LEGISLATIVE COUNCIL

Wednesday 29 May 1996

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

AUDITOR-GENERAL'S REPORTS

The PRESIDENT: I lay upon the table a report of the Auditor-General, part A, being a supplementary report with respect to the accounts of the Police Superannuation Scheme, SAGRIC International Pty Ltd and its controlled entities, and the South Australian Asset Management Corporation and its controlled entities; and part B, being a report on a review of the procedures associated with the receipt, opening and distribution by SA Water of the final submission on 4 October 1995 for the outsourcing of the management of water and waste water services for the Adelaide region.

I also lay upon the table a special audit report of the Auditor-General, in accordance with section 37(1) of the Public Finance and Audit Act 1987, on the valuation of forest assets.

PAPER TABLED

The following paper was laid on the table:

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

Regulation under the following Act—

Chiropodists Act 1950—Registration Fees.

FERRIS, Ms J.

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Primary Industries in another place in relation to Senator-elect Jeannie Ferris.

Leave granted.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

The Hon. A.J. REDFORD: I bring up the report of the committee, together with the minutes of proceedings and evidence, and move:

That the report be printed.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the twenty-fourth report of the committee and move:

That the report be read.

Motion carried.

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

QUESTION TIME

GILLES STREET PRIMARY SCHOOL

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Gilles Street Primary School upgrade.

Leave granted.

The Hon. CAROLYN PICKLES: The Opposition has a copy of a minute to the Minister from the Manager of the School Facilities Branch which advises that $100 000 would be needed to accommodate the new arrivals program students at the Gilles Street Primary School. Part of the minute states:

> Due to the sensitivity of the review, the accommodation adjustments and relevant costings have been carried out as a desktop estimate without visiting the site or seeking advice from the local community.

There are different opinions about what needs to be done at Gilles Street. The South Australian Institute of Teachers wrote to the Minister on 8 May detailing 24 matters for attention, including the lack of yard space, lack of toilet and washroom facilities, insufficient covered walkways, lack of facilities for students with disabilities, no proper sick room, insufficient parking space, a lack of security, and so on. At a meeting I had at the school these matters were raised with me also. I am advised that these works could cost up to $500 000, and from documents received under FOI it appears that none of these matters were considered by the Minister before his decision to close the Sturt Street Primary School. My questions to the Minister are:

1. What advice did the Minister receive on the extent of works required at Gilles Street and what program has he approved?

2. Given his undertaking yesterday that all works will be complete before the beginning of the 1997 school year, how much will they cost and are they to be fully funded in the budget?

The Hon. R.I. LUCAS: The document to which the honourable member refers was released to her under FOI and was part of a range of advice provided to me as Minister during the long 18 month or two year review of the inner city schools and the Parkside Primary School. As I indicated yesterday—I think the phrase I used was 'necessary work' but I would need to check the *Hansard*—all the necessary work that will be required to ensure that we can accommodate the Sturt Street students at the Gilles Street site will be completed in time for the commencement of the 1997 school year. Really, that is the only—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Well, in the end that will be a judgment I will make as Minister. It will not be a judgment (as much as she might like to) that the Leader of the Opposition makes: it will be a judgment that the Government, together with the department, will make in relation to what are the necessary adjustments that might be made. Just because the local branch of the Institute of Teachers and the Leader of the Opposition believe that a whole series of changes and undertakings might need to be taken does not mean that it will not be given due consideration. The Government does not ignore the views expressed by the local branch of the Institute of Teachers, parents or the Leader of the Opposition. They will be given due consideration. My officers will work very diligently, as they always do, now that the decision has been taken—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: We are not all like Radiant Ron. They will work diligently with the local school community to try to ensure that we have as smooth as possible a transition for the students from Sturt Street when they move to Gilles Street for the start of next year.

FORESTS

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the Government's review of South Australian forests.

Leave granted.

The Hon. R.R. ROBERTS: On 30 January in the *Advertiser*, the Minister for Primary Industries announced the formation of a committee to review the future of South Australian State owned forests. According to the Minister and the Premier and subsequent statements in the media and Parliament, the review was to cost $200 000 and would be completed within three months. My calculations suggest that the review should have reported to the Government at the end of April or early in May at the latest. According to the Minister for Education, the review was established by Cabinet after a recommendation from the Cabinet Asset Sales Subcommittee. The Minister for Education revealed in this place on 27 March in answer to a question that I asked regarding the membership of the Cabinet committee responsible for looking at the sale of the forests that the future of the State's forests had been considered by the Asset Sales Subcommittee, a committee the name of which tends to indicate that assets are being considered for sale.

The membership of the Cabinet Asset Sales Subcommittee includes: the Premier (Dean Brown), the Treasurer, the Minister for Industrial Affairs, and the heir apparent to the Premier, Mr John Olsen. Members would remember the Premier's misleading statement to the *Border Watch* newspaper on 21 November last year where he was quoted directly as saying:

> Of course, we are not looking at selling the forests.

This statement has been shown to be not a lie, Mr President, because that would be unparliamentary, but simply another lapse in the Premier's memory of the events that were taking place in his Cabinet—yet another unfortunate lapse in the Premier's memory of important events as exposed in this State's Supreme Court over other matters.

We all know that the sale of the State's forests was being considered by the Government. The people of South Australia have been led to believe that the members of the Cabinet Asset Sales Subcommittee were not considering the sale of the State's forests even though a former Cabinet member (Mr Dale Baker) said they were; even though leaked reports from the Centre for Economic Studies said they were; and even though Crown Law advice made available to the Opposition said that the Government was looking at selling our forests. My questions are:

1. Has the review of the future of the State's forests ordered by the Cabinet Asset Sales Subcommittee been completed; if not, why not?

2. What is the final cost of the review to the taxpayers of South Australia?

3. Will the Minister table a copy of the review in this Parliament; if not, why not?

4. Will the Minister reveal the independent valuation of the State's forests as commissioned by the review; if not, why not? In conclusion, I refer to the Auditor-General's evaluation of the forests which deals with past valuations.

The Hon. K.T. GRIFFIN: The honourable member has ranged far and wide in his explanation, and we find that the questions are really very limited. He has talked about the Supreme Court, the Hon. John Olsen and a Crown Law opinion; he has ranged far and wide in relation to the Asset Sales Subcommittee; and he has presumed in his reference to that committee that it has only very limited functions rather than a broad range. Quite obviously, he is fishing. He has been trying to beat this up for a long time, but on each occasion he has failed to do so. This is just a further attempt to beat it up and to misrepresent the position of the Government and individual Ministers. I will refer the honourable member's questions to my colleague in another place and bring back appropriate replies.

MOUNT LOFTY SUMMIT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about soil fungal disease.

Leave granted.

The Hon. T.G. ROBERTS: In the *Mount Barker Courier*—another widely read and respected paper in the Adelaide Hills—there is an article on the protest that was organised against the final outcomes of the deliberations by the Government in relation to the Mount Lofty summit project. The conservation and community groups that met to protest in that area were united in their actions because of what they saw as a changed development project from that which had been agreed. The original process the Government set up included wide-ranging consultation, for which all conservation groups were applauding the Government in the initial stages. However, in the final wash, the major sticking point with the conservation groups and residents who had agreed to the expansion of the site and increased area for car parking was that unfortunately in their view the Government went too far and overstepped the negotiated guidelines that had been put in place by those community groups and organisations. The final proposal put by the Government involved taking away more bushland, native trees and increasing the area for car parking.

The other area of concern that one conservationist and one activist in the area has relayed to me is the possibility of a fungal disease being spread by the activities of the Government in developing this project.

The Hon. K.T. Griffin interjecting:

The Hon. T.G. ROBERTS: That is an accusation this Government can make. But everybody knows the history of the failed development projects that were put up. The private sector has to bear some responsibility and blame for that; you cannot blame governments for all failed projects in this State. My question involves not just the way in which the Government neglected to finalise its agreement with the community on the major project but the issue one conservationist raised regarding the possibility that the increased activities involving people and cars will cause the spread of a soil fungus into other areas of the State.

The Hon. Diana Laidlaw: Are you saying there should be no development?

The Hon. T.G. ROBERTS: I don't think I said that. I am raising the issue of environmental problems associated with the development that really did not have to take place. Had the negotiation process that was outlined by the Government been stuck to, my questions would not be necessary. I have to get confirmation that the soil virus is in the area, because the questions raised by the community need to be resourced by Government departments by way of cross checking. My

questions involve the possibility of soil contamination already in the area and will be made worse—

The Hon. Diana Laidlaw: If it's there.

The Hon. T.G. ROBERTS:—if it is there, and if the activities which have been indicated—the removal of soil and the increased human activities—take place. One of the functions of Parliament is to ask questions of the Government to get answers from Ministers and departments if you are unsure of information given to you by people you trust. You need to cross question Governments to make sure the information you get back matches reality and is based on the best scientific evidence. My questions are:

1. Is the soil in the Mount Lofty car park development area or nearest environs contaminated with the fungal disease?

2. Does the Mount Lofty project increase the risk of fungal spread, either through increased human activity or the removal of soil?

The Hon. DIANA LAIDLAW: What an amazing question! That is beating up a situation—asking whether a soil virus is there and, if it is there, whether it will be worse, when we have been—

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: No. But the nature of the question is extraordinary in trying to beat up a story in terms of ifs, buts and maybes. We have been waiting for 13 years for redevelopment of this site. It was something that the former Government was never able to achieve and this Government is going ahead and doing something, as it is doing with a whole lot of initiatives that paralysed the former Government, which could not make a decision. It is not before time that this project was started and completed in the community interest. In the meantime, I will ask this interesting set of questions of the Minister and bring back a reply.

POULTRY MEAT INDUSTRY ACT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the Poultry Meat Industry Act.

Leave granted.

The Hon. M.J. ELLIOTT: I received a letter from the South Australian Farmers Federation, chicken meat section, a couple of days ago about the Poultry Meat Industry Act, and I will read most of that letter into *Hansard*, as follows:

> I write regarding the intention of the SA Government to repeal the Poultry Meat Industry Act. Regrettably, despite the protestations of SA contract chicken growers, and indeed chicken growers throughout Australia, the Government intends to proceed with the repeal of the Act on 30 June 1996. Chicken growers are angry at this decision, believing that we have not been given 'a fair go'.

There is then a series of dot points, as follows:

> · Legislation provided a forum for the more equitable negotiation of grower returns and other contract conditions, and provided varying degrees of arbitration for the final settlement of disputes.
>
> · The National Competition Agreement only required States to identify legislation that required a review by June 1996, not to repeal Acts.
>
> · Other States are only now deciding whether or not to review their chicken meat Act.
>
> · South Australian growers were never given the opportunity of a formal submission to justify legislation on public benefit grounds as other States will be doing.
>
> · States had the ability to regulate where State legislation was in breach of TPA. Such regulation to have a maximum life of two years, during which time operation could proceed legally with a review required on public benefit test as soon as possible.
>
> · South Australian growers believe that the South Australian Government has embraced the lobby of large processing companies to add further power to the already powerful.
>
> · Without some degree of countervailing power, the vast disparity of commercial strength between the two sides of the industry will lead to the inevitable destruction of small family-owned farms.
>
> · The intention of competition policy is to improve the quality of the commercial market place. The policy surely does not have the deliberate intent of placing a group of small business operators, already in a position of considerable vulnerability, at even further disadvantage in the market in which they operate.
>
> South Australian growers are asking for support for the continuation of specific State legislation for contract chicken growers, where this has been justified on either 'equity' or 'public benefit' grounds. For this to occur we need support to prevent repeal of the Poultry Meat Industry Act and support for regulation to authorise contract chicken growers to undertake legal collective bargaining while the equity or public benefit tests are carried out.

On previous occasions I had received representations from the contract chicken growers of South Australia and, indeed, from growers interstate, because interstate growers believed that their States were not going to repeal their Acts and they were concerned about the consequences of one State doing so. Members may recall what happened when the egg industry was deregulated in New South Wales and the consequences flowed through to the whole Australian industry. Clearly, their greatest concern is that two companies dominate the chicken meat market and, without the existence of such legislation—

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: The two that were fined for collusion. Two companies absolutely dominate the chicken meat market, and the many small growers believe they have no chance whatsoever of negotiating fair prices if competition policy is applied to them but not applied to the two companies that dominate the market at the other end. The small growers argue that, while there might be a short-term reduction in prices for consumers, once many of the growers have gone broke the prices at that stage would escalate. Will the Minister confirm that it is the Government's intention to repeal the Poultry Meat Industry Act and, if that is the case, will the Minister please explain what protection growers will have against two companies that dominate the meat market and already have, at least on one occasion, been found guilty of collusion in terms of pricing?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague in another place and bring back a reply.

TAXIS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about insurance for taxis in South Australia.

Leave granted.

The Hon. T.G. CAMERON: I have recently received a number of complaints regarding uninsured and partly-insured taxis driven in South Australia. There appears to be no legal requirements for taxis to take out comprehensive or third party property insurance in South Australia. One example cited to me involved a driver's being advised by the owner that his taxi was insured but, after an accident involving the vehicle, the driver subsequently received a letter from the insurance company of the other vehicle demanding payment for the damages. On approaching the owner of the taxi, the driver was advised that, whilst the owner had a comprehen-

sive insurance policy on his taxi, the policy excluded any cover for any other vehicle involved in an accident with the taxi.

It would appear that some taxis are fully insured, that is, both the taxi and the other vehicle; some taxis have comprehensive cover for their vehicle but no cover for the other vehicle, the reason being that owner's receive a special discount on the policy; some taxis have third party property; some might have no insurance at all; and some might be self-insuring. In other States the insurance requirements for taxis are varied, but New South Wales and Victoria require taxis to have third party property insurance, with arrangements varying in some of the other States. My understanding is that ordinary members of the public, when insuring comprehensively, automatically insure the other vehicle in the event of an accident and they are found to be in the wrong. My questions to the Minister are:

1. Will the Minister review the current insurance arrangements for taxis in South Australia?

2. Will the Minister examine the feasibility of introducing legislation to ensure that taxis are fully comprehensively insured, or at least have third party property insurance?

The Hon. DIANA LAIDLAW: The honourable member would be aware that this issue has been around for some years—I suppose, as long as taxis have been around. The issue has not been addressed satisfactorily. I know the honourable member has an interest in this matter and has raised it with the Passenger Transport Board and, in more recent times, I have received representations from the taxi industry proposing the review the honourable member has now asked me to conduct. I give the honourable member an assurance that these issues will be explored, and we will look at the merits of introducing the initiative as I understand applies in New South Wales and Victoria. I suspect that, for various reasons, we must also unearth why this has not been done before, and certainly we will have to consult more widely with the taxi industry than the few representations that have been addressed to me and the honourable member's interest in this matter.

NEEDLE EXCHANGE PROGRAM

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about needle exchange.

Leave granted.

The Hon. A.J. REDFORD: On 28 May 1996 the Minister for Transport, on behalf of the Minister for Health, advised the Council that the speed survey, responding to hazardous and harmful amphetamine use, involved paying participants in illicit drug-use surveys. The Minister advised this place that the practice was consistent with national and international research practice.

The Minister also advised this place that during the past three and a half years 1.4 million sterile needles and syringes have been supplied free of charge and, of those, 890 000 have been recovered through exchanges and the remaining 520 000 needles and syringes have been disposed of by other means such as safe disposal units. In that context my questions to the Minister are:

1. How have the remaining 520 000-odd needles and syringes been disposed of?

2. How many of those needles and syringes have been disposed of in safe disposal units?

3. What is meant by the term 'public disposal', and how many incidents have there been of public disposal during the period mentioned in the answer?

The Hon. DIANA LAIDLAW: That is an excellent series of questions which I will refer to the Minister and bring back a reply.

TERTIARY EDUCATION

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Employment, Training and Further Education, a question about tertiary education.

Leave granted.

The Hon. P. NOCELLA: In August 1995 the Minister for Employment, Training and Further Education abolished the Tertiary Multicultural Education Committee, which had been operating for the previous nine years, and replaced it with a new committee known as the Tertiary Multicultural Education Advisory Committee. The objectives of the new committee are largely the same as those of the previous body, namely, to improve access to and participation in tertiary education for people of non-English speaking background, to promote scholarship and research in multicultural studies in languages other than English and generally to facilitate the introduction and maintenance within the tertiary institutions of as wide a range as practicable of courses in languages other than English.

This new committee, which has been plagued with delays in the appointment of members, since August 1995 has met once only and has no executive officer and no funds. It is therefore not surprising that no activity whatsoever has taken place in the advocacy of tertiary multicultural education. My questions to the Minister are:

1. When will the Minister appoint or make available an executive officer for TMEAC to allow it to function properly?

2. What funds will be allocated to TMEAC to allow it to carry out its institutional charter?

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

DISABLED PERSONS' CAR PARKS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation prior to asking the Minister for Transport a question about disabled persons' car parks.

Leave granted.

The Hon. G. WEATHERILL: On Monday evening's Leigh McClusky show a lot of interviews were done of people parking in disabled persons' car parks with no consideration whatsoever for people with disabilities.

Members interjecting:

The PRESIDENT: Order!

The Hon. G. WEATHERILL: When the reporter approached them these people made silly excuses for their being parked there, but it was total inconsideration for other people with disabilities. I was also surprised to learn that these people with disabilities, some of whom receive a disability pension, must obtain from a doctor a certificate stating that they are disabled, and they then get a sticker for their motor vehicle. I was surprised to learn that these people must pay for that sticker. These people, in the great majority of cases, are on very low incomes. Will the Minister look at

expunging this cost to these people? I know that the amount is very low at present, but I do not think they should be paying anything.

The Hon. Diana Laidlaw: Isn't this opinion?

The Hon. G. WEATHERILL: Yes, it is opinion. Will the Minister look at expunging this payment for these people? They pay $16 to have the sticker for five years. I do not think they should be paying anything, and that is opinion.

The Hon. DIANA LAIDLAW: This issue has been raised with me many times over the past two years by people who have asked the same question. In each case I have indicated 'No.' The $16 could be seen as an administrative fee for the issue of this permit, which provides people with priority parking access. As a community we consider priority parking access to be important. In terms of building applications and car parking spaces, we now require that a number of spaces for people with disabilities be provided as a proportion of all parking spaces. That comes at some cost to the initial developer or operator of the site if it is a fee-paying car park. The operators or the developers do not receive any recompense from the charge for the disability access parking permit. The $16 charge has not been increased for a number of years. I understand it is an average of $3.20 per year, which the Government considers to be reasonable in the circumstances.

The administrative costs for the issue of drivers' licences, registration and the processing of any other application is generally $17. We are looking at increasing that shortly and simplifying and reforming those arrangements.

It is important to recognise that there are a number of problems with disability parking under the Building Act. One is not only the number of spaces to be provided but also the width of those spaces. I understand that this is being looked at with local government generally in terms of standards and as part of a wider review between the Passenger Transport Board, local government and the building industry.

