concerns and that he felt there was no demand for it. I assure the honourable member that I have over many years been approached by a number of homosexual couples (both male and female) who have complained bitterly about the discrimination which occurs against them: in property settlements if they split up; in property disposal should they die intestate; in superannuation; and in a whole lot of areas in which they are greatly discriminated against.

I recall one homosexual couple who were most incensed at a time when death duties still existed but had been abolished between spouses. They complained most bitterly that, although they had made a will leaving their property to each other, if one of them should die extensive duties would be payable. They were not poor individuals, I might add, but quite wealthy. Had they been of differing sex and married, no death duties at all would have been payable. Of course, we no longer have death duties, but the different treatment between same sex couples and different sex couples introduces discrimination which is grossly unfair. I know that this is anecdotal only, but I have been approached by numerous same sex couples who are concerned about the discrimination which occurs against them in property distribution amongst many other forms of discrimination which they suffer.

For what it is worth, in relation to saying that there is no demand for this change, which the Opposition is suggesting is simply not true, I can quote numerous examples of people who have approached me on the matter. However, I will not take the time of the Council any further but felt it advisable to indicate that whatever the personal experience of the Hon. Mr Redford (and I do not doubt his sincerity in what he says) the experience of other members of this Chamber is quite different and there are many examples of people affected by this discrimination and complaining to members of Parliament about it.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indications of support for the second reading of this Bill. The Government regards the Bill as an important piece of legislation because it has sought to deal with a problem that has caused a great deal of concern amongst those who may have been living in a *de facto* relationship and whose supporters believe that they have been unfairly dealt with on the break-up of that *de facto* relationship. Others continuing to live in those relationships also wish to have the benefit of this legislation.

On the other hand, one should recognise that there are also opponents of this legislation, not on the basis of moral grounds but on the basis that it changes radically the law relating to the division of property upon the separation of those couples who have been living in a *de facto* relationship and because also it does, in effect, have a retroactive operation. It applies to all those who fall within the ambit of the legislation, regardless of when the relationship began. So, it is retroactive legislation, but I have no difficulty with that because it seeks to provide a mechanism for more easily resolving disputes, at least in relation to *de facto* heterosexual couples which to some extent would have been resolved by the current law because of the imputation of a constructive trust that has allowed the matters to go to court. However, it is a difficult and complex basis on which they might go to court to have property disputes resolved upon the break-up of that relationship.

The Hon. Anne Levy: It cost a friend of mine $20 000.

The Hon. K.T. GRIFFIN: There are examples of how costly it can be. It is the very reason why I have taken the view that, regardless of what one's personal views might be about *de facto* relationships, there are a substantial number of them and, whilst the law does now deal with issues relating to division of property upon separation, it is a cumbersome and costly process for that to occur. That is the background to why the Government, on my recommendation, decided to support this legislation. Many have suffered as a result of its not being in place; many would not want it to be in place because it impinges upon existing relationships and changes the rights that attach to each party to the relationship, but nevertheless we have taken a decision that it is appropriate to provide a simpler means by which property division can occur.

Since the Bill was introduced late last year there has been extensive consultation on it. As a result of that consultation process I propose to move a number of amendments in Committee and hope that they will be on file later this afternoon. Some of the amendments will address issues raised by honourable members. I note that the Leader of the Opposition has amendments on file again covering some of the areas that need to be amended. I shall now deal with some of the specific issues raised by honourable members.

The Leader of the Opposition raised a query regarding the operation of the provisions dealing with cohabitation agreements in relation to young persons under 18 years of age. She rightly points out that a contract entered into by a person under 18 years of age is generally not legally enforceable against the person except where it is for what are called necessaries—a description that has been developed in the law over a long time to ensure that at least some contracts entered into by minors are enforceable. But for that exception, generally speaking those contracts are not enforceable even after the person turns 18 years unless the person ratifies the contract upon turning 18 years of age. The Government sees no reason to change the situation in respect of cohabitation agreements entered into by people under 18 years. I suspect that there will be few, if any, of these covering the short period for which those who may legally marry, if they enter into a *de facto* relationship, who wait until the age of 18 years. Clause 6 makes clear that a cohabitation agreement is subject to the law of contract. The normal rules of contract should apply and I do not see that the legislation should deal with this issue separately.

The Hon. Sandra Kanck asked for an explanation of the rationale for allowing the courts to be excluded from dealing with some cohabitation agreements. The Government considers that such agreements are necessary as the Bill seeks to regulate *de facto* relationships in a way not previously covered. The Government does not consider that it should impose a new regime on *de facto* partners without allowing an option of contracting out. Some partners will be of the view that the law should not interfere with the arrangements they make with respect to property distribution on the breakdown of a relationship. If both partners agree to the exclusion of the court and observe the procedures set out in the legislation regarding lawyers' certificates, the courts should not been able to interfere subsequently with the decision.

It should be remembered that a cohabitation agreement only excludes the courts jurisdiction where it is subject to a lawyers' certificate and the agreement provides that a court cannot set it aside or vary it. Nevertheless, the Government

does accept that such agreements should not be entered into without an appreciation of the full implications.

The Leader of the Opposition and the Hon. Sandra Kanck have raised the issue of the effect of the lawyers' certificate on cohabitation agreements. They suggest that the legislation should guard against undue influence in the making of agreements, particularly those with the effect of ousting the court jurisdiction. The Government agrees. The Hon. Sandra Kanck has raised the issue of the role of the solicitor in certifying agreements. The Government is also aware of concern that the current wording appears to contemplate advice being given to both parties by the same lawyer. This would mean that an agreement could not be set aside by the court where it has been signed by a party who has not received advice independently, that is, where he or she has had the other party's lawyer explain the legal implications. The Government considers that the Bill should be amended to make it clear that independent legal advice should be sought by both parties. The Government also considers that a lawyer should explain to a party the legal implications of the agreement and consider whether undue influence or coercion has been exerted on the party to the agreement. The Government proposes to move amendments to clarify those issues.

The Leader of the Opposition and the Hon. Sandra Kanck have both expressed support for the extension of the Bill to cover homosexual relationships. The Government is opposed to extending the legislation to provide such coverage. The law already distinguishes between the position of people living in a *de facto* heterosexual relationship and those living in other relationships. The Marriage Act deals with the marriage of a man and a woman. *De facto* couples are treated in a similar way as married couples in a number of areas and, as a result, *de facto* partners already have some rights and obligations under legislation. That is generally covered by the description of 'putative spouse'. One can draw attention to the Family Relationships Act which contains the definition of 'putative spouse' and then refer to such legislation as the Inheritance Family Provision Act.

The Hon. Carolyn Pickles: Doesn't that refer to five years standing?

The Hon. K.T. GRIFFIN: It refers to five years, a period in aggregate of six years, or where a child results from the relationship. The Inheritance Family Provision Act provides for spouses—and that includes putative spouse. In relation to the law of intestacy, the Administration and Probate Act deals with the distribution of property as between a spouse, a putative spouse and children. There is already some recognition in the law of putative spouse, and in some other cases there is a reference to *de facto* couples, without relying upon the description referred to in the Family Relationships Act.

Homosexual or single-sex relationships are not recognised at all, and it would be foreign to most people's way of thinking that the law should recognise those sorts of marriages. Extension of this legislation to cover homosexual or single-sex relationships would have the potential to impact on the other areas of the law. In that respect, there is no recognition of single-sex marriages. The ordinarily law under the Law of Property Act does apply to division of property between persons of such description and, in any event, the Bill we are dealing with is seeking to make it easier for property issues to be dealt with when a *de facto* couple separates. It is not as though the law does not deal with the division of property for other persons already, because it does so, but not in the same way as in a marriage or *de facto* relationship. The Government does not accept that homosexual relationships should be treated in the same way as *de facto* relationships. With the exception of Australian Capital Territory, which covers domestic relationships, *de facto* legislation in Australia does not extend to cover homosexual or single-sex relationships.

The Hon. Angus Redford has made some reference to the issue of discrimination against homosexuals and referred to a number of areas of the law where he thinks the issue ought to be dealt with on a case-by-case basis. The Hon. Anne Levy has indicated that some of those in single-sex relationships have sought her assistance in relation to property or other disputes and also would seek the enactment of a law which makes it easier for the division of property to occur. She also referred to homosexuals being discriminated against. It should be noted that, in the context of discrimination, it depends very much on what one describes as discrimination.