With the Passenger Transport Board we are looking at better ways of administering this issue. If that is possible, we may be able to bring down the charges in association with local government. I recall that it may be local government that issues these disability access parking permits.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: It must depend whether it is private or public property in terms of the issuing. I think that a number of councils issue them, and it may be an arrangement with local government. That would explain why this review is being undertaken by local government and the Passenger Transport Board at the present time and also, as I recall, the Motor Registration Division. I will get some further information for the honourable member that may provide more background on the nature of the review and the progress that is being made and also on the width of the space which is presently required. Many wheelchair people who drive vehicles have claimed that the width of spaces is not sufficient for them to open the car door, particularly with some of the larger wheelchairs that are available today.

The other issue is the enforcement of parking spaces, particularly in private parking areas. I know that is a regular problem at the major shopping centres. I will also seek more information on that matter.

WOMEN'S INFORMATION SERVICE

The Hon. ANNE LEVY: I seek leave to make a statement before asking the Minister for the Status of Women a question about the Women's Information Service (WIS).

Leave granted.

The Hon. ANNE LEVY: It is not a secret, although it is not well known, that the Women's Information Service is to move out of the Institute Building into Roma Mitchell House. It will then have a shopfront location, although whether it will be more or less accessible than in its present site remains to be seen, as it will be on the 'wrong' side of King William Street. Nevertheless, it will be more available for passers-by.

The present situation in WIS regarding staff is of concern to many people. A number of staff are absent, having been seconded elsewhere within the Public Service. I understand that presently there is a permanent staff of only two and that all other people are casuals, except for a trainee, who obviously is learning rather than contributing as a full-time employee.

The ethnic radio programs which have been run by WIS are finishing at the end of June: they are not to be funded in the new financial year. Of particular concern to many people is that the position for an Aboriginal project worker has been vacant for over a year now, and any attempts to replace her have so far not got very far. The result of not having an Aboriginal project worker is that the number of Aboriginal women using the service has declined markedly. In fact, it may have dropped to zero. There is great concern that as a result the service is not meeting the needs of Aboriginal women in this State and that the position may even be abolished. If so, this lack of service would become permanent rather than so-called temporary, although a temporary vacancy for more than 12 months can hardly be called temporary without doing damage to the English language. My questions are:

1. Relating to the move of WIS to Roma Mitchell House, will there be a large publicity campaign before the move occurs so that the women of this State are aware of the change of location? Perhaps even Stephen Middleton Public Relations agency could be employed to give such publicity.

An honourable member: Too busy.

The Hon. ANNE LEVY: He may well be too busy with other activities.

2. Will the Minister inform us when the Aboriginal project officer position will be filled? Will she see that this matter is attended to as a matter of urgency and reassure those who fear that the position may be abolished?

The PRESIDENT: Before the Minister answers the question, I remind the honourable member that the question was sprinkled with debate and opinion from end to end. In the past I have asked that members couch their questions in plain English, and make them straight forward and relatively short. That question came to none of that.

The Hon. DIANA LAIDLAW: Your words, Mr President, are relevant, because the honourable member with her former experience as President is often reminding us about the form in this place. Perhaps she should practise what she preaches!

The Hon. A.J. Redford: She sets such a poor example; we are just following her.

The Hon. DIANA LAIDLAW: Yes, we are. We suggest that if she practises what she preaches we will all be happy. The review of the Women's Information Service, which was renamed earlier this year, followed a major review of all

services provided by the centre. The honourable member would also be aware that for some time a need has existed for the old Women's Information Switchboard (now the Women's Information Service) to find a new base because of problems with occupational health and safety, access, etc. We have been exploring the possibilities. No decision has been made and no budget has been confirmed for a move from the current site. So, any speculation about that matter or any suggestions of the need for publicity or for hire of public relations assistance are not warranted at this stage. If there is such a move I can guarantee that the new base will be well advertised.

The honourable member would also be aware that as part of the review it was suggested (and this has been endorsed) that we examine the staffing arrangements. I have not sought an update on those arrangements in more recent times. I will do so and I will advise the honourable member further. I also recall that under the Labor Government the Italian community radio program was cancelled on 5EBI through the Women's Information Switchboard. In recent times the Director of the Office for the Status of Women has informed me that not only will there be a continuing service by the women through the Women's Information Service but that there will be an expanded service in a different format. We have joint funds from other agencies for that purpose. We will celebrate a better service in a different form rather than the cancellation of the services as the honourable member suggested.

The Hon. Anne Levy: What about the Aboriginal worker?

The Hon. DIANA LAIDLAW: I will seek an update and return with a reply.

OVERHEAD CABLES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question about overhead telecommunications cables.

Leave granted.

The Hon. SANDRA KANCK: There has been a growing concern in the community about the placement of overhead telecommunications cables which in Adelaide will be hung from the ubiquitous stobie poles. Amongst those who have contacted my office in recent times about this matter has been the Mayor of Unley, who stated in a letter to me which I received last week:

> Overhead cabling adds significantly to the visual pollution of our streetscapes, perpetuates existing dangers for pedestrians and road traffic, has a negative impact on residential property values and is in stark contrast with the State's policy to progressively underground all such infrastructure.

Unley council also makes the claim that 'the carriers are only pursuing the overhead option because it is a cheaper and faster alternative in the short term'. The letter referred to 'the arrogant manner in which the carriers are trying to manipulate councils and communities to deploy their cable network'. There may be some improvement in this situation in the longer term as the Democrats in the Senate have been successful in expanding the terms of reference of a Senate inquiry into the privatisation of Telstra to include a term considering whether telecommunications carriers should remain exempt from State and local government laws.

But it is not only local government that is concerned. Individuals are also concerned, and a constituent telephoned my office last week with concerns about legal liabilities of motorists should they hit a stobie pole which carries such cabling. She raised with me a situation where a friend of hers had hit a stobie pole with her car and had been charged $2 000 for the stobie pole's repair. She wondered whether the telecommunications carriers, once their cables are installed, would also be able to charge a motorist for damage in the same circumstance. My questions to the Minister are:

1. Does ETSA Corporation routinely sue motorists for damage caused to stobie poles?

2. In the event of a vehicle damaging a stobie pole and bringing down telecommunications cables, would ETSA Corporation be forced to meet the cost of cable restoration and would it in turn pass these costs onto the motorist, or would the carriers sue the motorist directly?

3. Is ETSA Corporation negotiating any arrangements with the telecommunications carriers? If so, have ETSA negotiators experienced any manipulation and arrogance from any of them, as Unley council has?

4. If negotiations are occurring, at what stage are they, and what agreements have been reached?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply. I hope there is a bit more substance to them than some of the claims that the honourable member made in her question yesterday when she alleged a number of irregularities in the process of transferring certain SA Water assets to United Water at the time of transfer to United Water.

Members interjecting:

The Hon. R.I. LUCAS: Well, I am answering the question. I am just indicating that I hope there is a bit more substance in these claims, because I have had some advice from the Minister's office that the claims made yesterday by the honourable member in this Chamber under privilege about irregularities—

An honourable member interjecting:

The Hon. R.I. LUCAS: We will get a fuller response. We are trying to be helpful in providing information to members. If we can turn answers around in 24 hours we will certainly do so. We are here to serve. I am advised that a fuller response will come in response to yesterday's question, but the sale price of plant and equipment to United Water was based on independent valuations. The total inventory of minor plant in the metropolitan area had been counted, agreed and signed off by both SA Water and United Water.

The Hon. T.G. Roberts: Do you have a press release coming up?

The Hon. R.I. LUCAS: No. We are responding within 24 hours to questions. I think that is very good service.

The Hon. T.G. Cameron: Are you going to respond to today's questions tomorrow?

The Hon. R.I. LUCAS: Well, if the Minister's office provides me with an answer I certainly will. I hope that this question is a little more accurate and has a little more substance than some of the claims made by the Hon. Sandra Kanck yesterday when she claimed there were irregularities in the hand-over and the contract arrangements between SA Water and United Water.

SEXUAL OFFENDERS REHABILITATION PROGRAM

The Hon. T. CROTHERS: I seek leave to make a precied explanation before asking the Attorney-General a

question about the sexual offenders rehabilitation program in South Australian prisons.

Leave granted.

The Hon. T. CROTHERS: I refer to a judgment handed down in the Supreme Court the other day in which a 51-year old man was convicted of indecently assaulting and unlawfully having sexual intercourse with young boys and in which he was sentenced to six years' imprisonment with a two year non-parole period. In sentencing this man, Justice Nyland noted the accused had voluntarily taken steps to receive assistance from a sexual offenders' program prior to being charged. Justice Nyland also noted that the man had shown a high level of motivation to pursue a course of rehabilitation and that he had accepted full responsibility for his deviate behaviour. However, Justice Nyland noted that it was regrettable that no such treatment program would be available for the convicted man within the South Australian prison system.

The unfortunate victims of this man's crime will carry the emotional scars for the rest of their life, but in as little as two years' time the guilty party may well return to society. Given, as Justice Nyland claims, that there is no sexual offenders' rehabilitation scheme available within the prison system, the offender may well return to society without any attempt having been made by the State to rehabilitate him. Given community concern about the activities of paedophiles, it is not hard to understand that the first reaction of many is to call for harsher prison sentences and more draconian actions. However, as in this case the perpetrator will eventually have to return to the community, one hopes and prays that in doing so he will not reoffend. My questions to the Attorney-General are:

1. What programs, if any, are available within the South Australian prison system to rehabilitate or treat convicted paedophiles, particularly those who voluntarily wish to alter their behaviour?

2. If no such programs are undertaken, why not?

3. Does the Government believe that it is safe to return convicted paedophiles or any other convicted sexual offender to the community without those offenders having received some form of rehabilitation to alter their aberrant behaviour?

The Hon. K.T. GRIFFIN: I understand that there are some programs available, but I am not familiar with them all. I will undertake to refer the honourable member's questions to the Minister for Correctional Services and bring back replies.

SCHOOL SERVICES OFFICERS

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about school services officers.

Leave granted.

The Hon. P. HOLLOWAY: In last year's budget, the Minister announced cuts in school services officer positions which were to apply from the start of school this year. In the most recent public sector *Gazette*, 198 vacancies for school services officers are advertised: 103 are part time and 66 are temporary until December this year. The advertisement also states that all temporary and casual school services officers employed by the department on 12 April 1996 are eligible to apply for these advertised positions. The Opposition is aware that some experienced and skilled school services officers have become very frustrated by the indecision and delay regarding this placement exercise, so much so that they have given up and gone to look for other jobs. My questions are:

1. Why were school services officer placements for 1996 not finalised by the end of the first term?

2. Will the Minister now acknowledge that the placement exercise for school services officers in schools has been a complete mess-up?

3. Will the Minister apologise to school services officers and students of public schools and their parents for the disruption and dislocation that this lengthy and delayed placement exercise has caused?

The Hon. R.I. LUCAS: Not surprisingly, my answer to the last question is 'No', because there has not been any disruption. In fact, the vast majority of school services officers support the Government's position of trying to end the uncertainty for many of them as they have been acting in temporary positions, in many cases for some time and in some cases for a number of years. What the Government is seeking to do in respect of a number of those positions is to make permanent some of the appointments of school services officers who, as I said, have been acting in temporary positions for some time. So, whilst the honourable member may find the odd person who opposes what the Government has done, basically the Government is seeking to meet the requests of a good many school services officers in trying to make permanent a number of those positions—

The Hon. P. Holloway: Only 29 of those positions are full-time permanent.

The Hon. R.I. LUCAS: The honourable member should go out into the schools where he will realise that most of our school services officers are part-time permanent; they are not full-time permanent. If he visited—

An honourable member interjecting:

The Hon. R.I. LUCAS: Even under the Labor Government. If the honourable member visited schools more often, he would realise that large numbers of men and women, mostly women, prefer permanent part-time work. The final point that I make is that, in seeking to confirm a number of these positions, I am delighted to be able to report that the last Bureau of Statistics figures indicate that South Australia will have about 12 per cent more school services officers than the national average for all States of Australia, even after the reductions.

MATTERS OF INTEREST

AGRICULTURE

The Hon. J.C. IRWIN: It has been a little while since we last met. I want to cover a couple of subjects in the five minutes available to me. Therefore, it will be somewhat of an eclectic contribution from me today. I should start by lamenting the fact that nature has not been kind to South Australia at the end of autumn and the beginning of winter.

The Hon. M.J. Elliott interjecting:

The Hon. J.C. IRWIN: It might be the new Federal Government, remembering that this Federal Coalition lost the election in 1982 at the beginning of the break in the last big drought. One hopes that we are not going into another drought now, but rainfall around the State, as members would

know, has been very poor, and I understand that Mount Gambier is facing the worst month of May on record: if it does not have any rain tonight or tomorrow, those figures will be pushed up higher. South Australia cannot afford to miss out on another $2 billion grain crop, which boosted the economy in South Australia so remarkably last year.

The price of wool is down by a third on prices that we received last year. I know that only too well. About two weeks ago, I sold wool when the price went down, and the next day it went up again, so as usual I missed out: that is the story of my life. I do not often tell members when the price goes up, and then it goes down the next day. Cattle prices are pretty awful, and sheep and lamb prices are not doing very well either. So, one hopes that when winter starts properly in a couple of days' time we will have what we have had during some of the past few years. I particularly recall the Grand Prix events in November when it rained and we had a late season. Hopefully, the West Coast and the rest of South Australia and its rural areas will be able to take some advantage of that, but we need a start first.

Without wishing to get involved in the pre-Federal budget manoeuvrings about tertiary funding, nevertheless I was appalled to hear an eminent Vice-Chancellor say that he was not being paid by his university to help to devise a way to downsize its student population. With great respect, I remind all Vice-Chancellors that they are not paid by their university; they are paid by the taxpayer. They may be there to serve the universities, but they are not paid by them. At the end of the—

The Hon. Carolyn Pickles interjecting:

The Hon. J.C. IRWIN: They are not. The Leader of the Opposition might not want to hear this, but Vice-Chancellors are actually paid by her and me as taxpayers and not by the university. That argument may be semantic, but we must not lose sight of the fact that tax money collected by governments is distributed in accordance with a great range of priorities and pressures with inevitably one group competing against another. Governments are elected to make the final decisions and, in the long run, they are judged on the decisions they make. The new Coalition Government in Canberra has been elected to cut back the excesses which flourished under the former Government. No doubt we will find out in due course how successful it has been with its first budget.

The other matter I want to raise is that of free bus rides. I do not think anything in recent weeks has pricked my anger so much as my seeing on television the sight of people entering buses and not paying their fares during the recent union campaign against the Minister for Transport. I know the bus drivers and the unions were promoting free bus rides—even though they do not have the right to promote free bus rides—as part of their campaign. The promotion of free bus rides is grossly irresponsible. For me, roll on the day when all these bus routes are privatised and, hopefully, out of the hands of these irresponsible people. However, that is not the point I wish to make in my remaining time. I wish to make the point that the most sickening thing for me was that people actually took advantage of the so-called free bus ride. Where are the standards of people in South Australia who get on a bus and think they are going to have a free bus ride when they know damn well it is not free? Why do they not put their fee in the box, anyway? I am absolutely appalled at the community standards. The Opposition is laughing, because it supports them, of course; they are all going down.

The PRESIDENT: Order! The honourable member's time has expired.

GOVERNMENT LEGISLATION

The Hon. CAROLYN PICKLES (Leader of the Opposition): My contribution will be concerned with Government legislation in the Legislative Council. I was somewhat bemused to hear on radio and to read in the *Advertiser* that the Premier, in his usual form, was criticising the role of the Legislative Council, in particular, the role of the Australian Democrats and the Australian Labor Party, in thwarting the wishes of the Government in the Legislative Council and trying to hold up legislation, oppose legislation and do all sorts of dastardly things in the Council. I wonder whether the Premier has ever put a foot inside this Chamber. If he did, I think he would see that it is a very constructive Chamber and that at all times—

Members interjecting:

The Hon. CAROLYN PICKLES:—speaking for myself as Leader of the Opposition—we try to accommodate the Government in getting legislation through.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: In fact, in the Third Session of the Forty-Eighth Parliament, which covers the period from September 1995 to April 1996 inclusive, 95 Government Bills were presented to the Legislative Council. Of the 95 Bills presented to the Council this session, how many have been defeated? Zero. Of those 95 Government Bills, 33 were the subject of amendment in the Upper House. But this figure includes Bills where the Government introduced amendments to their own Bills or where the Government could not help but agree with the Labor Party's amendments or, indeed, with the Australian Democrats' amendments, because they genuinely improved the legislation.

It is an arrogant and a quite wrong assumption on the part of the Premier that this place actually holds up legislation. There are two Bills in relation to which the Opposition—as well as the Australian Democrats, I am sure—has been approached to pass expeditiously: the Competition Policy Reform (South Australia) Bill, which was introduced into the House of Assembly yesterday, and the National Electricity (South Australia) Bill, which will be introduced into the House of Assembly this afternoon. That will pass the House of Assembly today or tomorrow, in about two minutes flat. It will come up here, and we have been asked, and we have agreed, to expedite the passage of those Bill next week. I call that cooperation. We have no problem with agreeing with that policy. I find it amazing that the Premier trumpets in public that we are holding up legislation.

The Hon. M.J. Elliott: He doesn't even know what is going on.

The Hon. CAROLYN PICKLES: He doesn't know what's going on down there, let alone what's going on up here. He should issue an apology to each and every member of this place, including the Leader of the Government in this place. I hope that the Leader of Government in the Council takes back to him his strong objection to the Premier's views on this issue, because I do not believe he is accurate in his statements. Obviously, from time to time we will oppose legislation because we have a fundamental view about it, but those Bills are very few. We think that many Bills are absolutely terrible, so we use this Chamber to amend them, as is the role of this Chamber. Members of the public would be interested to know that most of the legislation introduced into the House of Assembly is introduced on a Tuesday,

through on a Wednesday or a Thursday, and has very little public debate. The role of this Chamber is to enable some kind of public debate and input.

SCHOOLS, STATE

The Hon. M.J. ELLIOTT: Strangely enough, I want to make some comments about the Premier as well, but in a different regard. The Premier spoke to the South Australian Association of State Schools Association on 2 April. In a speech entitled 'Their future—our responsibility' he said:

> South Australians have always placed a very high value on education.

That was the one thing he got right in his whole speech. Further, he said:

> . . . Education remains this Government's key priority. And nothing less than a first class education—which challenges all students and equips them for life-long learning—is at the heart of my vision for education.

He talked about highly qualified and valued teachers, and education workers and the importance of the role that they play. Teachers and workers in the Education Department cannot help but ask how highly valued they are, with 1 000 teachers and support staff cut from the Education Department in the six months to January 1995, with 250 more support positions going from January this year, and a further 100 teachers from areas such as open access college, Aboriginal schools and music also going. He continued:

> And it is not just a matter of improving ourselves—it's a matter of keeping our lead in a competitive world—which is also improving its education standards.

He makes the point that the rest of the world is improving its education standards. He notes that Japan, which graduates 96 per cent of its 17-year-olds, has a significant work force competitive edge. In Australia, we have a retention rate of 72 per cent to year 12 and, of course, many of those do not graduate. He also said:

> Clearly, for us to maintain a competitive edge, we must continue to monitor very closely our retention rates and graduation rates, bearing in mind the very significant changes that are occurring to the way students receive their secondary education and training.

He does not seem to acknowledge that the withdrawal of teachers and support staff reduces the quality of education the children are being offered, in particular it reduces the range of subjects being offered in the senior secondary school and is one of the reasons why retention rates in South Australia are currently in decline. He talks about the need to have higher retention rates, and then his Government carries out actions that are clearly contrary to it. During the speech, he makes the boast:

> We spend more money per student on education than any other State.

He said:

> Class sizes, on the basis of 4 000 classes surveyed in term 1 last year. . . show that only 4 per cent of classes in our schools have more than 30 students.

I guess my kids have been unlucky, because I have two children in primary school classes with over 30 students; and I know my grade 3 child is in a class of 32. For a grade 3 class that is absolutely appalling. He tries to defend himself by saying that we have the best spending in Australia. Of course, what he refuses to note is that on a world level, in the OECD, we are virtually the worst country, because I think only one country has lower spending on education per capita than Australia. The Minister talks about us being world competitive and then he compares us with the other States in Australia. It has to be recognised that Australia is grossly under spending on education. To say that we are the best State in one of the worst countries in the OECD is not a particularly proud boast to make.

Of course, the Minister declines to make comparisons with the world. He says that we need to be world competitive and he talks about retention rates and the quality of education in other places, but he then fails to acknowledge that the cuts in spending that his Government is carrying out are the major reasons for the problems. Classically, every time they do any of this within his speech he goes back to the State Bank and says it was a disaster, which of course it was, he talks about State debt and says, 'We have no choice but to cut spending, oh me oh my, I wish we did not have to do it.' The Minister fails to acknowledge that when he came into office State debt in South Australia was 20 per cent less per capita than that in Victoria, that the State debt per capita when he came in was equivalent to the debt when the last Liberal Government went out of office in 1982. They did not call that a disaster when they were going out of office: they said losing Government was a disaster but they did not say the State debt was a disaster. The State debt has become a convenient scapegoat to do severe harm to the South Australian education system.

Members interjecting:

The PRESIDENT: Order! The honourable member's time has expired.

CRIME STATISTICS INFORMATION BULLETIN

The Hon. L.H. DAVIS: I would like to congratulate the Attorney-General, Hon. Trevor Griffin, and the Office of Crime Statistics for an initiative designed to inform and educate the community about crime, crime statistics and related issues. Sadly, this first information bulletin from the Office of Crime Statistics has received little publicity but it is an information bulletin which is going to be produced bi-monthly and future issues will examine graffiti, property damage, arson, particularly in schools, motor vehicle theft and recovery and trends in break and enter offences. The first bulletin 'Sexual Offending in South Australia' by Joy Wundersitz looks in detail at this highly emotive issue which obviously and frequently attracts public and media attention.

As to the bulletin's findings, first, whilst there is an extremely low reporting rate for sexual offences, 75 per cent of women victims choose not to notify police of the crime. Secondly, once a matter is reported to police the proportion of matters cleared by way of apprehension is relatively low. Less than half of all rapes reported in the last financial year 1994-95 resulted in the arrest or reporting of a suspect. Thirdly, once they are brought before the court, a high proportion of cases involving a sexual offence as the major charge are either withdrawn or dismissed at the preliminary hearing. Finally, for those cases transferred to a higher court for trial, a high proportion result in either a trial based acquittal or a *nolle prosequi* discharge. So, the proportion of offenders actually found guilty and sentenced in court for a sexual offence are extremely low compared with the actual incidence of sexual offending in the community.

In its conclusion the bulletin notes that a range of victim support services has been put in place in recent years and police are more conscious of supporting victims through the often traumatic court process, but more information is required, they conclude, on why the level of reporting of sexual offences is still so low and why matters drop out at

particular stages of the prosecutorial process. They were the conclusions which I have summarised. The information for the statistics presented in the bulletin come from official crime statistics and crime victimisation surveys. In particular, they note that the percentage of victims who reported the offence to police is particularly low, and I seek leave to have inserted in *Hansard* a table of a purely statistical nature relating to this matter.

Leave granted.

Table 1
Percentage of victims who reported the last offence to police

	Per cent
Sexual Offences	25.6
Assault	38.5
Robbery	54.0
Break and Enter	81.5
Attempted Break/Enter	32.7
Motor Vehicle Theft	96.8

Source: 'Crime and Safety, South Australia, April 1995'. ABS Cat. No. 4509.4, Table 7

The Hon. L.H. DAVIS: Also, I seek leave to have inserted in *Hansard* a table of a purely statistical nature relating to the number of sexual offences reported or becoming known to police in the last two financial years.

Leave granted.

Table 2
Number of sexual offences reported or becoming known to police

Offence Classification	1993-94		1994-95	
	No.	Per cent	No.	Per cent
Rape	688	31.0	656	33.2
Attempted Rape	29	1.3	23	1.2
Unlawful Sexual Intercourse	70	3.2	106	5.4
Gross Indecency (under 16)	62	2.8	54	2.7
Indecent Assault	774	34.8	625	31.6
Incest	18	0.8	9	0.5
Indecent Behaviour/Exposure	528	23.8	454	23.0
Sexual Offences n.e.c.	53	2.4	50	2.5
TOTAL	2 222	100.0	1 977	100.0

Source: 'Statistical Review Annual Report 1994-95.' South Australia Commissioner of Police, Table 7.1

The Hon. L.H. DAVIS: Table 2 suggests that there has been a reduction in the number of sexual offences reported in 1994-95 as compared with 1993-94. Without detracting from the seriousness of sexual offences the bulletin notes that this represents only 1 per cent of all offences. They do not make up a high proportion of all crimes reported to police. The bulletin then goes on to look at clear up rate comparisons between sexual offences and other offences. It analyses the characteristics of victims who report sexual offences to police by gender and by the age of victims. It also discusses the relationship between the victim and offender: in 16.4 per cent of cases of rape or attempted rape a stranger is involved, 18.9 per cent involve a friend or family friend and 17.8 per cent involve an acquaintance or co-worker. They are the three leading categories.

The PRESIDENT: Order! The honourable member's time has expired.

OCEAN RESEARCH

The Hon. ANNE LEVY: I wish to make a few remarks today about an important research project which is being undertaken by Dr Nigel Wace of the ANU together with the fishery people in SARDI in South Australia. This is an annual beachcombing event which occurs at Anxious Bay over on the West Coast in an attempt to determine the pollution levels in oceans surrounding our continent. Anxious Bay is 26 kilometres of beach, isolated at both ends so that vehicle traffic cannot enter. It is far from the normal beaches where visiting tourists can deposit litter. In consequence, the litter found at Anxious Bay is all deposited from the sea.

The annual clearances of this beach are revealing an enormous quantity of litter from the sea. In 1991 the people working there collected 344 kilograms of beach litter. In 1992 they collected 391 kilograms and in 1993 they collected 216 kilograms, and 60 per cent of the litter is plastic and 30 per cent glass, by weight, with other jetsam making up the remainder. This work is showing a considerable amount of marine pollution and I certainly hope that the budget funding cuts will not interfere with this annual survey of the beach which, for the first time, is providing data on the pollution in the seas surrounding our continent.

In 1990 Australia signed the International Convention for the Prevention of Pollution By Ships At Sea, more commonly known as MARPOL. This convention prohibits the jettisoning of all plastics at sea. Judging by the composition of the ocean litter that has been collected in three years of systematic beachcombing at Anxious Bay, commercial fishermen working in the Great Australian Bight do not seem to be aware of MARPOL. As such, establishing a baseline for ocean litter stranding at Anxious Bay is a first step in monitoring the pollution of our seas with floating litter and garbage. More sites will be needed in order to monitor litter in the other seas and coastal regions around Australia.

The work is being done by Dr Wace and staff from SARDI, and with enormous help and cooperation by school children from Streaky Bay and Elliston who have contributed considerably to collecting the accumulated rubbish on this isolated beach each year. There is, of course, an involvement of their teachers and of many other people on a voluntary basis but some resources are required, and it would be a crime if this research could not continue.

I would like to quote briefly from a poem written by Dr Wace, and I am sure aficionados of Lewis Carroll will recognise some of the things I have to say. Entitled 'The Surfie and The Greenie', the poem states:

The Surfie and the Greenie fair
Were playing in the surf,
Floating free in the surging sea—
Laughing with joy and mirth;

They loved to splash amongst the waves
—their home on Planet Earth.
The sea was wet as wet could be,
The sand was dry as dry.
You could not see a cloud, because
No cloud was in the sky;
But bottles, plastic, rope and junk
Along the beach did lie.
The Surfie and his Greenie fair
Were feeling rather sad—
They wept like anything to see
A beach that looked so bad
'If only this were cleared away,
We'd both would be very glad'.
'If seven blokes with—

The PRESIDENT: Order, the honourable member's time has expired.

The Hon. ANNE LEVY: Can I read just one more stanza?

The PRESIDENT: Be quick.

The Hon. ANNE LEVY: The poem continues:

'If seven blokes with seven sacks
Scavenged for half a year,
Do you suppose', the Surfie said
That they would get it clear?'
'I doubt it' said the Greenie green
And shed a bitter tear.

The PRESIDENT: The Hon. Dr Pfitzner.

An honourable member: That is a precedent.

The PRESIDENT: No, that is not a precedent: the time comes off the next speaker.

AUNG SAN SUU KYI

The Hon. BERNICE PFITZNER: I speak on the Burmese Leader, Ms Aung San Suu Kyi, Leader of the National League for Democracy, whose NLD political group swept into power in the 1990 election by winning 392 seats out of 485 contested and who is to be further congratulated on her new increased initiatives for democracy. At the 1990 election the Generals, under the banner of SLORC (State Law and Order Restoration Council), which is a repressive military junta group, did not accept that obvious result and gaoled the NLD leaders. It offered to release Ms Suu Kyi but only on condition that she renounce her political views and agree to leave her country, Burma, or Myanmar.

At that time she was married with two children—who are now teenagers—but she sacrificed her role as a mother to stay in her land of birth ready to go to gaol for her country. She was a daughter of a Burmese independence hero, Aung San, who was assassinated in 1947 as he prepared for the independence of Burma from Britain. She left her country at 15 years of age to study overseas and returned in 1988 to look after her sick mother. However, while she was in Burma in September 1988 a demonstration for democracy was held and the soldiers suppressed this demonstration with the resultant killing of 3 000 demonstrators. At that time she said:

> I could not be as my father's daughter, remain indifferent to what was going on . . . The national crisis could in fact be called the second struggle for independence.

In 1990 she then led the NLD to a sweeping victory which has never been ratified. Indeed, she has been put under house arrest and has been there ever since. She has steadfastly elected to remain in Myanmar, closely guarded in her dilapidated villa. In 1991 she won the Nobel Peace Prize for the non-violent promotion of democracy. Since that time she has held audiences at weekends, communicating to her supporters over the high fence that surrounds her house. In observing the television replay of these sessions, it is wonderful to note that just ordinary people were so attentive, supportive and eager to accept Ms Suu Kyi's statements.

As Ms Suu Kyi says, 'Six years of suffering have only sharpened the appetite of the Burmese people for democracy.' However, to me it appears that these sessions are not having an impact on the international community. Indeed, as I followed Ms Suu Kyi's progress I began to be concerned that perhaps the military junta in Burma was succeeding in putting down Suu Kyi's push and that she was weakening in her struggle—the junta seeing her as a little girl under the influence of the West. However, it has underestimated her firmness and her purpose—a woman of now 50 years of age, a woman who defied the Generals in increasingly strident speeches, and a woman who dares criticise General Ne Win, who ruled Burma with an iron fist.

We now note that Ms Suu Kyi has decided to take a higher profile, which will attract a greater risk to her personal safety. She has decided to hold an Opposition congress of delegates, including the NLD candidates elected at the 1990 elections. However, over 200 of these delegates were arrested before the meeting took place—the biggest Opposition meeting since the 1990 election. The meeting has been denounced by the junta as being a threat to the stability of the country. However, despite these difficulties, these Opposition congresses will be the first in a series of congresses.

I understand, and I am pleased to hear, that Australia will be awarding Ms Suu Kyi with the Order of Australia medal. Let us hope that the NLD, in trying to increase its action and its further push for democracy, will not end in bloodshed, as happened in 1988. We, in safe and stable Australia, must give our support to this Nobel Prize winner who has become the 'vocal conscience of the nation'.

INFORMATION TECHNOLOGY

The Hon. P. HOLLOWAY: I wish to talk about information technology. We have heard a lot from the Premier that Adelaide—if you believe his rhetoric—will be the capital of the universe as far as information technology is concerned. I do not know whether that is quite true but, nonetheless, I do support the Government's intention in trying to improve South Australia's profile in information technology. It is very important that we capitalise as much as possible on the—

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: I just said that I actually support the Government. The Minister should listen more carefully. However, there are some concerns in relation to it. First, if South Australia is to have a high profile in that area it is important that this Parliament should play a leading role within that information technology. I do not think it would be unfair to say that this Parliament is the most technologically backward in the country. Despite the fact that we have had just recently a very much needed upgrade of the facilities in this building, it is a pity that the computer technology now

taking over so many areas of the world has so far eluded this place.

It was rather disappointing some weeks ago that I was unable to connect my personal computer to the Internet because, in the new section of the building in which I am located, there are no appropriate cables to accommodate that purpose. It is important that we should set an example and improve the technology of this Parliament.

Another related matter involves technology in schools. On the ABC *Education Report* recently some comments were made by Don Tinkler and Barbara Lepani, authors of the Federal Government report entitled 'Education and Technology Convergence.' The points they made in relation to information technology on this program were important. First, the private school sector is galloping along this path a lot faster than is the public school sector, so there is an urgent need to encourage public schools to improve in this area and, if we are the take full advantage of technology and become true leaders in this country and this region, we will have to pay attention to that fact.

The report also pointed out that one of the major constraints was the lack of professional development models in the schools and that few of the schools were prepared to admit that they had any more than 30 per cent of their staff who were competent with computers. The authors went on to say that in some schools the students, rather than the teachers, were driving these reforms because they had the time to become familiar with the technology.

The third factor that was relevant to the question I asked the Minister for Education and Children's Services today related to support staff. These people said:

> You need another level of expertise in the team that's doing that questioning—

that is, of the way in which technologies can enhance learning strategies for their students—

> which is you need technical support staff—people who do understand the technology, but also understand the interface between technology and pedagogy.

For those who do not know what that means (as I did not), it is the science of teaching. There is a need for the support staff, and it is regrettable that within our schools at the moment, with the cuts to SSOs, some of the few people who have expertise in that area are facing cuts. I imagine that their skills will be looked on quite hungrily in other areas of the community. It would be a great pity if we lost some of the skills from our schools because, as this report pointed out, our public schools are already behind the eight ball and it would be disastrous if they became more so.

If we are to achieve our objective of improving our performance in information technology, particularly within schools, we will have to come to terms with the training of teachers in the professional development areas, and that will not come cheaply. We will also need to look again at school services officers and other technical officer support within our schools because, if we do not get that, unfortunately we will not achieve the objectives that the Premier would like to claim for this State in information technology.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ROXBY DOWNS WATER LEAKAGE

The Hon. CAROLINE SCHAEFER: I move:

That the report of the Environment, Resources and Development Committee on Roxby Downs water leakage be noted.

In so moving, I feel, for many reasons, that I am shutting the stable door long after the horse has bolted: not only because the report was tabled in the House of Assembly on 11 April but also because the leakage from the tailings dam began some 10 years ago and the principals of Olympic Dam Mining had taken adequate remedial action long before our committee investigated the issue.

Nevertheless, the Environment, Resources and Development Committee has brought down a comprehensive report and, while it praises the operators in some cases, it also has some criticisms and in particular makes recommendations for further improvement in future. The committee found that online evaporation ponds and cracks and cavities in the limestone under the tailings system were all contributing factors to the leakage and, as such, recommends that any further such storage areas be located in an area south of the current area and that deeper soil coverage be implemented.

It should be noted that one of the most important improvements in this issue is the lining of the evaporation ponds and that Olympic Dam Mining Corporation had already lined the storage dams prior to any investigation by our committee. The company was always confident of the benign nature of any seepage, and this in some way may have slowed its reaction to that seepage.

However, on evidence that was presented to us there have been no harmful effects to employees, the local community or the environment from the leakage of the tailings retention system, and it is highly unlikely that there will be. The report found that changes to the system have been undertaken with commendable zeal and have minimised the likelihood of any recurrence, provided that proper remedial action is put into place and further planning is done with the knowledge of hindsight. This does not exempt the operators from the responsibility of continuing to seek scientific knowledge of the source of the leakage and of the hydro-geological flow patterns in the area so as to increase their knowledge into the future.

During our investigations we looked at the methods of reporting to both the Government and the public on, in particular, environmental issues in the future. We concluded that many agencies, including Mines and Energy South Australia, the Environment Protection Authority, the Environmental Impact Branch of the Department of Housing and Urban Development and the Health Commission all have a part to play and should all retain independent responsibilities in environmental and health matters at Roxby Downs.

The committee also believes that there are benefits to the Olympic Dam operations being more open to public scrutiny. This would help remove false public perceptions and fear about what is being done at Olympic Dam. We therefore concluded by urging Olympic Dam operators and Government agencies to continue to publish the results of monitoring and longer-term research and to continue to contribute to the knowledge about the impacts of mining, in particular uranium mining. I commend the report to the Council.

The Hon. M.J. ELLIOTT: In rising to support the motion, I note again that the Democrats have been and remain

steadfastly opposed to uranium mining but that that simply was not an issue in relation to this inquiry. I believe that following this report a number of important lessons are there to be learnt, and the report has covered them more than adequately. I hope that State and Federal Governments take note of those and respond accordingly.

We have an illustration that there are times when people are not prepared to ask the hard questions and times when people are not prepared to answer the hard questions. There is a temptation to go into a state of denial, particularly where you have a Government that is eager to please and a company that does not like to admit that it might occasionally make a mistake. We need to put in place processes which mean that questions are asked when they need to be and that they are not avoided, because clear instances are demonstrated within this issue of that having occurred.

I put on the record that I agree with the Hon. Caroline Schaefer that it appears that no long-term damage has been done, but I comment that that might have as much to do with good luck as with good planning and, if other things have gone wrong in other parts of the operation as this has gone wrong, we may not be so lucky. So, let us learn the lessons from this and not simply say that nothing has happened that will have long-term consequences and that therefore we need not worry about it and should forget it.

I have talked about denial. The first obvious example of denial was the fact that the leak had gone on for quite some years and monitoring bores had been showing rising levels for a significant period. A committee which had the job of monitoring those bores for a long time tried to find excuses for why the water was getting in there rather than confronting one possibility, namely, that dams were leaking.