Discrimination is certainly well covered by the Equal Opportunity Act in this State and provides protection in a number of areas for those who may be homosexual, but the area of discrimination is specific. It is all very well to talk in broad terms about those in a single-sex relationship being discriminated against in that their relationship does not carry the same status or recognition as a *de facto* heterosexual relationship or a marriage relationship, but the community itself has not recognised that. There are some who would wish to do so, but I would suggest that they are significantly in the minority.

The Hon. Sandra Kanck has raised the issue of the impact of the provisions of the Bill on children. Issues relating to children will normally be dealt with in the Family Court by virtue of the Commonwealth Powers (Family Law) Act. If there is also a property issue, the Family Court may deal with it under the cross-vesting legislation. The Hon. Anne Levy expressed her disappointment that the Government has not decided to refer power to the Commonwealth for a uniform approach on this issue. Quite obviously, a uniform approach would not occur unless every other State in Australia referred power to the Commonwealth in the same respect.

In any event, one does have to question the desirability of the Family Court becoming involved in these sorts of divisions of property. I suspect that a lot of people in *de facto* relationships—both parties, in fact—would not want to have the traumas of the Family Law Act visited upon them in the resolution of issues relating to distribution of property. It is not correct to say that our courts in South Australia do not have experience in dealing with complex issues relating to the division of property; they do in a number of areas. I refer particularly to the Supreme Court in relation to issues relating to inheritance, where there are frequently very complex arguments about the basis for dividing property on the death of a testator. There are a number of other areas; in fact, a Bill we have now passed dealing with so-called statutory wills gives the court a power make difficult determinations about what an incapacitated person may wish to do with his or her property on death.

The Hon. Robert Lawson has raised the issue of small disputes which do not involve substantial property. In submissions received on the Bill, it was noted that no reference was made to minor civil actions in the Magistrates Court. It was suggested that small claims should be specifically addressed; therefore, the Government will move an amendment to make it clear that claims up to $5 000 are minor statutory proceedings, and so can be dealt with as minor civil claims. This is consistent with the general

jurisdictional level applying to minor civil actions in the Magistrates Court. While the amendment will not remove the need for invoking the court's jurisdiction where agreement cannot be reached, it will allow for matters involving up to $5 000 to be dealt with in the informal manner of a minor civil action.

Several other issues were raised today by the Hon. Mr Redford. I have already referred to the issue of discrimination where he has asserted that there is discrimination against single-sex couples in relation to income tax, superannuation, and a number of other areas. That does depend very much on how one views the issue of discrimination. I would be cautious about using the emotive description of 'discrimination' in describing the distinctions which are drawn between those who may be living in a marriage or *de facto* heterosexual relationship on the one hand and those of a single sex who may be living together.

The Hon. Mr Redford raised the issue about training for lawyers, about the nature of certificates they will be authorised to give. I have no doubt that the Law Society will take that up as part of a continuing legal education program. In fact, where lawyers already give certificates, particularly in relation to mortgage securities and guarantees, already a body of advice is available to lawyers. The Hon. Anne Levy made an observation about a same-sex couple who made complaints to her when death duties were in vogue in this State. Because of the period within which it was the law of this State, the way in which property was divided under the Succession Duties Act did not recognise same sex couples. It depends very much on the question of the married or blood relationship between a testator and beneficiaries. As the Hon. Mr Redford noted by way of interjection, the issue of death duties has not posed a problem in South Australia since the Tonkin Liberal Government abolished them nearly 15 years ago. I thank members for their contributions and their indications of support for the Bill.

Bill read a second time.

RACIAL VILIFICATION BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1041.)

The Hon. ANNE LEVY: I wish to speak briefly to indicate my strong support for this Bill. It is a shame that the Government has not followed the example of the Greiner Government in New South Wales and introduced racial vilification legislation which parallels the New South Wales legislation, as did the Opposition's legislation on this matter. Obviously, the Brown Government feels it can do better than the Greiner Government by doing differently, but I would have thought that the Greiner Government had set a standard which all Liberal Governments and many Labor Governments throughout the country felt was a very desirable precedent to set. Certainly, the Greiner Government's legislation has met with great acclaim. It is legislation which is held much to its credit and it is a shame that this Government has not followed the Greiner Government's example.

That being said, I can only repeat that a half loaf is better than none, as I indicated earlier in relation to other legislation and I certainly support the second reading of the Bill. It is sometimes said that legislation like this is not necessary, that all the offences in the Bill are covered elsewhere in the law and, in consequence, it is not necessary to have such legislation. That argument ignores two matters, one of principle and one of practicality. It is a practical consideration to have legislation relating to racial vilification brought together in one piece of legislation, in the same way as earlier in the term of the Government we had legislation relating to domestic violence. There was nothing new in that legislation that was not already contained within the criminal law. Domestic violence had not been regarded as not an offence prior to the bringing in of that legislation, but that Bill brought together in the one piece of legislation many different related matters scattered throughout the law and they now can all be found together in respect of cases involving domestic violence.

In like manner, it is a practical advantage that racial vilification legislation be brought together in one Bill, even if the various bits of it could be and are dealt with in other parts of the criminal law. In both cases there is also a philosophic advantage, because the very title of the legislation indicates society's abhorrence of racial vilification. It indicates that we regard it so seriously that we are prepared to give it its own piece of legislation dealing with the matter. The same can be said about domestic violence legislation and the Equal Opportunity Act. Merely bringing the law together in one piece of legislation, rather than leaving bits and pieces scattered everywhere through the criminal law, makes it very clear that as a society we do not tolerate racial vilification.

It is of great concern to me and many other people that in recent times we have seen numerous examples of racism, racial vilification and racial hatred. A number of these were expressed during the recent Federal election. The remarks of Mr Graeme Campbell were regarded so seriously that he was deprived of endorsement by the ALP for the seat of Kalgoorlie and he had to run as an Independent. There were the horrible racial slurs by Pauline Hanson in the Queensland electorate of Oxley. They were regarded as so racially motivated and unpleasant that the Liberal Party removed from her the endorsement of her Party as candidate for the election. It is a matter of great concern to me and many other Australians that both those candidates proceeded to win their election. There is fear and concern that this indicates a latent racism within the Australian electorate and this makes even more important the fact that we have racial vilification on the books by passing legislation in this Parliament.

Also, there were the appalling racist remarks of Bob Katter, who was not disendorsed by his Party, the National Party, to its eternal shame that it is prepared to tolerate members of its Party who make such appalling racist statements. He also won his election, suggesting to many that there is a latent racism in Australia which people of goodwill must do their utmost to combat. There were also the appalling remarks by Joy Baluch, Mayor of Port Augusta. I am disgusted to see that the current Federal Government is not proposing to remove from her the right to confer citizenship on Australians, as previously occurred to the Mayor of Port Lincoln because of his racist attitudes.

It is deplorable that the new Coalition Government and, I might add, a Liberal Minister—not a National Party Minister—are not prepared to take the same action against Joy Baluch as was taken against Pauline Hanson. One wonders how intending Australian citizens in Port Augusta, who might be of Asian origin, will feel about having their citizenship conferred by a mayor who calls people of their origin 'scum'. How can they possibly feel confident about receiving Australian citizenship from such a mayor. I would urge everyone, particularly members on the other side of the Chamber, to make representations to the Liberal Minister to be as principled as his Labor predecessor and not permit

people who make such disgustingly racist statements to confer citizenship on new Australian citizens.

I am sure I am not the only person who received a most unpleasant letter from one John (Jack) King, relating to the Bill before us. It is nothing but a dirty little anti-semitic letter. It has been sent to all members of Parliament, the churches, ethnic groups, all the media, selected educational organisations and individuals. I hope that most members of Parliament did the correct thing and filed it in their wastepaper baskets. My reason for mentioning it—and I have no intention of reading the disgusting matter into *Hansard*—is the fact that these documents do circulate, do cause offence and pain, which is quite unnecessary and which is totally unjustified, to members of our community and is sufficient reason for indicating that legislation of the type introduced by the Attorney is most necessary.

It strengthens my resolve that we should have racial vilification legislation. Until grubby little missives such as this do not circulate in our community we will need such legislation as example and as statement of principle, which I hope all members of all Parties will live up to. I support the second reading.

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

ROAD TRAFFIC (EXEMPTION OF TRAFFIC LAW ENFORCEMENT VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 March. Page 1016.)