I find it intriguing that the person who argued most strongly early on that there was a leak was from not the company, the Department of Mines and Energy or the Department of Environment and Natural Resources, but the Health Commission. That person argued that what was going on in the monitoring bores was being caused by leakage. In some of the explanations as to why water was showing up in the monitoring bores, they tried to argue that there had been a lot of rain. If one looked at the level to which the water had risen, that was not a logical explanation, but they wanted to avoid admitting that it could have been the dams.

In due course it was admitted that it was caused by leaks from the dams, the only disagreement being how much came from which dam. There are a number of dams which potentially could have contributed to the leakage, and it is likely that they all played a role. However, there was great eagerness to suggest that it was not due to the tailings dam, and as much as anything that has to do with denial. If there was to be a problem that might have long-term consequences, which a tailings dam could cause, they would want to deny that was the source of the water. I do not say that it was the only source of the water, but I believe that it was a significant source of the water that was being found underground in the rising water tables.

It is instructive to look at the approvals process that took place in relation to the tailings dam. An environmental impact assessment was carried out and it looked at a particular dam design. Reading the environmental impact statement we find that the possibility that the dam could leak would be greatly exacerbated if the tailings dam was allowed to remain wet all the time. The theory of these tailings dams was that there would be a layer of clay on the bottom that would largely be impervious to water passing through. However, it is more likely to be impervious if it is allowed to dry out periodically rather than to remain wet all the time. In fact, further sealing of the dam was supposed to occur by the laying down of tailings, the tailings in part having a composition like clay which was supposed to contribute to the sealing of the dam so that it would not leak, but the theory required that the dam had an opportunity to dry out. That is clear from reading the environmental impact statement.

From the original design, we can see that they did a number of things to ensure that the bottom of the dam would dry out. The first was that there was not a single tailings dam: there were actually four ponds in the original design. The intention was to run the tailings into one pond for a while, then into the second, the third, the fourth and then back to the first, allowing them sequentially to contain the tailings and the liquid that carried them and also allowing the tailings to dry out. That was the first part of the design which was supposed to guarantee that the bottom would dry and therefore seal better.

There was also to be a decant tower that was to have the role of removing the liquid component and taking it to another pond for evaporation. The third part of the design aspect was that the tailings which would be entering the tailings dams from the edges would be piped there but that the pipes would be moved around. As the tailings ran in, they would settle in something like the alluvial fan of a river coming out of the hills. As one moved the pipe around, the alluvial fan that was created would shift and the shape of the bottom of the dam would change as the alluvial fan was moved around, which would mean that the pond in the bottom of the dam would move around in response to that, again trying to ensure that water did not sit in one place for a long time. Those were the three important components of the design which were intended to ensure that the bottom of the dam dried out so that the tailings could more adequately seal the dam.

This went through a public approval process, and the public had an understanding of the sort of process that was to be carried out at Olympic Dam. What happened? For a number of reasons the joint venturers changed their mind about the design. I will not enter into the argument whether or not they had good reasons for wanting to change, such as the fact that production was not going to be as great to start with. What happened was that, first, because of a downsizing in the plant, they decided to have one dam, not four dams. Secondly, they decided to remove the decant tower, because apparently concern had been expressed that the concrete at the base of the tower could react with the sulphuric acid in the tailings and that could create a leak.

Finally, the composition of the tailings was changed. A decision was taken to remove the coarse fraction—material something like sand and coarser—and to put it back into the mine to backfill stopes where mining had been completed. The removal of the coarse fraction meant that the tailings would deposit at a much lower angle than they would otherwise. As a consequence of changing the angles, the capacity to move the pond around within the dam was removed. So there was one dam instead of four dams and there was no periodic drying out; there was removal of the decant tower, which meant that the liquid stayed rather than being removed; and, finally, there was a change in the composition of the tailings, which meant that not only did the water stay there but it stayed in one place. The three things which were being done to stop it from getting wet and likely to leak were removed.

How were they removed? Roxby approached the Department of Mines and Energy, and ministerial approval was granted. It was all quite legal. However, I make the point that the Government was so eager to please it did not ask the hard questions. In my view, that is a clear failure of Government and of the process. I do not mind the Government being keen for development to go ahead—that is fine—but it must be prepared to ask the hard questions. Even if we have got away with it this time in relation to this issue, we will not get away with it all the time through sloppy design work and planning. It has to be done properly, and it was not.

The public was never made aware that there was a change in design. The public was not given a chance to participate in the discussion about the likely implications. A reasonably thoughtful member of the public could have read the EIS and said, 'The EIS said there was a problem and the change of design has exacerbated it in three significant ways.' That was clearly an abysmal failure.

Finally, during the environmental impact assessment process claims were made that the dams would also be sealed due to the interaction of acids with limestone underlying the dam because that would form gypsum and that would help to seal the dam. That must have been purely speculative theory, because we had an expert witness, consultant to the committee, who made it plain that examinations that he had carried out on other dams in similar circumstances showed no evidence of gypsum forming. We had the environmental impact assessment process saying that gypsum would form and then we had an expert, 10 years later, saying that in his experience gypsum does not form under tailings dams in these circumstances. That does not create a great deal of confidence in the environmental impact assessment process if such claims are clearly not adequately examined. I will get a chance to discuss the inadequacies of the environmental impact assessment when we debate the Development Bill in this place probably within the next month or so. We must get it right for the whole community, and that includes the development community and all other legitimate interests. It does not have to be a matter of compromise: it needs to be a matter of common sense. It needs to be a matter of raising the hard questions and being prepared to discover whether or not there is an adequate answer.

The committee proposes a large number of recommendations, and it is not necessary to read those into the record. The report is publicly available. It is clear that there is need for a change in assessment processes. It is clear that there is need for a change in terms of monitoring. I believe very strongly that if we are to examine monitoring of mining operations as an example—but it can be true of other industrial operations—we need some system of audit. It does not necessarily mean that Government officers have to be at the mine sites or at an industrial site taking samples all the time. They need to design a process which ensures that proper monitoring takes place, that they audit the process itself and that they ensure it is carried out in a proper manner.

I understand that the Commonwealth Government has done that highly successfully in relation to a uranium mine in the Northern Territory. One other interesting aspect of this mine in the Northern Territory is that all of the monitoring results were made publicly available. If I recall correctly, they were made available over the internet. Here we have a company in the Northern Territory which has involved itself in being very open with the public. One is much less likely to be accused of covering things up if one makes things freely available. If you want to act as though you have something to hide, act as though you have something to hide. If you want to have mistrust you can generate it very easily. I strongly recommend that in terms of monitoring of industrial activities generally—and not just mines and not just Roxby Downs—we need an audited process. The auditing in relation to mining operations can be done by the EPA, which I prefer, or in conjunction with the Department of Mines and Energy. The information and the readings should generally be publicly accessible. At the end of the day, there is a process with a high degree of public confidence, and that has to be to everyone's advantage.

While I refer to Roxby Downs, I am aware that the changes in the tailings dam are not the only changes which have occurred without the public being aware of radical change. The same has happened in relation to water being sourced for Roxby Downs right now. Bore field A, which was supposed to last for 20 years, after 10 years is already in significant trouble, and more mound springs have dried up than was predicted. They are now opening up a new bore field. The new bore field will put a number of other mound springs at significant risk. These mound springs have both Aboriginal and environmental significance. After going through a public process in relation to the bore field—identifying where within this larger area of impact the bores themselves would be placed—the company went back after the public process and said, 'Hey, we want it changed.' The change has been made in such a way that significant mound springs are about to be put at risk again.

It is the same old process. There is a public process where the public has some understanding of what is happening, but then a major and radical change is made. Again, there has been a lack of willingness by the Government to ask the hard questions in relation to the changes and what their consequences are. In terms of the approval of the drawdown of the water overall, I do not think nearly enough questions have been asked in relation to the sustainability of that. Considering that the first bore field ran dry in 10 years rather than 20, and considering that there is now a massive escalation in the operations, what will they do after bore field B gets into trouble? The Great Artesian Basin cannot sustain the amount of water they want to take from it. There is already a major coal and iron ore steel manufacturing plant farther north which has targeted another major part of the Great Artesian Basin in a way that is clearly not sustainable.

There needs to be a willingness to ask some hard questions. If we do not ask questions we will be back in this place in about 10 years and people will ask how this happened. We have got away with it so far in relation to the tailings dams because there appears to be no long-term damage. But some significant flaws in process were exposed by what took place here. It is important for the Government, for industry and for mining in particular to learn the lessons so that mistakes are not repeated. If mistakes are repeated, confidence will decline in an industry trying to demand confidence from the community.

The Hon. T.G. ROBERTS: I support the noting of the report and, in doing so, will make some comments. The report is one of the most professional reports produced by any committee I have sat on in relation to environment, resources and development. In a number of cases we say that when we support reports prepared by ourselves and by those who have worked for us. But in this case even the strongest supporter or critic of the industry, Western Mining or the Government departments in charge of playing the watchdog role in

relation to the mine site would agree that the report sheds light on the early part of the planning process and where the system broke down by the changes being made to the pilot plant and the earlier EIS approvals. It explores the whole history of the development of the tailings systems, the inter-relationship among Government departments and the difficulties of monitoring the processes whereby the leakage occurred. It sheds light on some of the sympathies that the committee might have had for the company, because there were aspects which shed some doubt on the first reports that there was a major leak since there was very heavy rainfall in the area at that time. The weather was very unseasonable (some would say this type of weather occurs once every 100 years) and it clouded the issue (pardon the pun) for those in charge of the technical aspects of monitoring. The report also makes recommendations on what should be done in relation to monitoring potential difficulties that may occur in the operations of future tailings dams.

The report makes recommendations on how to administer, oversee and supervise not only the building of the tailings dams but their operation. The report does that in a clear, succinct way. It explains the development stages so that lay people can understand the issues of concern. I congratulate the Hon. Michael Elliott on being able to describe the various components that make up a tailings retention system. He did that quite succinctly. I will not try to emulate his descriptions of the technical details and the way in which the tailings system is put together. As he said, those who are interested can read about it in the report. I will concentrate on whether or not the possibility of potential disaster could be avoided by a development that might come on the horizon in the future and on what needs to be done to avoid that.

The steps that Western Mining itself took after it made the public declaration that a major leak had occurred, although it was reluctant to admit it, started the first steps toward an openness for debate to occur within the community regarding a possible solution to the problems that emanated from the original leak. The whole of the uranium industry brings with it a Gulag or a defensive position by those involved in the industry because of the community's attitude to uranium mining. As an active member of the Labor Party who opposed uranium mining in the first place and as one who supported the three mines policy, I understand how the industry can be defensive about supplying information voluntarily to the community that may be used against it at a particular time either to slow down or curtail its activities.

The position we arrived at evolved through the company itself being slow to recognise, first, the physical indicators that were starting to emerge in the monitoring process. I think it was slow to pick up some of the warning signals that individuals on those monitoring committees were sending out in their recommendations, and it was slow to make the decision to make a public announcement. I think that we have evolved through that process. Western Mining has been exposed to a standing committee which examined its 'house'. I think it will come away with its reputation slightly tarnished but its credibility intact in that, once it found out that it had a major problem on its hands regarding the tailings system, it did everything possible to try to remedy the situation.

I think Western Mining has followed a learning curve in relation to how it should deal with matters in the future. The environmental groups should take some cognisance of the deliberations of the committee. Parliament is able to get and examine the information that it requires to allow people to make scientific and balanced assessments. The committee was able to get as much information as it required from both the company and specialists within——I will not say the uranium industry because tailings systems are also associated with other mining ventures. However, it is fair to say that the committee drew on information from the whole of the mining industry, from those people who are at the top at the specialist field.

So, the information included in the report is based on the best scientific evidence available. The report has been put together by an excellent report writer. As I said, it is quite easy for lay people to read. Examination of the information that makes up the document that emanated from the committee will, I hope, draw together environmental groups and the mining industry so that there is not such a stand-off, so that the industry can take environmental groups into consideration when making further determinations either to expand or change the plans for their operations. I hope that the report is studied not just by those people who are impacted upon by the effects of it—that is, the mining industry, the Government departments who have the responsibility for monitoring all aspects of tailings retention systems and/or other environmental aspects of the mining industry, and mining itself—but also by other groups who have an interest in the outcomes, who will be able to read this report and have confidence that it is up to date.

It is probably one of the most up-to-date reports on tailings retention systems operating within Australia and the most up-to-date and comprehensive report operating within the mining industry itself. I am happy to recommend this report to anyone who is looking at building up an information base on comparisons between some of the standards that operate within the industry in South Australia, Australia and internationally. The information contained in this report is accurate—it is the best scientific evidence available—and when we drew our final recommendations into it there was total consensus by all members of this tripartite committee. There was very little dissent between the three parties in making the recommendations.

The other valued aspect of the report is that we hope it will give environmental groups and the industry confidence to be able to share information in relation to an expansion program connected with the expanded proposals being put forward for the new retention system that is being developed. I understand that some of the mistakes that were made and admitted to in the planning and construction stages of the first retention system have led the company to avoid any of those mistakes in the future. I am sure they have learnt from the problems that came out of the first retention system which did not achieve the design features that were included in the first EIS. I understand that the improvements that have been made in the building of the new and improved retention system include a liner. The changes to the system that needed to be made have been laid down adequately, and rework has been done in those areas where it was thought the original liners of the soils were inadequate. So, attention has been paid to the base and an improved lining system. When the first layers are laid and the liquid content of the tailings is put down, that should improve the base to provide a start for the new retention system.

As the other two members' contributions have indicated, there has not been any major environmental damage caused by the leak. I think the size of the leak surprised all those concerned—they were suitably shocked into action—and we have had to pay a price for the environmental damage that was caused in that isolated area. I note that if this had

occurred in any other area of the State it may have been worse. The leak was a massive leak, but as other members have said it did not cause a major environmental disaster.

In summing up, the report is a very comprehensive professional report. It can be used as an information standard for the industry for people who want to check to make sure that the current Government's position in relation to standards being set is adequate. We would hope that out of it comes a close liaison among environmental groups, the public and the Government, such that they will work with Western Mining to make sure that the defensive position it had in the first instance in relation to the industry does not happen in future. We also want to ensure that there is an open sharing of information, so that the best scientific advice can be debated publicly, and communities can discuss the issue in an open way without feeling as though they are breaching the law by searching for information on which to base their opinions.

I hope that out of it will come a more open, more constructive climate for discussion. I also hope that there is a little more sympathy perhaps from the environmental groups in being able to work with the scientists of Western Mining, the Federal Government and the State Government and bureaucrats to make sure that the aims of protecting the environment and that development can go ahead without any long-term dangers to the environment in the future. Let us hope that that partnership among those groups can be put together over the next few years, so that there is more confidence in the community and so that the Government and the industry can work together to achieve those aims.

The Hon. R.D. LAWSON secured the adjournment of the debate.

MEMBERS' CONDUCT

The Hon. R.D. LAWSON: I move:

That the discussion paper of the Legislative Review Committee on a code of conduct for members of Parliament be noted.

In speaking in support of the motion, I remind members that the Legislative Review Committee is presently and has been for some time considering a reference from this Council which requires it to examine and report on proposals in Australia and elsewhere for the establishment of a code of conduct for members of Parliament and, secondly, to recommend to the Parliament the adoption of a code appropriate to this Parliament. Members will be aware that in Australia most parliaments have examined, or are in the process of examining, a code of conduct for members. The same issue is being examined in the United Kingdom, Canada and the United States. In Australia, it is worth giving a brief summary of the extent of current developments.

In June 1995, an all-Party committee of the Federal Parliament tabled a draft framework of ethical principles for members and senators. There was some debate on that framework in the Senate but the matter has not further developed, and one suspects that the preoccupations of the new Federal Government may mean that the matter does not receive high priority in the immediate future. In New South Wales, amendments in 1994 to the Independent Commission Against Corruption Act were passed, and they require the establishment of standing ethics committees in both Houses of the New South Wales Parliament, and the legislation requires that both committees develop draft codes of conduct for the consideration of their respective houses, and that process is well under way.

In Queensland, a Members' Ethics and Parliamentary Privileges Committee was established under the Parliamentary Committees Act 1996, and one of its functions was to produce a code of conduct. To my knowledge, that committee has not yet produced such a code. In Tasmania, a parliamentary committee recommended the adoption of a code of conduct based upon one used in the province of Saskatchewan in Canada and, in the Governor's speech last month opening the new session of the Tasmanian Parliament, it was announced that the Government intended to progress that matter.

In Western Australia, following the report of the WA Inc. Royal Commission, a Commission on Government was established, with functions requiring it to inquire into a number of specific matters with regard to the prevention of corrupt, illegal or improper conduct by public officials, including Government Ministers and members of Parliament. That commission has just recently produced a paper on the subject of a code of conduct for members of Parliament. Lest it be thought I leave out our neighbouring State of Victoria, there is a rather limited code of conduct in the Members of Parliament (Register of Interests) Act 1978 in that State.

Overseas, I mention only that in 1995 a special committee under the chairmanship of Lord Nolan, appointed by the Prime Minister of the United Kingdom, published an extensive report on this matter, and that report advocated a code of conduct. The draft code was debated in Parliament and has been referred to a parliamentary committee for further consideration and report. In addition to proposals emanating from Parliament, a number of ethicists and political commentators have advocated the introduction of codes of conduct for members of Parliament. One of the most highly publicised proposals appearing this year was issued by Professor John Warhurst of the Australian National University for the Australian Catholic Social Justice Council. That body produced a paper entitled 'Politicians and citizens: roles and responsibilities'. It presented certain guidelines for a code of conduct for politicians.

Dr Noel Preston is a senior lecturer in applied ethics at the Queensland University of Technology and is the President of the Australian Association of Professional and Applied Ethics. In an article which appeared in the issue of *Directions in Government* for February 1996, he called for greater attention and also research into the matter of ethical principles for politicians. His survey of the Australian political scene for 1995 was somewhat sombre. He said:

> The year 1995 also saw a spate of Australian political ethics controversies.

He, having already referred to the plethora of incidents in the United Kingdom and the United States, went on to say:

> These included: the Codd inquiry's unfavourable finding in the case of Alan Griffiths, the 'sandwich shop' Minister; the Easton Royal Commission and other assorted West Australian political behaviours; Graham Richardson's autobiographical confession about political lying; and the question of truth in political advertising and campaign promise-making which featured in both the New South Wales and Queensland election campaigns.

Dr Preston went on to say:

> . . . while some measure of disciplining must be preserved in any parliamentary ethics regime, it may be preferable to see the primary functions of codes and committees as advisory, aspirational and educative.

He noted that most Australian parliaments have a very limited ethics education approach. In some parliaments, a cursory induction lecture may be given to new members. He believes there is scope to develop a wider educative dialogue about parliamentary ethics. Of course, in this Parliament, as all

members would be aware, there is no formal ethics education or induction program at all. Finally, in his view Dr Preston notes:

> For discussion to proceed to significant action, we will probably have to wait on further incidents which erode public confidence in the noble profession of politics. If 1995 is any indication we may not have to wait too long.

That is a fairly melancholy view of the situation. It is the view of the Legislative Review Committee that discussion on the matter ought to be encouraged in this State, and for that reason it has produced and circulated the discussion paper which is the subject of the motion.

Some proposals for codes of conduct for members of Parliament have been primarily aimed at conflicts of interest and the elimination of corrupt conduct. However, in South Australia we already have legislation regarding the disclosure of pecuniary interests as well as laws relating to official corruption. The committee is of the view that these matters should not be dealt with in a general code of conduct.

In the discussion paper are set out a number of arguments which have been advanced to the committee, both in favour of, and in opposition to, the introduction of a code. It is noted in support of a code that most professions, trades and many public and private organisations now have codes of conduct and/or ethics. Many codes of practice and codes of conduct have been imposed by Parliaments on others. For example, guidelines for ethical conduct for public employees in South Australia were issued in 1992; a code of conduct for public employees was issued in 1994; and the Brown Government, when it came into office in late 1993, introduced a code of conduct for members of Cabinet. So, it is argued that members of Parliament should themselves follow suit. Governments and members have been enthusiastic about imposing codes of conduct on others and should submit themselves to the same discipline.

Next, it is argued that members of Parliament, both new and old, do need some guidance in the proper discharge of their duties and responsibilities and that a code of conduct will serve to satisfy this educational aspect. Next, it is said that there is value in laying down some statement of standards of conduct to which MPs should aspire—the so-called aspirational aspect of the codes. It is also said in favour of a code that the existing law is not adequate guidance. The criminal law sets limits but it does not set standards of behaviour. Conduct that is merely legal is not necessarily desirable or good. The committee noted that the Standing Orders and parliamentary procedures—

The Hon. A.J. Redford interjecting:

The Hon. R.D. LAWSON: It is interjected that the Criminal Court does not set limits. It does set limits. No-one can be prosecuted for a breach of the criminal law unless he or she oversteps a limit imposed by the criminal law.

The Hon. A.J. Redford: What is the difference between that and breaching a standard?

The Hon. R.D. LAWSON: A standard of good behaviour or worthy behaviour is a different matter. I will illustrate that difference. In the Old Testament there are 12 commandments, some of which set absolute limits: 'Thou shalt not steal' and 'Thou shalt do no murder,' etc. Others provide that 'Thou shalt honour thy father and thy mother,' which is a less objective and more subjective standard. Of course, the great New Testament standard or the golden rule is one which lays down aspirational standards rather than limits.

Existing Standing Orders and parliamentary procedures are not designed to lay down principles of ethical behaviour. In any event, the Parliamentary Committees Act precludes the Legislative Review Committee and other committees from considering amendments to the Standing Orders of Parliament, and the discussion paper which has been circulated does not address issues relating to Standing Orders. At all events, it must be said that the existence of Standing Orders has not been effective in redressing the poor perception which the general public has of members of Parliament.

Next, it is said in support of a code of conduct that every independent body which has examined the matter, such as the Fitzgerald Commission in Queensland, the WA Inc. Royal Commission, the Independent Commission Against Corruption in New South Wales and the Nolan committee in the United Kingdom has recognised the need for a code. These are not commissions comprising members of Parliament. They are independent and external commissions, and there is some force in the fact that, as others see members of Parliament, they see a need for a code.

Arguments are also advanced (and the committee has heard a number which are by no means easy to dismiss in relation to the undesirable features of the introduction of a code of conduct) that Parliament is quite different from other institutions, and that is quite correct. The very nature of parliamentary representation does call for fierce independence, and it is argued that codes of conduct are inconsistent with that independence. It is said against a code that any introduction would be seen by the public as mere window dressing and, far from enhancing the respect in which members of Parliament are held, it might lower them.

It is argued that, unless a code of conduct has sanctions for non-observance, it is just another set of motherhood statements. It is said that the law already prescribes unlawful conduct, and any code which further restricts the freedom of members of Parliament is unwarranted. It is also said that a code of conduct would be used by the media to berate members of Parliament and that the code might have unintended and unforeseen consequences. So, there are cogent arguments on both sides of the record.

The discussion paper does deal in some detail with the question whether or not a code should have sanctions, hoping to elicit from the community and members of Parliament comments on that very important issue. The committee did hear from an ethicist, Dr Brian Stoffel, who made a point that seemed to the committee to be a powerful one. As an ethicist he said that formal sanctions are inappropriate when one is dealing with ethical or moral behaviour. In this area he said political and/or peer group pressure provides the sanction. In particular, Dr Stoffel argued that, if behaviour warrants penal sanctions, such behaviour ought to be prohibited by law and a legal penalty should be imposed. However, in the area of ethical and moral conduct he argued that formal punishment is neither usual nor necessary.

It is worth noting that in the United Kingdom it was recommended by Lord Nolan that there be a Parliamentary Commissioner for Standards. However, in the United Kingdom Parliament there are more than 600 members, and it can be argued that the expense of such a formal mechanism could not be justified in this State.

The discussion paper also mentions the description of the code, whether it should be described as a code of conduct or, as the Federal parliamentary code titles itself, 'A Statement of Ethical Principles' or the like. There is discussion in the paper on the form which any such code, if adopted, should take.

I conclude my remarks by indicating to members the types of principles that the committee felt should be considered in relation to a code, because codes are very often misunderstood by members, who entertain very real fears that they will be highly prescriptive and will greatly restrict the independence of members—something which is greatly treasured. The sorts of principles that the committee envisages in a draft are statements relating, for example, to loyalty to the nation and obligation to its laws; the requirement of the primacy of public interest—noting that members must carry out their official duties and arrange their private financial affairs in a manner which protects the public interest; requirements for integrity—that members act at all times honestly, striving to maintain the public trust and advance the public good; respect for the dignity and privacy of others; not to misuse confidential information entrusted to them—to safeguard such information; and to exercise responsibly their duties and privileges as members.

It is suggested that members must exercise the influence gained from their public office to advance the public interest and must not seek to benefit themselves personally. It is also suggested that any code should state the requirement that members treat all persons seeking assistance without discrimination, and that members should not make improper use of confidential information. A suggestion was made that certain parliamentary office holders should be given additional responsibilities. It is suggested that any such statement be prefaced with an aspirational statement about the high standards expected of members and the personal responsibility of members to uphold the name of Parliament and to advance the public interest.

The committee has already received a number of responses to the draft paper and it certainly welcomes more, both from the public and members of Parliament. It seeks views on all sides of the argument. I commend the Secretary of the committee, Mr David Pegram, and its Research Officer, Mr Peter Blencowe, for their able assistance in the preparation of this discussion paper, and I thank the members of the committee for their participation in what has been a rather protracted and ongoing assignment, being influenced by developments that are taking place in all parts of the world almost, it seems, at the same time. I commend the motion to the Council.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

FISHING, NET

The Hon. R.R. ROBERTS: I move:

That the regulations made under the Fisheries Act 1982 concerning ban on recreational net fishing, made on 18 April 1996 and laid on the table of this Council on 28 May 1996, be disallowed.

It gives me no pleasure to raise this issue for the third time. This matter encapsulates very clearly the petty nature of the Brown Liberal Government that does not allow it to admit that it has got something wrong. It gives the lie to the independence of Liberal members of Parliament who go around this place saying, 'We have an independent voice.' No issue in the past seven years has raised the imagination of those who have been restricted in lawful activity in South Australia as has this issue.

I have received some 560 letters from disgruntled constituents in South Australia complaining about this issue, and every one of those letters has been duplicated and sent to all members opposite or members in the Lower House. They have all made the right noises, tut-tutting to their constituents and saying that they will take up the matter with the Minister or the Premier.

Liberal members have been spectacularly unsuccessful in providing justice for the people of South Australia. However, they have been successful in proving that political pygmies surround the Premier of this State in his Cabinet. This matter has gone back to Cabinet on a number of occasions, the Opposition has put this question before the Council, and the Legislative Review Committee has gone right through the exercise. The Government has tried unsuccessfully to conjure up some argument to justify the despicable act that it has inflicted upon recreational fishers in South Australia.

On two occasions this House of Parliament has rejected the proposition that recreational net fishing is causing any deleterious effects on scale fish stocks in South Australia. There is no evidence whatsoever to that effect and, indeed, no evidence to that effect was presented before the select committee and, on two occasions after this Parliament expressed its will that these people get on with a lawful pursuit, we have seen the despicable act of prolonging the matter until the last night of the session. At 10 o'clock on the morning after this Council expressed its will last year, the Government reimposed regulations, including the regulation to prohibit recreational net fishing.

We went through another charade during the next session when, at 1.30 a.m. on the last night of the session, after private members' business was taken on board, this Council again rejected the notion that anything was wrong. It said again that these people ought to be allowed to pursue their recreational interests in South Australia because they are doing no harm, but their rights were taken away from them for no good reason.

One week after that session, while the Cabinet members wandered around South Australia and had its meetings in Victor Harbor, and while Dean Brown was doing his 'I'm a nice guy' routine, the Government again rejected the will of this Parliament and reintroduced this regulation.

I have received a letter from one of my constituents who is extremely angry. He is a recreational fishermen and his letter encapsulates the feelings of most recreational fishermen. He thanks me on behalf of amateur net fishers for my efforts and, in conclusion, states:

Please continue to try to bring some sanity to this belligerent Government.

That is exactly what it is—belligerent—and it will not admit when it is wrong. In a letter that same constituent wrote to the Minister for Primary Industries and the Premier, he said:

Dear Sir, Anger and deep frustration prompt me to write to you on the subject of amateur net fishing. Last week I was ecstatic at the news that finally amateur netting could continue, but I was horrified at your decision to reimpose the same draconian restrictions as were imposed on 1 September 1995. Why is this Government so intent on banning my family and friends preferred recreation? You have not taken notice of your own Netting Review Committee! Why? To me this Government seems to be totally against the average citizen who does the right thing yet is still ignored. The Netting Review Committee's recommendation No. 16 should have been imposed, not the ban that causes so much distress.

The constituent mentions some other issues about the Coorong and the Murray River which we have canvassed in this place before. He wrote that letter to the Minister. Members would remember that the last time we covered this issue I pointed out that the present Minister for Primary Industries, as a backbencher, had written to his constituency in South Australia informing them that he disagreed with the decision of the previous Minister, Dale Baker. Along with letters

returned from Dean Brown, he stated that he did not agree with the proposition finally agreed to by Cabinet. He will not fall for that same trick again. One would have thought that the Minister for Primary Industries, having received a letter from a constituent, would have answered those complaints, bearing in mind that he has all the advisers that he can employ and, if he cannot get them, he can go out (as has been proved with education) and get as many consultants as he likes at the taxpayers' expense. This is the answer the constituent received:

I refer to your letter of 8 April 1996 regarding the amateur net fishing. I understand that you have written a similar letter to the Premier, who will respond to your concerns.

What sort of Cabinet do we have here? We have a Minister who has to ask the Premier whether he can answer a question on amateur fishing. He did get a reply from the Premier, which again is full of innuendo and designed to misrepresent the true situation. The Premier states:

Thank you for your letter dated 8 April. . . I note your dissatisfaction with the Government's decision to reintroduce the regulations to prohibit recreational net fishing in marine waters and your concern that recommendation number 16 of the netting review committee was not implemented. These regulation changes include increasing the legal minimum length of King George whiting to 30 cms, restricting the use of commercial fish nets, particularly in nursery areas of the King George whiting, and reducing the number of commercial licences in the marine scalefish fishery.

Let us stop there. On the first occasion when we visited this matter there was a package of regulations and it was in package form because the Minister was not game to put the recreational regulation aside and have it debated by the Parliament since he knew at that early stage that there were no grounds for doing that. So, he tried the omnibus routine and put in a stack of regulations to which nobody, by and large (other than recreational net fishermen), had any opposition.

However, on the first occasion that we rejected this the press releases went out, with the bias put on them by the truth benders employed by this Government, saying that they had to reimpose the regulations because of the King George whiting, the number of commercial nets and the King George whiting nurseries. As we have explained *ad nauseam* in this place, recreational net fishermen do not target King George whiting. We then saw an absolute misrepresentation. What was put to fishers in South Australia was that the Opposition and the Democrats were about taking off the very important restrictions on netting closures in some gulfs and particular areas and that we would cause more damage to recreational net fishing. That is absolutely untrue because we are about the sensible management of fisheries. What we are not about is restricting the rights of South Australians to go about their legal recreations. The letter from the Premier continues:

These decisions were arrived at following extensive consultation between industry managers, fishery scientists, resource managers and the general public. The vast majority of South Australia's recreational fishers supported the package of regulations developed by the Government.

The package included recreational net fishing and 14 other recommendations. He is right, but the overwhelming majority of the package was supported.

In the first debate I suggested that the new Minister separate the regulations and that is in fact what occurred. After the first instance there were 15 recommendations in one package of regulations which stand today and have not been disputed by either the Labor Opposition or the Democrats. The other regulation was specifically in respect to recreational net fishing and was rejected by this Parliament. Again in the letter sent to my constituent there is a deliberate attempt to mislead the constituent by suggesting that we were talking about the whole package.

I was approached by fishers in South Australia only a week ago. It was put to me that there were some concerns that I, as a person living in the north of South Australia, was not supporting the recreational fishers or supporting the nursery areas and so on. This person had been to the electorate office of the Minister and had been getting advice from those people and that was the impression he received. He was aghast when I pointed out to him, rightfully and truthfully, that all the regulations in respect to net closures, King George whiting sizes and so on were all in place. He said, 'Well, what are we arguing about?' We are arguing about a situation where the Brown Government of this State will not admit that it was wrong.

What has happened since this Government inappropriately reintroduced the regulations? Fishers have been advised by Government appointees on boards and committees that they ought to desist from lobbying people like myself and the Democrats because the Government finally realises that it is beaten but it will not, my constituents are advised, be seen to be beaten by the Opposition and the Democrats. It wants to come up with a deal. I am advised that it wants to have discussions with the Democrats to come up with a deal.

Let us look at the possibility of a deal. Constituents out there believe and want us, as people here elected, to sit down and sort out the problems of the State and to come up with a result. I have offered on a number of occasions to be involved in a process that would come up with a fair recommendation and fair principles on a scientific basis to allow an assessment of recreational net fishing in South Australia. But these political pygmies do not want to be involved. They are petty and childish. They do not want to be seen to be beaten by the Labor Party and the Democrats. I do not see it as a victory for the Opposition or the Democrats. I am looking for a victory for the mums and dads, kids and grandchildren who enjoy recreational net fishing and who are doing no harm to the scalefish stocks in South Australia. It is a disgrace that we are back here doing this again. I could go over all the reasons for another hour, but it would only be repetitive. However, the grounds have not changed from the day the regulations were reintroduced. There were no grounds for the reintroduction.

Again we see this Minister and this regulation defeated twice. We see the 10AA(2) recommendation on the regulation when it goes before the Legislative Review Committee saying that in the view of the Minister it has to come in immediately. We have had six or eight months and nothing has happened. No circumstances have changed and yet the Government uses the processes of Parliament illegitimately to impose its childish will on South Australian recreational net fishing on the basis that it will not be seen to be beaten by the Opposition and the Democrats.

The circumstances have not changed. These people have been done badly by the Brown Liberal Government not for scientific reasons but for petty political philosophical reasons. This regulation was defeated by this Council. I call on the Australian Democrats to again join with us in rejecting this regulation so that these recreational net fishermen can get on with their business. In closing, I make the offer once again in good faith that the Opposition (and I am sure the Democrats would agree) is prepared to sit down with members of the Department of Fisheries and the Minister to come up with some fair and equitable standards that would ensure that the stocks of fish targeted by recreational net fishermen are not unduly run down and that proper regulations can be intro-

duced, including catch returns and scientific evidence being gathered and a system of licensing that would cover the cost. That would give us some cogent reason for restricting or expanding the activities of recreational net fishermen. I commend my motion to the Council and ask all fair-minded Councillors with any political integrity at all to support it.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

JOINT COMMITTEE ON WOMEN IN PARLIAMENT

The Hon. A.J. REDFORD: I move:

That the final report of the committee be noted.

In moving this motion, I acknowledge the important role played by the Hon. Diana Laidlaw, the Minister for the Status of Women, in addressing this issue. It is important to acknowledge the role that she played in ensuring that the establishment of this committee was an important aspect of Liberal Party policy prior to the last election. Indeed, the first objective set out in the women's policy release prior to the last election was that this Government would move for the establishment of a Joint Committee of the Parliament to examine the extent of any existing impediments to women standing for Parliament and the measures required to facilitate the entry of women to Parliament.

It is interesting to note, as I read through the rest of the Liberal Party's objectives, that we have substantially fulfilled most of the promises that we made prior to the last election. The Minister ought to be congratulated for the significant role that she played in that regard. Indeed, for seven years the Hon. Diana Laidlaw was the only woman representative of the Liberal Party in this place, so in that regard she has a unique understanding of the problems confronted by women, first, on being elected to this place and, secondly, in fulfilling her important role as a parliamentarian.

The report states that, as Parliament makes laws and represents all groups in society, the composition of Parliament should broadly reflect the composition of that society. The committee took evidence and received submissions from a broad cross-section of organisations, which I will detail later, including political Parties and former and present members. The committee found that Parliament was a male domain, highly competitive and potentially an alien environment for women. It observed that the world of politics is considerably more than full time and that the successful maintenance of both family responsibilities and a parliamentary career is an exceedingly difficult and unattractive option for many women.

It identified three major hurdles faced by women wishing to enter politics. The first was making a decision to stand for Parliament; the second impediment was being selected as a candidate, in particular being preselected for either of the major political Parties; and, thirdly, the voting procedures and the manner in which Parliament is conducted.

While a detailed account of the committee's recommendations is found in the report, the principal measures suggested by the committee to remove the hurdles include, first, that Governments encourage greater emphasis on political education throughout the community; secondly, that women be encouraged to stand as elected representatives at all levels of government; thirdly, that political Parties be encouraged to remove the barriers which prevent women from fully participating in political life; fourthly, that community debate on electoral reform be encouraged in an effort to achieve equal numbers of men and women in Parliament; and, finally, that there be a review of parliamentary practices and procedures in order to make Parliament a more friendly environment.

This issue has exercised the minds of parliamentarians throughout the world. As women struggle to obtain equal rights and opportunities, the question of an adequate opportunity for women to participate in the democratic process has become vitally important throughout the world. Examples of that interest can be demonstrated by looking at the Joint Standing Committee on Electoral Matters, Women Elections and Parliament by the Commonwealth Parliament in May 1994, the recent Women, Power and Politics International Conference held in Adelaide, the 1994 Commonwealth Parliamentary Conference on the Status of Women, and in particular the Commonwealth of Nations Task Force interim report on barriers to women's participation in Parliament. All show a very wide and endemic interest to ensure that women achieve proper and fair representation in the supreme law-making bodies throughout the world.