The Hon. T.G. CAMERON: The Australian Labor Party supports the amendments to this Bill, the purpose of which is to provide exemptions to Police Security Services Division vehicles from compliance with certain parking requirements while carrying out duties associated with road traffic law enforcement. The necessity for this Bill has been brought about by the transfer from the police to the Police Security Services Division work which was normally done by the police. Vehicles from this division are sometimes parked in a position that could be dangerous, they could be parked in a position with restrictive time limits, and at times they are required to park in situations where they are facing oncoming traffic.

Members of the Police Force have exemption from prosecution for any offences under section 40(1)(c) but, at the moment, the section does not provide exemption for PSSD personnel. This Bill will exempt the Police Security Services Division from prosecution, in exactly the same way as it currently protects the police. As I understand, the PSSD personnel will be performing only those duties relating to traffic law enforcement. The Australian Labor Party supports this Bill.

The Hon. SANDRA KANCK: I will be brief in indicating that the Democrats support this Bill. Democrat policy at the last State election was that policemen operating speed cameras should be back on the beat preventing crime, and that it was not a good use of the training of our police cadets into policemen and policewomen to have them sitting at the side of a road operating speed cameras. There is a large perception in the community that crime is increasing and, although that perception is not one with which I agree, while that perception is there it is very important that the police are visible in the community and seen by the community to be preventing crime.

Speeding itself is not seen by our community as being a major crime, and therefore operating speed cameras is not good use of policemen. In the longer term, the Democrats will be watching very carefully, once this legislation is passed and the new Police Security Services Division is operating speed cameras, to see a more visible police presence in the streets. We do not want this to be just another cost saving measure by the Government, but we will support the Bill.

The Hon. DIANA LAIDLAW (Minister of Transport): I thank members for their contributions to this debate. I recognise that the Bill was introduced only last week, so members have been exceptional in the assistance they have provided this Chamber and the Government in addressing this measure.

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

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 14 February. Page 911.)

The Hon. T.G. CAMERON: The Bill deals with four principal issues. First, it formalises the introduction of the second phase of the driver intervention program. Secondly, it provides for medical certificates by persons claiming against third party insurance not to include any material which may be prejudicial to plaintiffs. Thirdly, it deals with the requirement for vehicle owners and drivers' licence holders to notify a change of address, which will give the Registrar of Motor Vehicles more flexibility in terms of how owners of vehicles notify changes of address; in other words, he may be able to prescribe that they do it by telephone or facsimile, and this will provide more flexibility and be of advantage to motor vehicle owners. Fourthly, whilst only a minor matter, in the Labor Party's opinion it will provide an advantage to the public; that is, people who are required to sit for road law theory tests.

The driver intervention program was first introduced in 1994 as a means of confronting drivers with the reality and consequences of motor vehicle crashes. The program developed course facilitators, trained them, and gave them practical experience. The purpose of this legislation now is to allow for the second phase of this program to be introduced; that is, people who infringe while on their L or P plates will be required to undergo one of the training programs that will be conducted for them. I understand, from information with which I have been provided by the Registrar of Motor Vehicles, that up to about 1 500 drivers will have to attend these lectures and that they will be charged a fee of $25. This is for drivers who are liable for disqualification under section 81B of the Act; that is, people who are in breach of their probationary conditions. One can only hope that drivers who are in breach of their probationary conditions will go along to these lectures and learn something from them so that they will not infringe in future.

The second main part of this Bill relates to the provision of medical certificates. The Motor Vehicles Act requires a person making a claim against comprehensive third party insurance to provide the insurer with copies of all medical reports within 21 days. Some medical practitioners have

perhaps inadvertently included in their reports material which has been prejudicial to the plaintiff; in other words, during the visit to the medical practitioner a plaintiff has disclosed some detail in relation to the claim, that material has been included in the medical report, and it has been prejudicial to the plaintiff. This is not consistent with the provisions relating to the Supreme Court. The Chief Justice has requested the Government to make an amendment to the Motor Vehicles Act so that the provision is more consistent with its general rule; that is, the amendment will protect the plaintiff from disclosure.

The third main feature is that the Motor Vehicles Act requires vehicle owners and drivers' licence holders to notify the Registrar of a change of address in writing. This Bill proposes an amendment to section 136 of the Act so that the notification given can be prescribed by regulation. This will give the Registrar of Motor Vehicles the opportunity to establish other means by which clients can notify a change of address other than in writing; that is, by telephone, facsimile or some electronic means that the Registrar of Motor Vehicles may establish for that specific purpose. They seem to the Australian Labor Party to be eminently sensible suggestions and we support them.

Two further amendments are proposed, one of which is a consequential amendment. I will not go into any detail on that, but there is a slight inconsistency which these amendments will correct. The Motor Vehicles Act provides that a person who fails a written theory test is not entitled to resit the test until at least two clear days have elapsed since the last sitting. When this provision was introduced, it was designed so that a person could not pass the test by a process of elimination; that is, sit for a test, fail it, and immediately sit for it again. For that reason, an amendment was introduced to provide that there had to be two clear days between each occasion on which anyone sat for a test. This argument is no longer valid, because now a series of different question papers is provided for the tests, and it is not possible for a person to resit continually and pass the test by elimination.

The Bill proposes to remove this provision. In other words, if a person failed a test in the morning, they would be able to resit the test in the afternoon. This will obviously be an advantage for people who feel competent to pass the test, miss out the first time and are required to travel long distances to resit the test. The amendments will solve that problem. The Labor Party supports all the amendments, as it believes that they will allow the areas covered by them to operate more efficiently than they do at the moment.

The Hon. DIANA LAIDLAW (Minister for Transport): I should note, in addition to thanking the honourable member for his contribution, that the Hon. Sandra Kanck, on behalf of the Australian Democrats, has indicated support for this Bill but that she does not wish to speak to it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Period of registration.'

The Hon. DIANA LAIDLAW: I move:

Page 1, lines 19 and 20—Leave out 'relevant period specified in section 24(1b)' and substitute 'period allowed for renewal'.

This amendment relates to the period of registration. Since this Bill was first introduced in mid February I have introduced to this Parliament the Motor Vehicles (Miscellaneous No. 2) Amendment Bill which addresses certain licensing and registration measures. For consistency with that Bill, I have been advised that this amendment referring to 'period allowed for renewal' should be moved at this time to replace the words 'relevant period specified in section 24(1b)'.

Amendment carried; clause as amended passed.

Clauses 4 to 8 passed.

Clause 9—'Duty to notify change of address.'

The Hon. DIANA LAIDLAW: I move:

Page 2, lines 35 to 37—Leave out subsection (3) and substitute the following subsection:

(3) The Registrar may require a person giving notice of a change of residence, principal place of business or garage address of a vehicle in a particular manner to produce evidence of the change to the satisfaction of the Registrar.

This amendment relates to the duty to notify a change of address. The words 'or garage address of a vehicle' are added in this instance to the original proposal in the Bill. Again, this is consistent with provisions in the Motor Vehicles (Miscellaneous No. 2) Amendment Bill, which is to be debated later today.

The Hon. T.G. CAMERON: The Australian Labor Party supports the amendment.

Amendment carried; clause as amended passed.

Clause 10 and title passed.

Bill read a third time and passed.

MOTOR VEHICLES (MISCELLANEOUS NO. 2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1019.)

The Hon. T.G. CAMERON: This Bill deals with a range of matters, including a provision for allowing the introduction of a simplified registration charging structure for light vehicles, consistent with previous legislation passed through this Council regarding heavy vehicles. It also provides for the adoption of nationally agreed business rules to achieve greater uniformity in registration and licensing practice.

As I previously mentioned, it also complements the Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Bill which introduced nationally uniform registration charges for buses, trucks and prime movers greater than 4.5 tonnes. The Bill deals with light vehicles under 4.5 tonnes. The main features of the legislation are a simplified charging structure based on existing cylinders: light vehicles' charges are compatible with heavy vehicles' charges.

The Bill also incorporates, as I understand it, a three-level administrative fee structure of $5, $10 and $20, based on recovering the actual cost of providing the registration or licence services. As I understand it, previously these charges were recovered but they were included in the total fee. The Bill proposes that the administration fee will be shown separately and, in future, consumer price indexes will apply to charges and fees. The administration fee will be set at a level to cover the cost of providing the registration and licensing service.