It would be remiss of me not to acknowledge the huge range and quality of submissions that the committee received during the period in which it sat. This is in no order of importance, but we received submissions from the Hon. Susan Ryan, Janine Haines, the Hon. Caroline Schaefer, Jennifer Cashmore, Trish Worth, MP, and the Hon. Anne Levy. Indeed, we received evidence from the new *Advertiser* Editor, Mr Howard. It is not often that politicians get a chance to quiz editors and journalists, but we took full advantage of that opportunity. We received submissions from the Deputy Premier, the Attorney-General, the now Deputy Prime Minister (Tim Fischer), Annette Hurley, Dean Jaensch, Liz Penfold, Jo Tiddy, Bob Such, the South Australian Liberal Party, the Women's Council of the Liberal Party, the Liberal Women's Network, of which I am proud to say I am a member, the Australian Labor Party and the Women's Electoral Lobby. We received an extraordinarily wide range of submissions from quite a cross-section of people covering the entire spectrum of politics in South Australia and Australia today.

It is important to note a number of issues. The first is that the South Australian Parliament has 22 per cent of its members who are women. Indeed, of the States and the Commonwealth, that is the best position of any Parliament in this country. I might say as an Australian that is not something of which to be proud—that 22 per cent is the best that we have. There is no doubt that this issue must be addressed. In my view, if political Parties fail to address it they will suffer at the ballot box in due course.

A suggestion put forward by the Women's Electoral Lobby, from which I expected a pretty substantial submission on its behalf, was that we have two-member electorates; in other words, that we have 23 or 24 electorates in the Lower House and that each electorate has two members, one male and one female, to ensure equal representation in the Parliament. At the time I asked what they would do in the event of a hung Parliament, because it is important to remember that over the past 25 or 30 years we have probably had a majority of one for about half that period either with Labor or Liberal Governments. It was disappointing not to receive any real submission as to how such a deadlock would be resolved in those circumstances. There are other reasons why that is perhaps not the best way to go, but the one that

sticks in my mind is that if we followed their recommendation we would be setting a recipe for a constitutional crisis.

Throughout the report there were a number of references to the term 'white Anglo-Saxon male,' of which I am one, and at the time I felt a little hurt by it. In fact, I am a white Anglo-Saxon Protestant male, which, if one reads newspapers and articles, puts me in an elite category, although I do not feel it from time to time. The point is that I do not believe that prejudice against women or the lack of opportunities for women is peculiar to countries dominated by white Anglo-Saxon Protestant, Catholic or whatever males.

The Hon. Carolyn Pickles: I expect better things from white Anglo-Saxon males.

The Hon. A.J. REDFORD: I hope that in the years to come that expectation is justified. The record in Asian and African countries is probably worse than in Australia and in countries of the first world. I do not think that that means we can resile from our responsibilities in that regard. I make the point that it is not unique to male Anglo-Saxons. There were a couple of references in the report which I do not necessarily embrace with a great deal of enthusiasm, such as the impression if it is given (I do not think it was intended) that this is a male fault. There is as much a responsibility on women to embrace this issue as there is on men. There is much to do in encouraging women to stand and in encouraging women to have confidence in other women that they can be successful in a chosen career—and in this case in a political career. That is a very important issue which needs to be addressed. It is not simply a matter that the men have ganged up or that men say that women should not be in this place. There is just as much a responsibility to ensure that women have confidence not only in themselves but in other women to be elected in this place. We received evidence that that attitude is changing, albeit much slower than one would have hoped, particularly if one looked ahead from 15 years ago.

In my mind the most important of recommendations was that of improving political education. In the 2½ years I have been a member of this place the issue of the very poor political education and very poor political understanding that exists in the community has come up constantly. It is exceedingly difficult to encourage someone to embark upon a political career if they do not have any understanding of how the political process works, how our Government institutions work and how and what role various people have in our democratic society. Unless the education of our students at schools is improved substantially in relation to politics and in relation to our constitution, we will not see much improvement.

Indeed, it cuts across so many issues. The debate on the monarchy has been disappointing to date. The average member of the community does not understand the real and significant issues to which we refer. As such, it is so easy to distract ordinary members of the public from the real issues we debate. Whilst it was a good committee there was a minority report from the Hon. Sandra Kanck. It would be remiss of me if I did not make some comment about her recommendation. She recommended that:

> . . . the Government encourage community debate on electoral reform, including the best structure for a system of proportional representation for the House of Assembly, with a view to achieving equal numbers of men and women in the Parliament.

It is not a surprising dissenting recommendation, given the Australian Democrats policy, but I will endeavour to deal with the recommendation in its substance. First, she commenced her dissenting report by quoting Dr Dean Jaensch and his evidence in the committee where he said:

> As to the electoral process, I am convinced that proportional representation (PR) is the answer to many issues about minority representation. Minorities can achieve representation through PR. The only problem is that both major parties are utterly opposed to PR. Political parties want what will serve them best.

I am not sure what party Dean Jaensch belongs to. I suppose that if I could nominate a party it would be the Cynics Party. What the Hon. Sandra Kanck fails to grasp in relation to that quote is that women are not a minority in Australia.

The Hon. Diana Laidlaw: They are in the majority.

The Hon. A.J. REDFORD: In fact, as the Minister interjects, women make up some 51 or 52 per cent of the population. One could hardly say that women are a minority in terms of the population. To say that they are a minority completely misses the point. The committee examined the Australian situation. There is only one experience which could possibly lead to the conclusion drawn by the Hon. Sandra Kanck. I refer to the Tasmanian experience where the Lower House has proportional representation and where there is a higher percentage of women in that House.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member will get an opportunity to make a contribution in due course. One, albeit the smallest, Australian State does not provide sufficient evidence to show that proportional representation *per se* will automatically mean that there will be more women in Parliament.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: Europe is a different culture and a different society. There is nothing to suggest—if they all have proportional representation—that if we had single member electorates they would not achieve the same result. One cannot in any empirical thing say 'X therefore Y'. You have to explain and justify how—

The Hon. Carolyn Pickles: There might be more Australian Democrats in Europe.

The Hon. A.J. REDFORD: That is why they do not get many votes here: they are all in Europe.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: I am leaving other Australian experiences out. By that I am sure he is referring to the fact that there is a higher percentage of women in Upper Houses, members of which are generally elected on the basis of proportional representation.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member continues to interject. I thought he gave evidence for about 15 minutes. I had the experience of sitting on this committee for about two years. I hope that he listens, because he can deal with my arguments when he rises to speak. In relation to Upper Houses the fact is that there is a perception amongst the community that Upper Houses are the poor cousins of Lower Houses. Upper Houses are not the place where governments are created. They are not the places that attract the enormous media attention of Lower Houses. They are not the places where it is perceived that the action happens. As a consequence, when the spoils of electoral victories are handed out it is much easier for women members of political parties, whether they be major political parties (ALP or the Liberal Party) or minor political parties (Australian Democrats), to win preselection for Upper Houses simply because they are perceived to be places of lesser importance than Lower Houses. I would like to be convinced that a change to

proportional representation—with the extraordinary electoral uncertainty and impersonality that that creates between elected representatives and electors together with the lack of personal association among electors, constituents and their representatives—would result in more women being elected to Parliament. At the end of the day, if the other recommendations are adopted we will resolve that problem, in any event, without having to deal with the other problems that might be created by having proportional representation in Lower Houses.

In closing, I would like to congratulate my fellow members of the committee. The committee sat for a long period of time. My colleagues in the Lower House (Julie Greig, Stuart Leggett and Lea Stevens) and in the Upper House (Hon. Caroline Pickles and Hon. Sandra Kanck) approached the task with an open mind. Essentially, we came to a unanimous result except with regard to one issue, which I must admit forms part of the Australian Democrats' platform. Apart from that issue, we all got on well. The spirit in which the committee was run was constructive and positive.

Stuart Leggett and I as the two males on a six person committee were in the minority. It must have been one of those very rare occasions in the history of parliamentary democracy in this country, or indeed in any Westminster system, where men have been in the minority. I assure those men who feel that being in the minority might be an intimidating or unsavoury experience that my experience does not support that. We all got on well. Occasionally I felt a bit under pressure being a white Anglo-Saxon protestant male, but I am informed by a couple of my colleagues that I managed to get through that reasonably well. I assure members that the experience was worthwhile. I commend all members to read the report and, as I said, I congratulate the committee for its work.

The Hon. M.J. ELLIOTT: I wish to comment on only one aspect of the report, and that is as a consequence of the comments made by the Hon. Angus Redford. It relates to the consequence in terms of representation of women in Parliament if we had a system of proportional representation. The statistics presented on page 16 of the report are, I believe, absolutely unequivocal. If you take the percentage of representation in the various States, you will see that there are two States (New South Wales and South Australia) that use proportional representation in the Upper House but not in the Lower House. The statistics show that in New South Wales the Legislative Council using PR has 33 per cent women, while in the Lower House it is 15 per cent. In South Australia, the Legislative Council using PR has 27 per cent women, while in the Lower House it is 19 per cent. Only one State uses PR in the Lower House and single member electorates in the Upper House, and that is Tasmania. The Upper House using single member electorates has zero representation by women, while the Lower House using PR has 28 per cent women.

The Hon. Angus Redford tries to argue that the Upper House is less important and that that is why more women are more likely to be able to get preselection. He argues that that is why that result occurs. Quite plainly, the results in Tasmania prove the lie to that. In the Federal Parliament, the Senate has 26 per cent and the House of Representatives 15 per cent. The Hon. Angus Redford said that he would need more evidence, but he did not specify what further evidence he wanted. If he is talking about overseas, that applies only to overseas; if he is talking about Australia, the figures are quite plain: if the Upper House uses PR, women are better represented; and, if the Lower House uses PR, women are better represented. There is absolutely no disputing that whatsoever.

The Liberal Party and the Labor Party will, quite predictably, argue that the Democrats will argue for PR on the basis of self-interest. We argue in reply that Liberal and Labor argue against PR because of self-interest. Those arguments should be forgotten and the issue itself honestly debated as to whether or not it has a particular effect. I think it is beyond dispute that it has a significant effect in one direction: that is, it increases the percentage of the vote for women. So, if you want—

The Hon. A.J. Redford: Give us the witness who actually said that.

The Hon. M.J. ELLIOTT: I thought that Dean Jaensch—

The Hon. A.J. Redford: No, he said minorities, he didn't mention women at all—and women aren't even in that category.

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: This is what happens when one has legal training: one gets rather pedantic about words. If one—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: I am sorry to say that I was actually quoting from the report, from the very figures that were before you. Clearly, Dr Jaensch did not come to talk about representation of Aborigines or any other ethnic grouping in terms of Parliament; he came to give evidence about women. I agree that talking about women as a minority is an absolute nonsense, but that was not the point he was making. He said that there are groups that are grossly unrepresented and that there is one way of remedying that. If you want to dispute that and if you find other reasons for why that is unacceptable, that is fine, but do not try to distort what is the very clear evidence in Australia and overseas.

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

WORKERS REHABILITATION AND COMPENSATION (REVIEW OF DECISIONS ABOUT LOSS OF EARNING CAPACITY) AMENDMENT BILL

Order of the Day, Private Business, No. 1.

The Hon. M.J. ELLIOTT: I move:

That Order of the Day, Private Business, No. 1 be discharged.

Motion carried.

The Hon. M.J. ELLIOTT: With the leave of the Council, I move:

That the Bill be withdrawn.

Motion carried.

SUPERANNUATION BOARD (VARIOUS) REGULATIONS

Order of the Day, Private Business, No. 3: Hon. R.D. Lawson to move:

That the regulations under the Local Government Act 1934 concerning Superannuation Board (Various), made on 21 December 1995 and laid on the table of this Council on 6 February 1996, be disallowed.

The Hon. R.D. LAWSON: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CORPORATION OF MARION: MOVEABLE SIGNS

Order of the Day, Private Business, No. 4: Hon. R.D. Lawson to move:

That Corporation of Marion By-law No. 2 concerning moveable signs, made on 18 December 1995 and laid on the table of this Council on 6 February 1996, be disallowed.

The Hon. R.D. LAWSON: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

EXPLOSIVES ACT

Order of the Day, Private Business, No. 6: Hon. R.D. Lawson to move:

That the regulations under the Explosives Act 1975 concerning carriage and sale, made on 18 January 1996 and laid on the table of this Council on 6 February 1996, be disallowed.

The Hon. R.D. LAWSON: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

VETERINARY SURGEONS ACT

The Hon. R.D. LAWSON: I move:

That the regulations under the Veterinary Surgeons Act 1985 concerning fees and charges, made on 8 February 1996 and laid on the table of this Council on 13 February 1996, be disallowed.

The regulation which is the subject of this motion is made pursuant to section 61 of the Veterinary Surgeons Act 1985. That Act provides that the Governor may, on the recommendation of the Veterinary Surgeons Board, make such regulations as are contemplated by the Act and as are necessary or expedient for the purposes of the Act and, without limiting the generality thereof, to prescribe the fees or charges for the purposes of the Act and to provide for the recovery of a fee or charge so fixed or prescribed.

The regulations, the subject of this motion, were made on 8 February. They revoked regulations 8 and 10 of the veterinary surgeons regulations of 1987. Those regulations had specified certain fees and charges for the purposes of the Act. The previous regulations provided that the fee changes be notified by regulation.

The reason for the new regulation, as outlined in the report given by the Chairman of the Veterinary Surgeons Board to the Legislative Review Committee, as is required, stated that the reason for this regulation was to overcome 'any need for regulations to be gazetted every time a fee is changed'. The report went on to state that only veterinary surgeons were affected by changes to fees.

The Legislative Review Committee was of the view that the contention in the report that only veterinary surgeons were affected by changes to the fees was not acceptable. Fees, in the ordinary course, are passed on to members of the public who seek and obtain services from veterinary surgeons. The committee considered that it is important to uphold the principle that regulations be open to scrutiny and that they be formulated in such a way that facilitates scrutiny. The committee considers that the principle of public accountability be upheld and maintained and that it is important to recognise that there is an element of public interest in regulation-making power.

Not surprisingly, the Legislative Review Committee is dedicated to upholding the principle that all subordinate legislation be subject to parliamentary scrutiny, except in special cases where an Act of Parliament excludes regulations from disallowance. The committee believes in upholding scrutiny and also the principle which is embodied in our legislation that subordinate legislation be subject to disallowance.

There is a difficulty about the form of regulation-making power that has now been exercised in relation to these fees under the Veterinary Surgeons Act. This is not the first occasion on which this regulatory device has been adopted. For example, in regulation 88 of 1988 under the Dentists Act 1984, this method has been used. It is specified in regulation 16 that the board may prescribe fees or changes in relation to certain fees or to exempt them. That model was adopted in the Dentists Act.

Similarly, in regulations made in March 1995, under the Physiotherapists Act, a similar device was used, where regulation 25 was enacted to prescribe that the board may fix fees payable for registration, renewal of registration and other purposes contemplated by the Physiotherapists Act 1991.

What might be termed the 'conventional model' is adopted in relation to the Chiropodists Act and the regulations made thereunder. On each occasion the fees are increased, gazettal is required and the amount of the fee is specified by number, thereby enabling Parliament to, first, scrutinise the regulations and, secondly, if it thought appropriate for either House, to move for disallowance.

The committee concedes that under the Veterinary Surgeons Act section 61(2) would appear to allow to be made the regulation of the kind that has been made. However, notwithstanding that the power exists, the Legislative Review Committee feels that it would be derelict in its duty if it did not bring to the attention of the Council the fact that scrutiny is being removed in relation to this regulation.

The report also mentions that the current regulation requires 'tedious administrative processes to change regulations, and it is unnecessary for the purposes of the Act'. The board suggests that it communicate regularly through reports and newsletters with all registered veterinary surgeons and, accordingly, they are made aware of any fee changes. Of course, the committee accepts that that is an important means of communication, and those most affected by the changes to the regulation are veterinary surgeons.

Notwithstanding that, it remains true that there is significant public interest in fees paid by professionals. It is for those reasons that the committee recommends to this Council that the regulation be disallowed in the expectation that the regulation would be promptly repromulgated and will, upon repromulgation, contain some mechanism of public notification of the fees payable and some public notification, from time to time, of changes in the fees.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

MOTOR VEHICLES (TRADE PLATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 February. Page 800.)

The Hon. T.G. CAMERON: The Australian Labor Party indicates a general support for the major initiatives outlined in the Bill. However, we have a number of reservations, some of them strong reservations, about certain clauses of the Bill. I will canvass the main features of the Bill and indicate to the

Minister those areas thereof that we support. I also intend to ask a number of questions of the Minister about some of the clauses.

The main features of the Bill are to introduce a single plate system instead of the current general trade plate and limited trade plate system. The current Act precludes mobile workshops from getting a trade plate, and we support the Government's proposal. The present criteria provide for a trade plate to be used for any general purpose. The Bill's provisions would allow for specific plates to be issued for a range of purposes, and we have some problem with that general approach to that matter.

The Bill also allows for heavy commercial vehicles with trade plates to carry a load for demonstration purposes, and we see merit in the proposition put forward by the Government. Separate charges are to apply for heavy commercial vehicles, motor vehicles, motor cycles, trailers and agricultural vehicles. I will go into more detail later regarding our concerns about those clauses.

The Bill also proposes that licences can be purchased for 12 months, two years or three years, and the Opposition supports that proposal. It is proposed that an administration fee of $20 be introduced. I understand that that is an additional charge, but it is consistent with the general pattern of administration charges which, I think, are $5, $10 and $20 that the Government is introducing and, whilst we do note that this will mean an increase in the costs associated with trade plates, we support the concept of an administration fee.

The Bill also enables the Registrar of Motor Vehicles to seek the assistance of outside organisations such as the RAA and the Motor Trades Association, and I will say a little more about that later. I indicate, however, that the Labor Opposition does not support the initiatives outlined in that proposal. The Bill also proposes that there be specific classes of third party comprehensive insurance for transporters. This is to get an appropriate rate for this class of insurance appropriate to the risks associated with the area. We support that initiative.

Another proposal is for an additional fee of $20 for new plates that are issued. We have a concern about the introduction of a fee to be paid by consumers when the initiatives are being introduced by the Government to try to sort out other problems relating to the abuse of the trade plate system. At this stage I am not indicating opposition to that fee, but we are concerned about its introduction.

The new system will also require, in certain instances, two plates to be issued, and I am not entirely sure whether the $20 fee is for one plate or whether it incorporates the fee for two plates. I think the proposition is that the $20 fee be applied irrespective of whether one plate is issued or two plates are issued. Some of the Opposition's reservations about the need for a single plate system arise because we believe it will increase costs. Certainly, that is my view from a reading of the legislation and from the briefings I have received from both the Minister and the Registrar of Motor Vehicles.