In relation to variations which will occur to registration fees for light vehicles, it is appropriate that I read into the transcript a few examples. For an ordinary four-cylinder vehicle (not a light vehicle) the registration will increase from $66 to $69, which includes a $5 administration fee; from $127 to $134 for six-cylinder vehicles; and from $184 to $193 for eight-cylinder vehicles. These increases range from 4.5 to 5.5 per cent. Whilst these increases are over and above CPI since they were last introduced, an examination of the

total impact of this Bill does recognise the fact that the increases which are required overall in this Bill are consistent with CPI movements since these fees were last increased.

The variations in the registration rates which will apply to light vehicles will show a significant reduction in some instances and marginal reductions in others. For example, the registration fee of a light vehicle of one tonne or less will fall from $98 to $69; for a one tonne to 1.5 tonne vehicle it will fall from $147 to $140; and for vehicles above 1.5 tonnes up to 4.5 tonnes I understand that the fee will fall from $245 to $231.

It was necessary in the formulation of these registration charges to be cognisant of the fact that the rate for heavy vehicles cuts in at $300. So, in order to have a scale which, from my examination of it, contains a relativity through the various tonnage weights, it was necessary to introduce for these vehicles rates which showed a reduction. By way of further explanation, whilst the charges for what I would call ordinary domestic consumers are rising marginally above CPI, there are reductions in the rates for light vehicles and for buses, and this means that, instead of raising $159.5 million from the amendments contained in this Bill and in the heavy vehicles Bill, together with the increases for domestic consumers, it is expected that $165.5 million will be raised, and, according to my calculations, that provides for an overall increase of 3.8 per cent across the board.

That is consistent with inflation for that period. With regard to light buses, rates for four cylinder bus registrations will fall from $189 to $69 and for six cylinder buses from $189 to $134. The fee for processing an application for transfer of registration will increase from $17 to $20, but the fee for a replacement label will be reduced from $17 to $10. That is brought about by the introduction of the three tier level of charges and fees for administrative services. Because the fees are to be $5, $10 and $20, I think it is expected that some fees will be increased to the next level of charge and some will be reduced, as cited in the examples I have given.

The Bill retains the existing light vehicle concessions to totally and permanently incapacitated persons, servicemen, consular corps, pensioners, incapacitated persons, primary producers and outer area people. They will all be retained. Owners of vehicles who will be required to pay an increased fee as a result of losing their concession include local government and a few trusts such as the West Beach Trust, etc. They will lose their concession, and the rate that they will be required to pay will be increased. An examination of the impact on local government indicates, for example, that the Marion council will have an increase of $2 443, while a smaller country council, such as the Waikerie council, will have an increase in the vicinity of $726. So, the increases that local government will have to bear as a result of losing their concessions in my view are not significant and, in fact, are consistent with the guidelines handed down by the national authorities when they prepared these recommendations to go back to the States.

As I understand it, ambulance, civil defence and the CFS, etc. will be eligible for registration at no charge under the conditional registration provisions of the Bill. So, whilst on the surface it might appear that these bodies will lose their concession, they will pick it up again under the conditional registration provisions of the Bill. The Australian Labor Party is satisfied that all groups which it believes should get a concessional rate will continue to do so. The Bill also provides for conditional registration provisions to be extended to light vehicles: that is, vehicles which have limited access to road networks such as tractors on farms and front-end loaders. It will also apply to those people listed under the conditionally registered use provisions.

The Bill also extends the quarterly registration provisions to the light vehicle fleet. I do not think that needs any explanation. The Government proposes to retain the existing 75 per cent, 50 per cent and 25 per cent surcharges based on the one year SAFA Government borrowing rate, which is currently set at 5.7 per cent. In other words, they will be incorporated in the *pro rata* registration charge for periods of three, six and nine months, respectively.

The Bill also proposes to introduce a late payment penalty to replace the current registration establishment fee and licence re-establishment fee. A period of 30 days within which the registration must be paid is provided in the Act. This period is now extended to 90 days. It will increase the flexibility of the provision and is consistent with the 90 day period provided in the Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Bill. This Bill will allow the registrar to have discretion to waive the new late payment penalty, for example, where a vehicle is registered for only seasonal use by a farmer or people who may register a car consistently for only three months or six months of the year. The Bill also provides for drivers' licences to be issued for a period of up to 10 years. Whilst I think 10 year licences are too long, the Government wishes to introduce this provision, and at this stage we have no objection to it—we will see how it works.

The Bill also provides for a number of nationally agreed business rules, one of which includes the introduction of the responsible operator concept, uniform national licence classes and conditions and provisional licences upon the surrender of numberplates. The requirement that numberplates be surrendered upon the cancellation of a registration where the registration has expired for more than three months is, again, an initiative which the Australian Labor Party supports. I understand that this provision operates in most other States where the unauthorised use of licence plates in relation to stolen vehicles is controlled by ensuring that numberplates are returned upon cancellation. However, this requirement will not apply to seasonally registered vehicles, as I have already outlined.

The Bill contains a fairly wide range of measures, which the Labor Party supports. I referred to the principal measures in my speech in relation to light vehicles. These proposals are consistent with the guidelines set down by the national authorities and a move towards a more uniform and national approach in relation to registration and licensing charges, etc. The Australian Labor Party supports the Bill.

The Hon. SANDRA KANCK: The Democrats recognise that this Bill will bring us into line with nationally agreed guidelines and earlier legislation that we passed last year. Consequently, we see no real difficulty in supporting the broad thrust of the Bill, which we believe will improve the accounting procedures used to determine various fees. My hope is, of course, that the method of accounting for the internal costs of vehicle registration might one day be extended to look at the external costs of motoring, such as damage to roads and infrastructure and the environment, but I am afraid that might be a long time in coming.

The Democrats see no difficulty with the provision of a 10 year licence, as that will certainly provide cost savings in administration. I know that this Government has an agenda to try to achieve as many cost savings as it can. Hopefully,

if it can achieve cost savings such as this we might see a few less Government assets sold off. When the three year licence came in, I appreciated having to front up only once every three years in those long queues in a motor registry department, and I will be one of those who line up for a 10 year licence. I do not think there is likely to be any problem with 10 year licences. Passports are already issued for that length of time and I cannot imagine that there will be any security problems with it. I certainly have not been able to envisage any. I hope that the Government will be sensible when it gets that influx of money from 10 year licences and will not spend it all at once but put it aside to tide it over the 10 year period.

I note that the Government is using the opportunity through this legislation to remove the exemption from registration currently enjoyed by vehicles in various Government and semi-government instrumentalities. TransAdelaide vehicles are in one of the groups that will find that that exemption is being removed, and competitive tendering is the justification that will be given. I find it unfortunate that, two years after the Bill—in which I was involved—to set up the Passenger Transport Act and set competitive tendering in place was passed, we are now seeing another flow on from that. I would like to have been debating it two years earlier.

The Hon. Diana Laidlaw: Could you repeat the relationship of this Bill to the Passenger Transport Bill?

The Hon. SANDRA KANCK: Just that TransAdelaide vehicles will lose that exemption, on the basis that it is involved in the competitive tendering process. I am lamenting the fact that it was not part of the discussion two years ago. In a way it is also unfortunate that that exemption will be removed because some unprofitable routes will always fall to the Government, through TransAdelaide, to operate. TransAdelaide under those circumstances will need all the help it can get to be the fall guy. Local government is another area that will find those exemptions removed. The justification that is being given is to create that mythical level playing field in terms of the alternate provision of vehicle and transport services for local government by the private sector.

I was reading an article in the national *Business Bulletin* about outsourcing and an example given was Gillette Australia making the decision in late 1992 for a company called Fleet Systems to manage its vehicles. Part of that contract included vehicle acquisition and disposal, supervision of repairs and maintenance running costs, management reporting and analysis to meet Gillette's internal needs and assistance with fringe benefits tax advice. It seems that, as local government will be losing that exemption, that is just the sort of thing that will happen: while the removal of the exemption may inspire some councils to re-examine some of the perks that their senior members and employees might be getting, it might also increase the likelihood of services being outsourced.

To continue the analogy on the level playing fields, in this case it will increase the number of playing fields without any debate about whether the sport being played on them is beneficial to society as a whole. Outsourcing seems to be the buzz word of the 1990s throughout the western world in terms of big governments and big companies. It is alarming that so little debate occurs on the subject. While I do not propose to use this Bill as an excuse to put the case against outsourcing, it is worth reflecting that no one has yet proposed any solution to the problem of unemployment, which is so obviously exacerbated by outsourcing on the massive scale on which it is taking place with the current Government. However, the Democrats support the second reading.

The Hon. DIANA LAIDLAW (Minister for Transport): I thank honourable members for their contribution to this Bill. I thank them for addressing what is essentially a very complex piece of legislation with relative ease. This Bill is important in many respects, most of which have been addressed by honourable members. I point out that one of the tasks the Government undertook in addressing this Bill was to see whether it could reduce the complexity of the system in terms of registration charges and drivers' licence fees. It has been able to reduce them from $114 to $43 in respect of discrete fees under the Motor Vehicles Act, and reduced the number of inspection fees under the road traffic regulations from $48 to $18. It will be much easier for people to understand and use the system as well as for officers to administer the system in future. There will be cost savings from that microeconomic reform, but essentially it will be easier to understand and administer, which we believe is important in ensuring that there is less potential for error and misunderstanding by and with our clients in future.

The Hon. Terry Cameron is correct in his assessment that the charges and fees are consistent with inflation over the past year and that has not been an easy task to manage because, when you are reducing a number of discrete charges and fees, plus introducing a new administrative fee over three stages and assigning those administrative fees to the complexity of each function, it has been a juggling exercise to realise an important goal overall, namely, to ensure that charges overall did not increase beyond the limit of inflation.

It is important also to acknowledge that this Bill will provide, through the special purpose vehicles provisions under conditional registration, that farm vehicles will be registered but without charge in future. This is an important step on the path to ensuring that there is a means of applying compulsory third party insurance to many of these vehicles in future. When they have not be registered in the past they have not be liable to pay CTP and, if they have been involved in an accident of any sort, the costs to the owner have been exorbitant.

The Premiums Advisory Committee reports to me and the Treasurer in addition to the SGIC and has yet to determine a whole range of CTP charges for forthcoming years. As part of that consideration a new charge will be struck for farm vehicles. The Hon. Sandra Kanck mentioned externalities. Essentially, the reference was to environmental externalities—wear, tear and the like. Most of these issues were addressed in part in the heavy vehicles reform package that honourable members addressed last year and we now have a charging system based on wear and tear. It is not as comprehensive as first proposed by the National Road Transport Commission because there was uproar across Australia when it was suggested that there be a mass distance charge that sought to address all the environmental externalities, as is the case in New Zealand.

For Australia, with its vast distances and many isolated communities, this proposition is just unacceptable to the State Government and the Federal Government of the day. However, it does not mean that progress has not been made along that path; it has been with the legislation involving National Road Transport Commission heavy vehicle charges, which was passed by this Parliament last year. I would like to add to the Hon. Sandra Kanck's comments that many of the competition issues are associated not so much directly

with the Passenger Transport Act, which we passed about this time two years ago, but more so with the general competition policy that is being forced upon all State enterprises that have been run as monopolies in the past. The same pressure is being applied to ETSA and water and not just to public transport.

I acknowledge that, in a sense, the Passenger Transport Bill was before its time—before the competition principles were prepared for the past Federal Government by Professor Hilmer, and have since been adopted by all Governments. We are in for a lot of hell in this State in terms of applying those competition principles. In many senses, the State will be quite vulnerable, particularly for those income-earning enterprises. In terms of public transport, I just cannot envisage the day when it will earn—or at least pay its way (and it is not even on the Government's agenda that it do so). But we have some shocks to come in terms of some of the other instrumentalities that have held a monopoly and have been income earning to date. I thank members for their contribution to this debate.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: You will blame the incoming Federal Government for so many difficulties over the next few years, but some of our problems arise also from actions of the former Government, and a competition policy that will be quite difficult for us to deal with in the future. That is for other Ministers on another day. I will not depress us all today. I thank members most earnestly for addressing this complex Bill in a short period of time. There are benefits for consumers who are associated with the transport industry in this State.

The Hon. Sandra Kanck: Will you tell your counterparts in the other place how quickly we have dealt with it?

The Hon. DIANA LAIDLAW: I always tell my counterparts in the other House how terrific we are in this place. I would be pleased to do so again.

Bill read a second time.

In Committee.

Clauses 1 to 34 passed.

Clause 35—'Term of licence.'

The Hon. T.G. CAMERON: In relation to the period for licences being extended from five to 10 years, it is my understanding that, if you are in possession of a five-year licence which is only 12 months old and you lose it, when you go to reapply for your licence you are required to purchase a new one. In other words, if you still had three or four years left on your licence, you automatically lose that. Is it the intention for that to apply to the 10 year licences in the same way, or will the Minister examine this clause with a view to reviewing it so that, if a person purchases a five or a 10 year licence and subsequently loses that licence part way during the term, when they get back their licence, they will be able to keep any unexpired time left on their licence?

The Hon. DIANA LAIDLAW: If the situation is as outlined by the honourable member, I will certainly seek review. It does seem unduly harsh. It is a system that would almost encourage foul practice. It is certainly a money-making scheme for the department, and it sounds quite unacceptable. I trust the honourable member does not want to hold up the consideration of this Bill on that matter, and I will write to him or get the answer incorporated in *Hansard*.

Clause passed.

Clauses 36 to 42 passed.

The CHAIRMAN: I point out to the Committee that clause 43, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary for the Bill.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENTS (COMMUNITY TITLES) BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1022.)

The Hon. ANNE LEVY: The Opposition supports the second reading of the Bill; indeed, it goes further than that and supports everything in the Bill. The Bill is consequential upon the community titles legislation and amends a great deal of other legislation to take account of the Community Titles Bill. It is somewhat premature, in that the community titles legislation has passed this Council but has not yet passed the Parliament or received assent, so perhaps we are jumping the gun slightly. However, I am quite happy to agree that, having passed this Council, it is unlikely that the legislation will not pass the House of Assembly and receive assent. The Bills being affected are the Corporations Act, the Development Act, the Land and Business Sale Act, the Land Tax Act, the Legal Practitioners Act, the Local Government Act, the Passenger Transport Act, the Real Property Act, the Retail Shop Leases Act, the Retirement Villages Act, the Sewerage Act, the Stamp Duties Act, the Strata Titles Act, the Valuation of Land Act and the Waterworks Act.

Most of the amendments are entirely consequential on the community titles legislation. I notice a couple of them are consequential not on that legislation but on the passage of the SA Water Corporation Act, where the EWS is being replaced by the SA Water Corporation within the legislation and, as far as the Strata Titles Act, there are amendments moved to the Act which do not relate to the community titles legislation but which insert into the Strata Titles Act the same provisions as in the Community Titles Bill regarding agents' trust accounts and management of the corporation's money in that way. That is obviously highly desirable. Even though there is no particular evidence that agents have not been acting properly with the finances of the strata titles corporations, it is certainly a wise provision to have those trust account provisions in the Strata Titles Act.

As to the various Acts where valuation of land is a prerequirement, and that is with regard to land tax, rates, sewerage and water for non-residential areas, the matters before us are in erased type but are obviously necessary and I presume we can comment on them now rather than when they come back from another place as part of the Bill. The Government is saying that, when it comes to determining the value of land where there are individual units and lots and also community or common property, it will be for the Valuer-General to decide whether the use of the common property is really incidental to the use of the individual units or lots and, in consequence, the value of the common property will be divided up as part of the value of the individual lots or allotments.

When that happens there will only be the one land tax, rate, water and sewerage bill that will go to the owner of each lot or allotment. However, if the Valuer-General decides that the use of the common property is not incidental to the use of the units or lots, a separate valuation will be determined for that common property and, in consequence, council rates,

land tax, water, sewerage and so on will be apportioned to the common property and it will be the responsibility of the corporation to pay such bills, though they will be a first charge against the individual units or lots in terms of making sure that they are paid. My one query relates to the decision of the Valuer-General in these cases. The Valuation Act contains provision for people to object to the valuation that the Valuer-General makes and for a review to be undertaken and an independent valuer brought in to do a valuation and, ultimately, if there are arguments, for the Land and Valuation Court, which in effect is the Supreme Court of this State, to make a decision. If the decision of the Valuer-General as to whether or not the use of common property is reasonably incidental to the use of the lots or units, can the same procedure be made in an appeal against the Valuer-General's decision?

It may be that individual owners of units or lots believe the common property should be rated separately when the Valuer-General has decided otherwise, or the other way around, that they believe its use is incidental, while the Valuer-General has decided it should have a separate valuation. Do the provisions of the Valuation Act refer to appeals against valuations from the Valuer-General? I seek reassurance from the Attorney that there will be the ability for individuals or corporations to have an appeal mechanism if they disagree with the Valuer-General's opinion about whether or not the common property should be valued separately or included in the value of the lots. It is important that there be an appeal mechanism to such a decision. There will not be many appeals, I am sure, but there could be occasions when people wish to appeal a decision and they should have the right to do so, even if it means going to the Supreme Court.