I would like the Minister to consider the situation of a small business which currently has a general plate which it is using in the general course of business for a motor vehicle, a trailer and a motor cycle. I understand that the new legislation requires the business to buy three plates and that it would also be required to obtain third party property insurance policies for each plate when they were issued. Is it correct in this example that current multiple use holders will have to purchase three plates and take out three insurance policies? If that is the case, what will be the increased cost of that to the consumer? In her speech the Minister stated:

> A separate charge will be payable for each category, with the charge for each vehicle type tied to the equivalent registration charge for that class of vehicle.

What will be the situation regarding third party property insurance? I understand that the current cost of third party property insurance, irrespective of the nature of the business for which the plate is used, is $112. What would be the cost for insurance in each category? At the moment it is $112, but I understand from discussions with the Registrar of Motor Vehicles that there will be a separate structure for insurance in difference categories. In some instances it might mean a lower insurance premium but in others it might mean an increased premium. We could have a situation where a small business operation might find that it is up for a $20 administration fee and a $20 plate fee and having to purchase two additional trade plates and take out two additional third party property insurance policies.

In some instances the premiums for the insurance—if it was only a single plate operator and we were doing a comparison—would be less and in some instances it would be more. I am not sure at this stage whether any final decisions have been made by the Government about what rates will be set for insurance. In my discussions with the Registrar and the Minister I have been led to believe that the rate struck will be the same rate as would apply for the category of vehicle, irrespective of whether or not it was a trade plate user.

I do not have a quarrel with that. It seems to make sense, but it does create a situation where a number of small business operators could see their trade plate costs increased by 200 per cent or 300 per cent. That is an onerous increase, and I would like to see the retention of some kind of general plate to allow the limited number of small businesses involved to have a trade plate that can be used for a number of purposes and their being required to pay only one premium, because they now may be required to pay a number of premiums.

The Minister, in her speech of 29 November, stated that a specific third party compulsory insurance premium class will be created for transporters, so that the increased risks associated with loading and unloading operations is reflected in the premium cost. I indicate that the Opposition supports that initiative. In relation to the administration fee and the $20 plate fee, I would be interested to know what additional revenue would flow to the Government from the introduction of this system. I am interested to know whether this legislation before the Parliament will result in additional revenue flowing into the Government coffers as a result of a change to the system.

My reading of the legislation is that additional revenue will flow into the Government coffers, and I would like to know the Government's calculations in relation to that. I have been supplied with some figures already relating to these matters by both the Minister and the Registrar of Motor Vehicles. I place on record my appreciation to the Minister and, in particular, the Registrar of Motor Vehicles for their assistance in relation to this Bill. One area with which we have a real problem is the attempt by the Government to insert a new section into the Act that would allow it to seek the advice of outside organisations, specifically the Motor Traders Association, about whether trade plates could be issued.

Rod Frisby, the Registrar of Motor Vehicles, advised me—and I subsequently advised the Minister at a meeting—that he is concerned about this section of the Act. During

discussions, the Registrar of Motor Vehicles outlined that the Government was considering criteria with respect to the issue of trade plates, namely, that the applicant must be engaged in the wholesale or retail motor industry or an allied trade or business. Correspondence further indicated that the applicant must also satisfy two of the primary criteria, or one of the primary criteria and three of the secondary criteria.

The primary criteria under consideration by the Government is the following: suitable premises with council approval where applicable; a suitable registered mobile workshop; MTA member; RAA approved repairer; taxation return; and a dealer franchise. The secondary criteria insists on an entry in the *Yellow Pages*, an entry in the *White Pages*, that employees be under a Federal award, and a registered business or company name. In order for an applicant to succeed in obtaining a trade plate he or she not only would be required to satisfy the Registrar that they are engaged in a wholesale or retail motor industry or an allied trade or business, but they must also satisfy two of the primary criteria, or one of the primary criteria and three of the secondary criteria.

If that criteria were used, whether it was implemented by ministerial direction or by regulations—

The Hon. Diana Laidlaw: By regulation.

The Hon. T.G. CAMERON: Thank you. It is not clear either in the legislation that has been put forward or in the explanation that has been provided to the Council by the Minister. I alert the Minister to some problems I see associated with that. For example, if a new applicant to the industry sought a trade plate, he would qualify on the basis that he was engaged in the industry. That was the old criteria, but there is now to be a second layer of criteria on top of that, that is, that the applicant must also satisfy two of the primary criteria.

A new applicant or, in fact, any applicant might not qualify under that criteria. An applicant might not have a suitable registered mobile workshop and would not therefore qualify; an applicant might not have sought, because their business is new or even if it is an older business, RAA approved repairer status; the applicant might well have set up a new company, a new partnership or gone into business with a spouse, so they might not be able to submit an appropriate taxation return for their business. It might be that the applicant does not qualify either under dealer franchise. The only criteria left—

The Hon. Diana Laidlaw: It would be a pretty vulnerable business if it did not qualify.

The Hon. T.G. CAMERON: It might not be a dealer franchise. There are probably dozens of secondhand car dealers around that are not operating under a dealer franchise. The only primary criteria that someone—and many people could fit into this example—could qualify under is, lo and behold, that they are a member of the MTA. That would give them one of the primary criteria. Let us assume, even then, that they did not qualify under any of the primary criteria, although I guess they could because they could run off and join the MTA. That is all well and good for the MTA, but then we come to the secondary criteria: an applicant might not have an entry in either the *Yellow Pages* or the *White Pages* because it is a new business.

Another criterion insists that employees come under a Federal award. It might be a family business with no employees, so the applicant would not qualify under that criterion. I would also be interested to know from the Minister why one of the criteria, that employees come under a Federal award, might be acceptable, but if an applicant has employees under a State award they would be specifically excluded.

The Hon. Diana Laidlaw: It is prepared by the Registrar for consideration, not accepted.

The Hon. T.G. CAMERON: That might well be the case.

The Hon. Diana Laidlaw: Some people could argue that I would not even accept a Federal award criterion.

The Hon. T.G. CAMERON: I am sure the Minister for Education and Children's Services might have something to say about that—he has been spending hundreds of thousands of dollars in opposing teachers moving to a Federal award. Criteria has been put forward, and I am pleased to hear the Minister state that she has not accepted any of it because we might be able to save her and the Registrar of Motor Vehicles some embarrassment.

Some employers might not have employees. They might have employees only under a State award. I would have thought that if this criteria were to be used it would at least apply to an employer who had employees under both State and Federal awards. I guess the question could then be asked that he might not have employees under either a State or Federal award because he might have entered into an enterprise agreement. The last criterion is a registered business or company name. As I indicated earlier, the applicant might be a single operator, or have a partnership with his spouse and so might not have a registered business or company name. I see the criteria that is set out as being somewhat restrictive.

If it was adopted it would clearly favour the MTA because I could think of dozens of examples where people would not meet two of the primary criteria or the secondary criteria and the only way they could meet the primary criteria would be to go out and join the MTA. It could be argued that they might go to the RAA and seek to become an approved repairer, but my understanding is that it could take some months before the RAA conducts its investigations and gives the individual approval.

As I see it, the proposition set out in the legislation that will provide for the Registrar of Motor Vehicles or one of his officers to contact the industry specifically relates to the MTA. It seems that the MTA would have a somewhat incestuous relationship with the Motor Vehicles Registrar. Certainly at least it would place the MTA in a position of conflict of interest and may well create a situation where the Motor Trade Association has a vested interest in advising the Registrar of Motor Vehicles that all of its members do genuinely fit the description of being engaged in the wholesale or retail motor industry or an allied trade or business. It may well be that the Registrar of Motor Vehicles would merely accept that membership of the MTA means that they are engaged in the business. We could see a situation develop where the Registrar did not contact the MTA but just accepted membership. I put the view to the Council that if these criteria are adopted and if this legislation goes through with the specific references to the Motor Trade Association and the industry it does create a conflict of interest and puts the MTA in a position where it has a vested interest.

The former secretary of the Builders Labourers Federation and still the secretary of the amalgamated union would indeed be proud to secure some kind of legislative arrangement for his members similar to the one that the Minister is proposing for the MTA. I know that the Government appreciates the industry for the substantial support it has given it in the past and, whilst we appreciate the minuscule support it has given us in the past, the situation is that we are placing the Motor

Trade Association and the Registrar in an extremely invidious position by supporting legislation that would put both him and the Motor Trade Association in that position. I indicate that we have strong reservations about that aspect of the Bill. Will the Minister outline what the total cost of introducing this new system is and how much additional revenue the Government will receive from the administration fee, the trade plates fee and the new system of single plates for specific use versus the old general plates system?

What would be the total additional cost to plate users from any increases in the insurance premiums? Has the Government actually decided on what those premiums will be? It is clear from my discussions with the Registrar that the intention is that the insurance premium for the different categories of plate users be the same as for anyone else and as I indicated that makes sense. The Minister also stated in her speech to the Council:

The view generally expressed is that the present legislation no longer meets the needs of industry and is open to abuse by some plate holders.

I would be interested to hear further from the Minister on what she considers that abuse to be and how many people have been prosecuted for abusing the system in the way that she is referring to (and I am not sure from her contribution what that is). I have been supplied by the Minister with statistics in relation to 1993-94, but it is not clear from those statistics how many of those people were specifically prosecuted for abusing the system. That is difficult because I am not sure from the Minister's contribution what is this abuse specifically.

The Hon. R.D. LAWSON secured the adjournment of the debate.

VETERINARY SURGEONS ACT

Adjourned debate on motion of Hon. R.D. Lawson (resumed on motion):

That the regulations under the Veterinary Surgeons Act 1985 concerning fees and charges, made on 8 February 1996 and laid on the table of this Council on 13 February 1996, be disallowed.

(Continued from page 1448.)

The Hon. P. HOLLOWAY: On behalf of the Opposition I support the disallowance of this regulation. The Chair of the Legislative Review Committee (Hon. Robert Lawson) has outlined the reasons why, so I will not go into great detail or go over the same ground. The practice involved in raising charges and fees in the past for the vast majority of statutory bodies that have had to do so is that the fees be fixed in regulation. Those regulations are subject to disallowance by this Parliament and also provide a means whereby the Parliament and the public are made aware of any increase in fees and levies. That was the practice that had been operating under the Veterinary Surgeons Act since 1987.

The body now proposes to change the regulations so that it can fix fees or charges from time to time and there would be no notification to Parliament or in any other formal way if this regulation is carried. That is a little disturbing. The power to raise taxation is absolutely fundamental to Parliament. One would not have to know much about the history of parliamentary democracy to know that that is the power that almost defined Parliament, particularly during the first part of the seventeenth century. It may be a small thing when talking about the Veterinary Surgeons Board being able to levy fees upon its members, but it is a very important principle that when Parliament delegates its powers to raise fees there should be at least some notification of those fees.

It would be a very bad precedent if we were to allow regulations to go through enabling statutory authorities to raise and levy fees and charges from time to time without any official notification of them. The report says that the current regulations require tedious administrative processes. I am not convinced that the processes are so tedious. In any case, as I have indicated, they are so important that it is a small price to pay. The committee suggested, as was outlined by the Hon. Robert Lawson, that there should be some gazettal of fees when they are changed so that at least the public has some formal notification of any change. With those brief comments, I support the disallowance of this regulation.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: LEIGH CREEK COAL

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

That the interim report of the committee on a Review of the Electricity Trust of South Australia (Costs of Transporting Coal Extracted from Leigh Creek Mine) be noted.

(Continued from 10 April. Page 1288.)

The Hon. SANDRA KANCK: In the light of the fact that today the Government is introducing to the House of Assembly a number of Bills relating to electricity generation at both State and national levels, this report is extremely timely and relevant. Those Bills are being introduced as a response to competition policy and the establishment of a national electricity market. This report on the cost of haulage of Leigh Creek coal makes quite a number of references to competition policy, and in many ways the issues examined by the report have become issues because of competition policy.

My interest in the outcomes of this report arose from statements made by the Minister for Infrastructure last year about the cost of coal haulage from Leigh Creek to the power station at Port Augusta and his threat at that time to get a private operator in on the track. At that time Minister Olsen used competition as the basis of his threats against Australian National. I wonder whether he has read this report and what he thinks of the competitive nature of AN now in the light of the information that the committee has gathered together.

It is enlightening to see the information in Table 1 in the report showing the price per tonne of transporting coal from Leigh Creek to Port Augusta from the 1988-89 financial year through to 1995-96 starting out at $6.95 and ending up at the end of December 1995 at $7.80 per tonne. With only a little knowledge of economics one can see this is not a drastic increase in price over that time. But when adjusted to the Adelaide CPI, using the 1989-90 financial year as the base, it gives a 1988-89 price of $7.47 per tonne compared with the most recent price of $6.41 per tonne—an effective drop in real price. That is why I am wondering whether the Minister has read the report and, if so, what he thinks of it.

The committee has noted the conclusion of the Brown Government's Commission of Audit that AN's freight charges had increased in real terms since 1988-89. If a committee can smile, I can almost detect theirs, even if only faintly, when they go on to say that this is technically accurate because in 1988-89 the real costs were $7.47 per tonne while in 1992-93 they were $7.48 per tonne—an increase of 1¢ over four years. How to damn an audit commission with faint praise! AN must be quite proud of

itself, given the efforts that have been made over the years to turn it into an ineffective operation, and I note some of the comments made yesterday by the Minister for Transport in this regard when she was asked about AN and NR.

A vicious circle is revealed in this report, which has been directly created by competition policy. The acting manager of the power station at Port Augusta, Mr Phillips, is quoted in the report as saying that the freight costs 'will have a serious impact on the Northern Power Station as a competitive performer in the national market and that can seriously adversely affect our competitive position.' He contended that freight costs represent approximately 30 per cent of the total fuel costs of the station.

Australian National representatives reported to the committee that there is a high cost of maintenance for what is basically a dedicated track, yet they can obtain six-monthly commitments only from ETSA. They told the committee that it is basically not viable for them to talk of reducing freight rates unless ETSA is willing to sign long-term contracts.

One can see the circle becoming increasingly clearly defined. ETSA has to produce its power more cheaply because of the commitments that this and an earlier Government have given to competition policy. Freight costs make up 30 per cent of the cost of fuel for the Port Augusta Power Station, so ETSA holds out on contracts with AN in an effort to manipulate cheaper freight rates. AN cannot tender with the sorts of prices that ETSA wants precisely because ETSA is holding out and refusing to negotiate longer-term contracts. The price for freight remains at a level which is unacceptably high to ETSA, so ETSA holds out on contracts, and round and round we go, brought to us with the compliments of competition policy.

When it comes to the moving of coal from Leigh Creek to Port Augusta, it is fairly easy to see that ETSA and AN are in a symbiotic relationship. They depend on each other, yet competition policy sets them up as antagonists, each trying to outdo the other. I predict that the net result will ultimately be bad for both, but the advocates of competition policy would say, 'Let the market decide.' We should be grateful for small mercies. Thank goodness, the advocates of competition policy are not running our marriage and relationship agencies.

When the Government made a number of statements last year about this rail line I became particularly interested when the Minister publicly stated that the Government was considering buying out the line as a cheaper option than paying for the freight costs, because it had implications for the South-East of this State and the Wolseley-Mount Gambier-Millicent line. It seemed to me at the time that if it was better to buy it out or to put a private operator on the Leigh Creek line, it could be just as viable in the South-East.

For this reason, I hope that the Minister for Transport has also read the report of the committee. In particular, I quote from the report:

> The representatives of AN indicated to the committee that the Leigh Creek to Port Augusta rail link was available for use by any third party.

The committee acknowledges that this evidence was given before the then Federal Government's announcement about Track Australia and goes on to refer to an answer given in Question Time by the Minister for Infrastructure in the House of Assembly on 7 February this year. Minister Olsen expressed some delight about the positive result that Track Australia would bring. I prefer to quote from the *Hansard* of that day rather than use the quote chosen by the committee. Minister Olsen said:

> The interesting point is that Track Australia will have power to negotiate with private contractors to run freight, dramatically increasing competition.

He went on to say:

> We understand that Track Australia intends charging an access fee to operators using particular rail networks to recover only the actual costs of providing the rail corridor.

Of course, I see this having implications for Mount Gambier. In regard to the situation at Mount Gambier, the Minister for Transport has been at great pains over the last couple of years to explain to the Council that she is powerless to act until AN says it is closing those lines, and then a dispute is acknowledged.

The Hon. Diana Laidlaw: I cannot act until the Minister writes to me and triggers the legal commitments.

The Hon. SANDRA KANCK: This is what I am questioning now. At that point we will know that a dispute is acknowledged as existing and then the matter can go to arbitration. According to the Statutory Authorities Review Committee, a third party is able to operate on the Leigh Creek line, and AN operatives gave this information to the committee. It does not require AN to say it is closing the line. It does not require the manufacturing of a dispute. If it is the case that a private operator can use the Leigh Creek line, why can a private consortium not operate on the now unused lines in the South-East?

I sat down to read this report with an expectation that it might be dry and boring. Instead, I found some intelligent research, some weakening of the facts of the Commission of Audit Report, reasons removed for preventing a third party from operating on unused lines in the South-East of the State and some wonderful evidence to show the stupidity of competition policy. The motion is 'that the report be noted'. I will not upset the procedure of this place by suggesting that the motion be amended to read 'commended' instead of 'noted', but the members of the committee and its staff should be congratulated on this report.

The Hon. R.D. LAWSON secured the adjournment of the debate.

DISTRICT COUNCIL OF MILLICENT: MOVEABLE SIGNS

Order of the Day, Private Business No. 12: Hon. R.D. Lawson to move:

That District Council of Millicent By-law No. 2 concerning moveable signs, made on 17 October 1995 and laid on the table of this Council on 15 November 1995, be disallowed.

The Hon. R.D. LAWSON: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

DISTRICT COUNCIL OF MILLICENT: LAND

Order of the Day, Private Business No. 13: Hon. R.D. Lawson to move:

That District Council of Millicent By-law No. 5 concerning council land, made on 17 October 1995 and laid on the table of this Council on 15 November 1995, be disallowed.

The Hon. R.D. LAWSON: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

DOG AND CAT MANAGEMENT ACT

The Hon. R.D. LAWSON: I move:

That Corporation of the City of Mitcham By-law No. 7 concerning cats, made on 6 November 1995 and laid on the table of this Council on 22 November 1995, be disallowed.

The by-law which is the subject of this motion is the first by-law made under the Dog and Cat Management Act 1995 which deals with the issue of the de-sexing of cats. The Dog and Cat Management Act 1995 provided in section 90 that:

90. (1) A district or municipal council may make by-laws for the control or management of dogs or cats within its area.

(2) Without limiting the generality of [the opening words], the by-laws may—

(a) limit the number of dogs or cats that may be kept on any premises;

(b) fix periods during which dogs or cats must be effectively confined to premises. . .

(c) require dogs or cats to be identified in a specified manner or in specific circumstances;

(d) require dogs or cats to be effectively controlled, secured or confined in a specified manner; and

This is the important provision:

(e) make provision for a registration scheme for cats (including payment of a fee for registration) and encourage the de-sexing of cats.

The by-law which is the subject of this motion contains only three clauses. Only one of those clauses is in the view of the Legislative Review Committee objectionable. Clause (1) provides:

The limit on the number of cats kept on any premises shall be two.