With that question, we support the second reading of the legislation. If the Attorney is not able or does not wish to give a categorical assurance on that point now, I will be happy if he will look at it and agree with me that there should be an appeal mechanism and, if it is felt that the Bill before us does not contain sufficient provisions for an appeal mechanism, undertake to ensure that they are introduced in another place.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for her indication of support for the Bill. She is correct: it is largely incidental to the principal Community Titles Bill. I suppose inherent in the consideration of this Bill is a presumption that the other will pass and be enacted into law, but I would suggest that it is not much different from a package of Bills, such as the Expiation of Offences Bill, which had two other Bills—

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: No, incidental to it. I do not think there is any difficulty. My understanding is that when the Valuer-General makes a valuation under those rating Acts, the Land Tax Act, the Local Government Act, the Waterworks Act and the Water Conservation Act, the Valuer-General is acting in accordance with the Valuation of Land Act. If one looks at page 20 of the Bill, one sees that clause 46 provides:

Section 5 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

It then deals with the Community Titles Act, the Strata Titles Act and the way in which the unimproved value or site value of a lot should be determined. It then, in a sense, reflects some of the matters to which the honourable member refers in subsection (3) dealing with primary lots, and so on. My understanding is that the objection provisions in the Valuation of Land Act apply equally to that decision about whether the common property is incidental to the lot, or otherwise, and that that is an issue that can be the subject of notice and objection under section 23 of the Valuation of Land Act, because section 24(1) of that Act provides:

A person who is dissatisfied with a valuation of land in force under this Act—

remembering that those rating and assessment Acts are referred to specifically—

may, by notice in writing served personally or by post on the Valuer-General, object to the valuation.

The Hon. Anne Levy: That is a valuation and not an opinion as to whether it should or should not be in.

The Hon. K.T. GRIFFIN: It is my understanding that the valuation includes the opinion, because the value of the lot certainly is dependent upon the exercise of a judgment by the Valuer-General, but that it is then valued as part of the valuation. I will make sure that that issue is checked. If I am wrong, I will take some steps to ensure that we correct that but, if I am right, I will confirm that to the honourable member in due course. I think that the position I put is the correct one, just on my quick reading of the Valuation of Land Act but, because I have done it on the run, it may be that there is a flaw in my argument. If that is the case, I will certainly ensure that it is addressed.

The Hon. Anne Levy: Do you agree that an appeal system is necessary?

The Hon. K.T. GRIFFIN: I think the notices and objections can be dealt with adequately under the Valuation of Land Act, but I will check to see whether it is in fact covered as I have indicated and, if it is not, we will address that issue appropriately.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

The CHAIRMAN: I point out that clauses 9 and 10 are in erased type, and Standing Order 298 provides that no question can be put in Committee on any such clause, and a message transmitting the Bill to the House of Assembly is required to state that any such clause is deemed necessary to the Bill.

Clauses 11 and 12 passed.

The CHAIRMAN: Clauses 13 and 14 are money clauses, and Standing Order 298 applies to them.

Clauses 15 to 35 passed.

The CHAIRMAN: Clauses 36 to 40 are money clauses, and Standing Order 298 also applies to them.

Clauses 41 to 47 passed.

The CHAIRMAN: Clauses 48 to 52 are money clauses, so Standing Order 298 also applies.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 6.7 to 7.45 p.m.]

EDUCATION (TEACHING SERVICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 907.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. However, I hope that the Minister can satisfy some concerns that have been raised with me by the South Australian Institute of Teachers. The genesis of the Bill lies in the 1989 curriculum guarantee agreement between the South Australian Institute of Teachers and Susan Lenehan in her capacity as Minister for Education in the Labor Government at that time.

The system which was set up at the time quite rightly allowed for additional leadership positions in schools and the recognition of outstanding classroom teachers by means of the advanced skills teacher classification. So far as I can ascertain, the system has worked extremely well over the past six years or so.

The Opposition acknowledges that during the operation of the processes associated with the curriculum guarantee agreement it has become apparent that there are some doubts about the capacity of the existing provisions of the Education Act to cope with some issues. Both the Opposition and the Government agree that the curriculum guarantee agreement needs to be supported with the appropriate legal framework.

It is also acknowledged that the Government and SAIT have negotiated and agreed upon many of the provisions of this Bill. In the event, the Opposition has not filed any amendments to the Bill at this stage. Having said that, I note that the Institute of Teachers is concerned about clause 29(4). Understandably, the Institute of Teachers wishes to ensure that it will have a representative on the Classification Review Panel which might be constituted by the Minister from time to time. Clause 29(2) recognises this and provides for one of the trio on the review panel to be selected from a panel of teachers nominated by the South Australian Institute of Teachers.

Clause 29(4) goes further and gives the Minister the power to appoint his or her nominee to the panel in the place of a nominee from the Institute of Teachers in the event that the Institute of Teachers fails to make the nomination within the time specified in the invitation to nominate somebody. One might well wonder why there is any need for this clause, given the institute's obvious interest in having acceptable people on the review panel.

I request the Minister to inform members specifically why he considered it necessary to bring in this clause. Does it indicate a lack of trust in the Institute of Teachers? Furthermore, the Opposition would like to see the Minister put on record in this place any undertakings he has made to the Institute of Teachers in relation to review panels and in relation to any other matters in the Bill. I think that that would be the proper thing for the Minister to do, particularly if SAIT has reservations about the operation of the Bill. If the Government is willing to put its position on the record in relation to these matters we will have something with which to remind future Ministers for Education of the intentions of the current Minister.

Another serious point of concern is the content of the administrative instructions and guidelines which are intended to cover the procedure associated with the operation of this legislation. Apparently, the department has had some time to work on these guidelines, and we would prefer not to vote on this Bill until we have at least seen draft guidelines. Both the Opposition and the Government want to see this legislation operating effectively. It can therefore do no harm to perhaps delay the passage of this Bill until we are reassured that the proposed administrative procedures are appropriate and that all parties involved find the guidelines satisfactory. I hope that the Minister can satisfy that concern. Having put these matters to the Minister for his consideration before we proceed with the Bill, the Opposition supports the second reading.

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

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) (COURT JURISDICTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1022.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of the Bill. The Bill is straightforward. Between 1992 and 1994 the Australian Financial Institutions Commission Code provided for appeals from the Australian Financial Institutions Appeals Tribunal to go to the Queensland Supreme Court. Although the AFIC code was amended in 1994 to permit the various State Supreme Courts to hear these kinds of appeals, our Financial Institutions (Application of Laws) Act has not yet been amended to give jurisdiction directly to the South Australian Supreme Court. With the passage of this amendment we will no longer need to rely upon the jurisdiction of the Courts (Cross-vesting) Act which provided the mechanism for appeals from the Financial Institutions Appeal Tribunal to be transferred from the Queensland Supreme Court to the South Australian Supreme Court. The Opposition accepts the Attorney's assertion that this amendment is not only consistent with the AFIC code but that it will also give South Australia the full benefits of the 1994 amendments to the AFIC code. We support the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for her indication of support for this Bill.

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

BUSINESS NAMES BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 1057.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. We recognise that there have been very substantial changes in the practices and procedures of the Australian Securities Commission and the Corporations Law since the Business Names Act of 1963 was introduced. The Opposition has sifted through the legislation and is satisfied that it fulfils the purpose of the legislation, namely, to provide a workable and reasonable system for registration of business names and the protection of the value of a registered business name in certain circumstances. We support the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for giving consideration to this Bill so quickly, and I appreciate her indication of support for it.

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

SOUTH AUSTRALIAN TIMBER CORPORATION (SALE OF ASSETS) BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 1059.)

The Hon. A.J. REDFORD: I rise to support the second reading of this Bill. I have had the opportunity to read the contribution of the member for Playford (Mr John Quirke) in the other place who indicated that the Australian Labor Party opposes the introduction of this Bill. As I understand it, the basis upon which the Bill is opposed is that there may be some sort of hidden agenda on the part of the Government, some way of looking at this legislation that means that harvesting rights or the sale of forests or some other surreptitious method might be used through this Bill (if it passes) to sell the forests of South Australia or, more particularly, of the South-East of South Australia. I am a south-easterner by birth, and I must say that in my heart my interests lie in the South-East—and the Hon. Terry Roberts is, no doubt, in a similar position.

I have looked at this Bill from every perspective—I have looked at it from the perspective that I might be able to sell something that is not currently owned by the South Australian Timber Corporation—but I simply cannot see how this piece of legislation would allow such a thing to occur. The asset is described as an asset of the corporation, and it would appear to me that there is nothing which Forwood Products does not currently own which can be sold. It also seems to me that, upon looking at this legislation, the recent publicity and concern—and I must say that I share that concern—about the sale of harvesting rights might have some foundation. However, I do not think there is any possibility that the Government could surreptitiously or through the back door sell more than that which is currently owned by the South Australian Timber Corporation and, in terms of this Bill, the shares that it holds in Forwood Products.

As I understand it, Forwood Products owns some harvesting rights that were negotiated through the auspices of the previous Minister for Primary Industries, and those harvesting rights will be passed on to any purchaser of the business of either Forwood Products or the shares currently owned by the South Australian Timber Corporation. If my interpretation is wrong, I am sure the Attorney-General will correct me. I am also sure that the Attorney-General will advise me and this Parliament if there is any intention by the Government through the auspices of this Bill to sell more than the assets currently owned by Forwood Products. In particular, I refer to those assets which are listed in the last annual report of Forwood Products which I think was presented to Parliament earlier this year or late last year.

If there is anything beyond the assets listed in the balance sheet in the annual report that I referred to, I am sure that the Attorney-General and/or the Treasurer will advise this place before we all have the opportunity to vote on this Bill. In other words, I am sure that an assurance will come from both the Attorney-General and the Treasurer to this place that all that will be sold is the current assets and liabilities of Forwood Products and the harvesting rights that are the subject, one would imagine, of any agreement as at the time this legislation was introduced in this Parliament on 21 March last. I might say that, if that assurance is not forthcoming, my attitude might be quite different when it comes to a vote on the third reading.

The Hon. T.G. Roberts: What if the sale is predicated on an allocation?

The Hon. A.J. REDFORD: As I understand it, the sale cannot be predicated on that allocation based on this Bill, because that is not currently part of an asset of Forwood Products. I am 100 per cent sure that this Government would not seek to transfer assets into Forwood Products between the time this legislation is passed and the time that any contract for the sale of Forwood Products might be promulgated.

I know that the Group Asset Management Division has embarked upon an extraordinarily complex and difficult task following the State Bank and other financial disasters that this current Government inherited. I place on record my view that the Group Asset Management Division has conducted its affairs in a proper, professional and thorough manner. I also place on record my understanding that the Group Asset Management Division's performance in terms of asset sales since we took Government has exceeded all expectations, on the part of both the South Australian Government and the public.

I also know that the Group Asset Management Division, which is staffed with a number of commercial people, is very much alive to commercial opportunities. That is as it should be. If the directors or principals of the Group Asset Management Division observe an occasion where assets might be realised for the benefit of South Australians, it is their duty to draw that to the attention of the Government. At the end of the day, as I understand the procedure, any decision that might be made concerning the sale of assets is in the hands of the Government and not of the Group Asset Management Division.

In short, it is my view that no criticism can be levelled at the Group Asset Management Division if it does identify an asset that is of some value to the South Australian taxpayer and directs the Government as to what might be achieved if that asset is put on sale. But, at the end of the day, any decision concerning the sale is in the hands of the Government. In other words, I am bluntly alluding to some of the speculation by members opposite and in the media about the sale of the forests or the harvesting rights (whatever that might mean) or the sale of timber, particularly from the South-East of South Australia, and the roles that the Group Asset Management Division and the Government play. It is the responsibility of Group Asset Management to draw to the attention the potential or existing value of particular State assets and, at the same time, it is the Government's responsibility to look at it from a broader perspective in determining whether it ought not take the advice of Group Asset Management.

As I understand the position, Group Asset Management at some stage prior to the beginning of November last year drew to the attention of the Government the fact that the sale of Forwood Products may well be enhanced by the sale of the forest assets and the fact that there was a significant public asset in the form of public forests in the South-East of South Australia. As I also understand it, it presented submissions to the Government about the value of those assets and I understand that Cabinet, after some lengthy discussion, resolved not to sell the forests or the harvesting rights. From there until the Premier's statement in January this year there was considerable speculation as to whether or not the forests or the harvesting rights were to be sold. As I read the Premier's press release and his statements to the public there is no such agenda on the part of this Government.

I say these things for this simple reason: first, the forests were established even before Sir Thomas Playford was Premier of South Australia, and I am sure that the Hon. Terry Roberts will correct me if I am wrong. The forests are a very significant asset to this State. I say from personal experience that they are more than just a significant asset on the part of the State; they are also to a large extent the lifeblood—economically, socially, culturally and in many other ways—of the South-East of South Australia. The South-East of South Australia has been ignored by successive Governments of both political persuasions. It has been an area with enormous economic capacity and one that has not had sufficient attention paid to it by Governments of both persuasions. I have a view—and one might describe me, depending on where one sits, as an economic rationalist—

Members interjecting:

The Hon. A.J. REDFORD: The Hon. Legh Davis laughs. I have been very consistent. The forests are a unique asset. If one looks at the way commerce operates, particularly in this country, and if one considers how the Japanese operate commerce, not many companies plan more than five to 10 years ahead. That is one criticism that even an economic rationalist such as myself can accept on the part of private enterprise, namely, that companies do not appear to plan more than five to 10 years ahead. The New Zealand experience in relation to forests would bear that out.

I believe that the Government has a very significant role to play in terms of long-term investment; that is, investment 20, 30, 40 years ahead. The forests provide a prime example of where a Government may, if it is properly run and proper management techniques are applied, out-perform, in the long-term—perhaps not in the short term—private enterprise. It is one of the few occasions when I am sure even those of my political persuasion would agree. When one looks at the future of forests in this State it is very important, in my view, to consider whether or not commercial interests have the ability to plan, think and develop 30 and 40 years ahead. It is also my view that, with such a significant asset in such a prime place in this State, we need to think 20, 30, 40 years ahead. It is my view that, in looking at the future of the forests in this State and whatever we do with harvesting rights, we have to understand and acknowledge that principle.

I have not heard from anyone of a commercial organisation that would seek to plan 20, 30, or 40 years ahead in the same way as Governments. Perhaps that may well be a shortcoming of the private and free enterprise system. Within those parameters though, the Government has a number of options. I believe that private enterprise and private management can have a more important and more significant role in the management of forests. Both sides would agree that up until the previous Minister took control of the forests significant economic advantages could be gained by eliminating certain inefficiencies. I am sure members generally would agree that the previous Minister attended to that. However, only a certain amount can be achieved in a two year period. I believe that more economic efficiencies can be achieved in maximising the benefit of the forests, both in terms of maximising the value to the South Australian taxpayer and maximising the employment opportunities to ordinary South Australians, in particular those who live in the South-East.

There needs to be a sensible and rational debate about what is meant by 'harvesting rights'. Given the mandate that this Government has, what can a Government do and what options does a Government have in achieving the maximum economic efficiencies in the development and realisation of a State asset of which the forests are part? I am optimistic that both sides of politics can sit down and say that it is a reasonable proposition to sell a harvesting right to a company, in the sense that the company decides what is the nature of the forest to be planted, the nature of the fittings and the extent of the labour to be supplied so that the managers of the forest become more reactive to the consumer and can provide the required product to the timber mills, which, in turn, are required to react to their consumers. It is a very important issue. Like any principles we as parliamentarians deal with on a day-to-day basis, we have to weigh up these principles. My hope is that the Government will understand the extraordinary sensitivity the people in the South-East have towards their forest.

My family does not have any direct relationship to the forests in any financial sense, but my father has a farm that is only a mile from the forests. When I was a boy, he always said to me, 'Look, I don't have to have my fire fighting equipment absolutely up to scratch because, every time I light a cigarette, they ring me as they do not want the fire from my place to burn out their forests.' That is an example of the close community between the farmers, the forests and the townspeople of the South-East. It is a strong and viable community in every sense of the word. As a boy, I remember listening, with wide eyes, to the foresters, the pine fallers, who came into the football club and talked about the near risks they had when they were cutting down trees. As I understand it, at one stage they had the highest workers compensation premiums in the State, and that indicated the degree of danger they were under while cutting down logs. I also remember, as a boy, going into town and dad asking the Manager of the Kalangadoo mill, 'Do you mind if I cut down a Christmas tree?' He was never rejected. I know the whole town's Christmas tree supply came from Woods and Forests, as it was then known.

The Hon. T.G. Roberts: They were strays. You could only cut strays.

The Hon. A.J. REDFORD: They were only strays, as the honourable member interjects. I absolutely guarantee that they were only strays, because anything other than strays was too big for us. The forests and the industry are a vital part of the community not just in economic terms but in every sense of the word. When there are rumours about the sale of the forests or about changing the landscape of the South-East, it is important that all Governments understand just how sensitive that is to us all. I know the Hon. Terry Roberts has a Millicent connection. I know they are a little farther away from the important forests than perhaps Kalangadoo was. I also know of his experience in respect of cellulose and in the paper mills. He would clearly understand just how important cellulose and the paper mill is to the community of Millicent.

The Hon. T.G. Roberts: I knew all the trees by name, at one stage.

The Hon. A.J. REDFORD: The honourable member probably exaggerates. As I understand it, he knew by name all the trees at the Millicent Golf Club. He had two names for them: those he hit and those he missed. It is important that members and the Government understand just how significant forests are to the South-East and to the future of this State. It is the most bountiful part of this State. It has the best rainfall in this State.

Members interjecting:

The Hon. A.J. REDFORD: The Hon. Legh Davis giggles.

The Hon. L.H. Davis: I was just coughing.

The Hon. A.J. REDFORD: It is in *Hansard*. It is a significant part of the State. The Government ought to tread carefully in relation to its future treatment of forests. It ought to adopt a broad consultative process in dealing with the forests. I do not share the concerns and suspicions expressed by the member for Playford in his second reading contribution in the other place. I will be charitable in this statement, but I think that he is jumping at shadows. He is not the sort of chap who would seek to indulge in political opportunism, and I am sure that—

Members interjecting:

The Hon. A.J. REDFORD: No, I will resist that temptation. I am being distracted, Sir. I urge the Opposition to get better advice. A gratuitous comment might be that it should seek to improve its preselection processes so that it has a halfway decent lawyer to advise it and so that it can understand legislation. I have had a very close look at this Bill and I cannot see what the ALP is jumping up and down about. I am sure that, with the assurances that I have asked for in this speech from the Treasurer and the Attorney, we will have no difficulty in passing this Bill quickly and getting on with selling Forwood Products. Then we can focus our attention on properly managing the forests. I commend the Bill.

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

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 1078.)

The Hon. SANDRA KANCK: In supporting the Bill, I raise the question of funding for intellectually disabled people under the Health Commission. As the Supply Bill deals with the provision of money for the running of our State, it is necessary to record the importance of the Government's supporting social services, including funding for disabled people. All members of Parliament would now be well aware, particularly after the fairly large rally held on the steps of Parliament House last year, of the funding crisis being experienced by families caring for family members who are intellectually disabled. In April last year Project 141 was launched with the aim to increase funding for services for people with intellectual disability. At the time the project was launched, there were 141 people in crisis situations, 331 required urgent attention and another 1 090 people required accommodation.

Unfortunately, intellectually disabled people are not as cute and cuddly as koalas and so they do not get the same media grabs and thus the community support that the koalas have recently managed to achieve, despite the fact that the plight of intellectually disabled people and their families is a lot more serious. As I mentioned, last October Project 141 held a rally outside Parliament House to bring the plight of these people to the Government's attention. At that time the organisation urgently required $12 million to provide basic services for the families of the 6 069 South Australians registered with intellectual disability. To date, the Government's response to these families in need has been, 'Don't come to us begging for funding because we are broke because of the State Bank debt.' However, it has since been revealed that the Government has collected a massive $146 million in revenue in just one year of operation of the pokies.

The lobby group supporting families who have intellectually disabled members are lobbying for a similar system to that operating in Western Australia whereby moneys for the intellectually disabled are partly funded by the Lotteries Commission. Families with disabled members suffer a great deal because of the inadequate level of Government support. The Government has been keen to make savings from deinstitutionalisation but it has been reticent to put some of those savings into supporting the needs of these people. Currently, many intellectually disabled people are still at school in their early 20s and, when they finally leave school, they often have to stay at home all day because there is nowhere else for them to go. This puts an enormous load, usually on the mother but sometimes the father, on these people who look after them usually at no cost. Therefore, it is important that the State Government, particularly through the auspices of the Health portfolio, should be delivering money to these people.

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

BIOLOGICAL CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 March. Page 1075.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank the Hon. Mr R.R. Roberts' indication of support for this Bill. He has made a number of observations for which it is not required that I should provide any answers. He has indicated that a number of issues were raised and answered in another place. It is therefore appropriate for the Bill to pass without further comment.

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

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Returned from the House of Assembly with amendments.

LIQUOR LICENSING (DISCIPLINARY ACTION) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ELECTORAL (DUTY TO VOTE) AMENDMENT BILL

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

RAIL SAFETY BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 1047.)

The Hon. T.G. CAMERON: The Australian Labor Party supports this Bill, which has been introduced by the Government and which merely implements the intergovernmental agreement on rail safety 1995, which provides for a nationally consistent approach in railway safety regulation.

The issue of a national approach to rail safety regulation was explored at a meeting of the Australian Transport Advisory Council in June 1993 in the context of a number of them urging developments in the rail industry, covering the growing prominence of interstate rail operations, the opening up of access to rail infrastructure to private operators, and the introduction into the New South Wales Parliament of a Rail Safety Bill which advanced a new approach to rail safety.

In February 1994 the newly formed Australian Transport Council (ATC) endorsed the recommendations of the working party's report. That was set up by ATAC Ministers in 1993, as I understand it. The Australian Transport Council endorsed the recommendation of the working party's report entitled 'A National Approach to Rail Safety Regulation', which was based on safety accreditation of railway owners and operators, mutual recognition of accreditation between accreditation authorities, the development and implementation of performance based standards, greater accountability and transparency and the facilitation of competition, plus technical and commercial innovation consistent with safe practice.

The intergovernmental agreement was endorsed by Ministers at the Australian Transport Council in April 1995 and has since been signed by the Commonwealth and all mainland States. I understand that Tasmania and the Northern Territory are currently considering their position. The intergovernmental agreement requires all parties to legislate or take appropriate administrative action under existing legislation to enforce the terms.

The Bill before the Council recognises that there is no existing legislation in South Australia upon which to implement the intergovernmental agreement by administrative action. Consistent with the intergovernmental agreement, the Rail Safety Bill provides for, first, all owners and operators involved in interstate rail operations to be accredited in their own right or another jurisdiction consistent with the Australian rail safety standard; secondly, the mutual recognition of accreditation between jurisdictions—naturally subject to local requirements; and finally, a dispute resolution mechanism. Although the South Australian Government is no longer operating interstate trains, there are some jointly used tracks and other points of conflict between the Adelaide suburban rail system and interstate operations for which the safety accreditation provisions in this Bill are relevant.

The Bill before the Council provides for accreditation to embrace Government owned railways, private freight operations including mineral haulage, historical trains operating within the State—I understand that the Minister will be meeting with an historical society on trains tomorrow—private operators running local tours and any private operators who may be involved in the provision of future suburban rail services.

I could go through many of the provisions in the Bill. It is a lengthy Bill and it covers a number of areas such as how investigations will be conducted and how incidents will be reported. It talks about the establishment of rail safety standards, and the Bill also provides that in South Australia the administrating authority in respect of rail safety will be a person or body appointed by the Minister.

I notice that the Minister stated in her second reading explanation that she anticipates that the CEO of the Department of Transport will be so appointed with authority to delegate responsibilities to a small unit comprising current Government employees. I do not know what her thinking is on that matter, but I would indicate that my own thinking is that the CEO of the Department of Transport would be the appropriate person to be appointed.

What this Bill seeks to accomplish here in South Australia is consistent with the regulation of rail safety across Australia. The Australian Labor Party recognises the necessity for consistent regulation of rail safety. We recognise that it is a key element in the drive to generate efficiencies in the rail sector, that it facilitates commercial objectives and that it will reduce costs. The Bureau of Transport and Communications Economics has assessed the social cost of rail accidents in Australia at around $100 per annum and, hopefully, some of the provisions contained in this Bill and the focus on consistent regulations on rail safety across Australia will help to reduce that figure of $100 million. The Australian Labor Party supports this Bill.

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

ADJOURNMENT

At 8.47 p.m. the Council adjourned until Wednesday 27 March at 2.15 p.m.