The committee finds no objection to that. Clause (3) provides:

No person shall without permission keep a cat in the area of or over the age of six weeks unless that cat is identified in a manner set out in Regulations made under the Dog and Cat Management Act 1995.

Again, the committee has no difficulty with that by-law. However, clause (2) in the by-law provides:

No person shall without permission keep a cat in the area of or over the age of six months unless it is de-sexed.

It is the view of the Legislative Review Committee that this clause of the by-law is inconsistent with the enabling powers contained in the Dog and Cat Management Act. I remind members that section 90(2) provides:

. . . (e) make provision for a registration scheme. . . and encourage the de-sexing of cats.

It is the view of the committee that it is not merely encouraging the de-sexing of cats to provide that no person shall keep a cat over the age of six months unless it is de-sexed. In fact, that amounts not to encouragement but to the imposition upon the community of a scheme not contemplated by the Act. The recommended form of encouragement is encouragement which provides for a particular registration fee for a non de-sexed cat but a lower fee for a de-sexed cat. That is an obvious form of encouragement. However, the blanket prohibition of keeping any cat unless it is de-sexed goes beyond the power contained in the Act and also goes beyond the power that Parliament envisaged would be imposed.

I mentioned that by-laws made under section 90 of the Dog and Cat Management Act must be submitted to the Dog and Cat Management Board prior to their being made. The Legislative Review Committee had communication with the Dog and Cat Management Board, and by letter dated 29 April 1996 the Chief Executive Officer of that board reported to the committee as follows:

After further consideration. . . the board is concerned that the above proposed by-law [the Mitcham by-law] may not be consistent with the intent of the Act, as has been pointed out by your committee. The board further intends to examine section 90 as part of the joint State/local government review commencing after 30 June 1996. The board's Cat Management Consultative Committee, in reporting on this matter, are of the same opinion.

So, the Legislative Review Committee took some comfort from the fact that the Dog and Cat Management Board, which is the board charged with the responsibility of overseeing the introduction of the new scheme of by-laws, and which is a board comprised of persons experienced in this area and well cognisant of the issues involved, supports the view adopted by the Legislative Review Committee, notwithstanding, as I understand it, that the Dog and Cat Management Board may have had legal advice to a different effect. It is based upon the proposition that the Act does not empower any council to make by-laws of the kind which were made by the Mitcham Council and which force the de-sexing of cats. For this reason the committee urged that this House disallow the by-law.

In conclusion, the committee had communication with the City of Mitcham, which said in defence of its by-law that it did not propose to police it stringently and that the council's environmental health officers and other by-law officers would police it sympathetically but not generally. Quite frankly, that was of no reassurance to the Legislative Review Committee, which took the view that if a council passes a by-law citizens are entitled to read it and expect that its provisions will be enforced. I commend the motion.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

ROADS (OPENING AND CLOSING) (PARLIAMENTARY DISALLOWANCE OF CLOSURES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 April. Page 1289.)

The Hon. DIANA LAIDLAW (Minister for Transport): I wish to respond briefly to this private member's Bill which was introduced by the Hon. Mike Elliott. Many of the sentiments expressed in the Bill appear to have followed representations from the Federation of South Australian Walking Clubs. The federation is concerned at the rate of closure and disposal of unmade and undeveloped road reserves without due regard being given to the protection of the recreational, tourism and conservation value of the assets.

The effect of the Hon. Mr Elliott's amendment is to have the Minister's approval subject to parliamentary disallowance. The introduction of such a measure would add considerably to the time taken to finalise a road closure. I am advised that approximately 140 road closure applications are processed annually by the Surveyor-General. A number are withdrawn following advice from the Surveyor-General's office that the land in question has been identified for retention by the Department for Recreation and Sport for recreational purposes or, alternatively, proceeded with only after a binding agreement that allows for ongoing public access over the land has been negotiated with the purchaser.

Of the applications that remain, over 90 per cent attract no objections and are dealt with expeditiously. Those subject to objection undergo a rigorous review by the Surveyor-General, including advice from pertinent experts where necessary. For example, where issues are raised affecting vegetation or recreational use, advice is obtained from the appropriate authority.

The Minister for the Environment and Natural Resources is also responsible for lands. He advises that previously he gave an undertaking that no road that is part of an established walking trail or one under development will be closed. All

other applications are decided on the merits of the case, taking into consideration the competing interests of all parties involved.

The Minister also advises that within the past 12 months all objections relating to recreational issues have been resolved and the objections withdrawn prior to the road closure process being finalised. I understand that the majority of road closure applications are to assist local government in rationalising their road networks and in disposing of road reserves that are of little value to anyone other than the adjoining landowner who has previously occupied the road since its creation. Others are closed in conjunction with a road opening to provide for better traffic management within an area, while a few are incorporated in development applications approved by the Development Assessment Commission.

The introduction of the proposed amendments would see all applications being subject to the same constraints as those few road reserves with recreational potential which the Hon. Mr Elliott is attempting to preserve—I suspect in good faith. Applications involving such land are given careful consideration by both the Surveyor-General and the Minister for the Environment and Natural Resources. The Government would argue that in this instance to impose any additional parliamentary review would considerably extend what is already a lengthy and costly process. I can provide some further background to this matter which has been forwarded to me by the Surveyor-General, Mr Kentish. It reads as follows:

The objects of the Roads (Opening and Closing) Act 1991 are to provide an orderly system for opening and closing public roads and to ensure that the sometimes competing interests of the public, adjacent landowners and local government authorities are given due consideration in the process. Before a public road can be closed, the Act requires that all persons affected who can be identified by reasonable inquiry are notified of the proposal and given the opportunity to object.

Regulations issued pursuant to the Act prescribe the number of public utilities and public authorities which must be advised of a proposed road closure. These include the Department of Recreation and Sport and the Native Vegetation Council. All proposed road closures are advertised in the Government *Gazette* and in a newspaper circulating generally in the area in which the proposed road process is to be undertaken. Objections to road closure proposals are received by the relevant authority, that is, the local council, the Development Assessment Commission or the Development Policy Advisory Committee, as the case may be or, in the instance of roads surrounded entirely by Crown land, by the Minister for the Environment and Natural Resources, and a copy is then forwarded to the Surveyor-General.

The relevant authority considers any objections raised, if any, and then either makes a road process order or ceases the process. When a road process order is made the relevant authority must advise the Surveyor-General in writing of its decision and submit appropriate documentation. The Surveyor-General then reviews the road process order to ensure that the appropriate statutory process has been followed and makes a recommendation to the Minister for the Environment and Natural Resources as to whether or not he or she believes the order should be confirmed or declined by the Minister. The Minister is free to either accept or reject the recommendation of the Surveyor-General.

Having provided this background, it is the Government's view that there are many safeguards in the process and that the Act itself provides for the public interest to be considered in this matter, as does the process for public notification and input. On that basis, the Government opposes the initiative taken by the Hon. Mr Elliott in this matter. The Government's position, however, does not imply that it is not interested in recreational interests in general or the interests of people who are keen to walk short or long distances in the city or country areas.

I was involved today with the Premier in announcing capital works programs. One of the things that we found thrilling to announce was the Southern Expressway and the linear corridor. Landscaping will provide for shared use paths and a velloway for commuter cycling and the like. So, the Government's objection to this motion does not suggest that it is not investing in or keen to promote recreational activities such as cycling, walking and the like. The Government simply believes that the process outlined by the honourable member in this instance is unnecessarily cumbersome. Accordingly, the Government will not support it.

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

OMBUDSMAN (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Ombudsman Act 1972. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill makes a number of amendments to the Ombudsman Act 1972. The Bill provides for the establishment of a new Committee of Parliament to make recommendations relating to the appointment of the Ombudsman. In addition, the Ombudsman has made recommendations in his recent Annual Reports for amendments to the *Ombudsman Act* ('the Act'). The Bill adopts a number of those recommendations.

At the last election, the Government announced that it would introduce legislation to provide for Parliamentary involvement in the appointment of the Ombudsman. The Ombudsman holds a special position of independence. The Ombudsman investigates administrative acts of Government. Despite the independent, apolitical nature of the position there is currently no mechanism by which Parliament can be consulted or involved in the appointment. The Government believes that, to ensure and enhance the independent status of the Ombudsman, Parliament should be involved in the appointment of the Ombudsman.

The Government proposes to deal with this matter by establishing a separate committee of Parliament to make recommendations in relation to the appointment of the Ombudsman. However, given that historically Parliament has not been involved in making such appointments, the process will need to guard against politicisation of the office and the appointment. The Government does not envisage the type of system adopted in the United States of America where possible appointees to office have their lives dissected in the public arena.

Clause 4 of the Bill deals with the appointment of the Ombudsman. It provides that the appointment of Ombudsman will be by the Governor on the recommendation of the Ombudsman Parliamentary Committee. The Schedule to the Bill sets out the provisions relating to the establishment, membership and duties of the Committee.

The Committee will be a joint committee of Parliament and will be comprised of six members. The Committee will have at least one representative of the Government and one member of the Opposition from each House. Matters disclosed to, or considered by the Committee for the purpose of making a recommendation on appointment of the Ombudsman cannot be the subject of public disclosure or comment. The recommendation of the Committee must be approved by resolution of both Houses of Parliament.

Clause 7 of the Bill also relates to the relationship of the Ombudsman with Parliament and, in particular, the investigation of matters which Parliament may think appropriate. This provision would allow either House of Parliament or any committee of either of those Houses to refer to the Ombudsman for investigation and report, any matter which is within the Ombudsman's jurisdiction and which that House or committee considers should be investigated. The Ombudsman is then required to carry out an investigation and submit a report to the President and/or the Speaker.

The Ombudsman already investigates matters referred by individual members of Parliament. However, the Government considers there is value in clarifying the role of the Ombudsman in relation to Parliament generally.

This Bill also deals with a number of miscellaneous matters. The Ombudsman has recommended that the Act should be amended to ensure that it automatically applies to a council upon constitution or reconstitution. Section 3(1) of the Act defines 'agency to which this Act applies' to include 'a proclaimed council'. All councils have been proclaimed. However it has been necessary to make a number of proclamations as councils are formed or reconstituted. The Ombudsman considers that, for reasons of convenience and certainty of application, the Act should be amended so as to ensure that it will generally apply to each council.

The same argument applies to health units incorporated under the *Health Commission Act*. At the moment, before a health unit incorporated under the *Health Commission Act* is subject to the Ombudsman's jurisdiction, it must be proclaimed to be an authority for the purposes of the *Ombudsman Act.* The proclamation is sought routinely whenever a health unit or hospital is incorporated.

The Government considers it is sensible to amend the *Ombudsman Act* to provide that local councils are automatically covered and that health units incorporated under the *Health Commission Act* automatically become an authority under the *Ombudsman Act*. Clause 3 of the Bill makes these amendments.

Clause 5 deals with the appointment of an Acting Ombudsman. The Ombudsman has recommended that an amendment should be made to permit an acting Ombudsman to be appointed from a member of staff who happens to be a public servant, without the need for the person to resign from the public service.

The Government agrees that it is impractical to require a person to resign from the public service to cover short absences by the Ombudsman. However, it considers that the acting appointment should be limited to a maximum of two, three month periods as it would be inappropriate for a public servant to act as Ombudsman for an extended period of time.

Clause 6 of the Bill amends Section 12 of the Act by removing the reference to the *Government Management and Employment Act* and replacing it with a reference to the *Public Sector Management Act*.

Clause 8 of the Bill inserts a new section into the Act to provide the Ombudsman with specific power to deal with complaints by conciliation. The NSW legislation and the *Police (Complaints and Disciplinary Proceedings) Act* include provisions relating to conciliation. The Ombudsman considers such a provision would be useful, particularly in the new area of health complaints. The Government considers that the provision may have a practical effect of encouraging conciliation rather than investigation.

Clause 9 of the Bill provides for an amendment to enable the Ombudsman to issue a temporary prohibition on administrative acts for a period of no more than 45 days.

In his Eighteenth and Nineteenth Annual Reports, the Ombudsman suggested that consideration should be given to modifying Section 28 of the Act by adding a provision similar to the New South Wales provision to allow the Ombudsman to apply to the Court for an injunction restraining any administrative action or conduct by an agency where the action or conduct would affect the subject of an investigation or proposed investigation by the Ombudsman. The New South Wales Act provides for injunction proceedings.

Following consultation on the issue, the Ombudsman revised his original recommendation. The Ombudsman has now suggested an amendment which would enable him to stay any administrative action for a limited period not exceeding 45 days if he is of the opinion that there is a sufficiently serious cause for so doing.

The Government prefers the revised approach suggested by the Ombudsman. Under the terms of the Bill, the Ombudsman may by notice prohibit an agency from performing an administrative act for a period up to 45 days. The Ombudsman cannot issue such a notice unless satisfied that the administrative act is likely to prejudice a investigation or the effect of a recommendation. The amendment would only apply where the issue of the notice is necessary to prevent hardship to a person and the compliance with the notice would not result in the agency breaching a contract or legal obligation or cause another party undue hardship. Such an approach would meet the needs of the Ombudsman while at the same time minimising the inconvenience and cost to agencies.

The Bill also amends Section 30 of the Act. Section 30 provides that no liability attaches to the Ombudsman, or any member of staff, for any act or omission, in good faith, in the exercise, or purported exercise, of powers or functions under the Act.

Section 9 of the Act provides that the Ombudsman may delegate any of his powers or functions under the Act to any person. The protection offered by Section 30 does not extend to persons exercising a delegation under Section 9. Clause 11 amends Section 30 of the Act to extend protection to delegates of the Ombudsman.

I commend this Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause makes a number of minor changes to the definitions contained in the Act. Most of these are consequential on the removal of the concept of 'proclaimed councils' (which means that the Act will apply to all councils, without the need for a proclamation). In addition a change to the definition of 'authority' will mean that hospitals and health centres incorporated under the *South Australian Health Commission Act 1976* will automatically fall within the ambit of the Act, without the need for a proclamation. The only other change is the insertion of a definition of 'Committee' (ie. the Parliamentary Committee established in the proposed schedule) which is consequential to the proposed amendment to section 6 of the Act.

Clause 4: Amendment of s. 6—Appointment of Ombudsman

This clause amends section 6 to provide that the Governor may only appoint a person as Ombudsman on a recommendation of the Committee that has been approved by resolution of both Houses of Parliament.

Clause 5: Amendment of s. 8—Acting Ombudsman

This clause amends section 8 to provide that a Public Service employee may be appointed to act in the office of the Ombudsman while remaining a Public Service employee for a maximum term of three months. On expiry of that term the person may be reappointed provided that the terms of appointment do not exceed six months in aggregate in any period of 12 months.

Clause 6: Amendment of s. 12—Officers of the Ombudsman

This clause removes an obsolete reference.

Clause 7: Insertion of s. 14

This clause inserts a new section 14 into the principal Act allowing for the referral of matters by Parliament to the Ombudsman for investigation. Following an investigation the Ombudsman must submit a report on the matter to the referring House or, in the case of a referral by a joint committee, to both Houses.

Proposed subsection (3) applies the principles contained in sections 13(3) and 16(1) (which outline circumstances in which the Ombudsman is not required to investigate a complaint) to matters proposed to be referred by Parliament under this section. These principles may, however, be overridden here by a resolution of the House or committee that proposes to refer the matter.

Clause 8: Insertion of s. 17a

This clause inserts a new provision giving the Ombudsman power to resolve complaints by conciliation.

Clause 9: Insertion of s. 19a

This clause inserts a new section 19a into the principal Act allowing the Ombudsman to issue a notice temporarily prohibiting an administrative act. The Ombudsman must not, however, issue a notice unless satisfied—

- that the administrative act is likely to prejudice an investigation or proposed investigation or a recommendation that the Ombudsman might make as a result of an investigation or proposed investigation; and
- that compliance with the notice by the agency would not result in the agency breaching a contract or other legal obligation or cause any third parties undue hardship; and
- that issue of the notice is necessary to prevent serious hardship.

If an agency fails to comply with a notice the Ombudsman may require the principal officer to make a report on the matter. If, following receipt of the principal officer's report, the Ombudsman if of the opinion that the agency's failure to comply with the notice was unjustified or unreasonable, the Ombudsman may report on the matter to the Premier and may forward copies of the report to the Speaker of the House of Assembly and the President of the Legislative Council with a request that they be laid before their respective Houses.

Clause 10: Amendment of s. 25—Proceedings on the completion of an investigation

This clause amends section 25 to make it clear that the section does not apply to an investigation following a referral by Parliament under proposed section 14.

Clause 11: Amendment of s. 30—Immunity from liability

This clause amends section 31 to ensure that it includes not only the staff of the Ombudsman but any person engaged in the administration or enforcement of the Act.

Clause 12: Insertion of schedule

This clause inserts the schedule in the principal Act.

SCHEDULE

Schedule Inserted in Principal Act

The schedule to be inserted in the principal Act deals with the Parliamentary Committee. The Committee's duties are—

- to consider the general operation of the Act (but not to conduct reviews of individual investigations by the Ombudsman);
- to recommend the appointment of the Ombudsman;
- to consider other matters referred by the Minister;
- to provide an annual report to Parliament.

Information disclosed to or considered by the Committee for the purpose of its making a recommendation in relation to the appointment of the Ombudsman will be treated confidentially.

The Committee is to consist of three members of the House of Assembly and three members of the Legislative Council, and must include both Government and Opposition members.

The members of the Committee are not entitled to remuneration for their work as members of the Committee.

The schedule also deals with the term of office of members of the Committee, removal from, and vacancies in, office and the procedures of the Committee.

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

BANK MERGER (BANKSA AND ADVANCE BANK) BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That this Bill be now read a second time.

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

Leave granted.

By amendments made by this Parliament to the State Bank of South Australia Act (1983), the preparation for sale and the sale of the Bank were sanctioned. The State Bank (Corporatisation) Act 1994, with complementary legislation in other relevant States and Territories, effected the transfer of assets and liabilities from the former State Bank to Bank of South Australia Limited leaving some residual assets and liabilities in the former entity which was renamed South Australian Asset Management Corporation.

It was the new entity, known as BankSA, that was the subject of sale under a process controlled by a Sale Committee reporting to the Treasurer.

The sale process and the sale itself was effected successfully in a manner which not only achieved a most satisfactory financial result for the State but was regarded most favourably in terms of both outcome and process by the Australian financial community.

Furthermore, the process complied with undertakings given by the then Labor Government of this State to Federal Treasury to sell the Bank, but at the same time met with an important condition of that undertaking, namely, that the sale would be effected at a fair price.

An important factor in maximising the price was protection of the very strong banking franchise enjoyed by BankSA in this State. The Government was concerned that as a result of the policy of Federal Treasury, as administered by the Reserve Bank of Australia, banks are not permitted to operate under more than one banking authorisation granted under the Commonwealth Banking Legislation.

In March, 1994 Parliament was advised that the Sale Committee had been successful in achieving a change in Federal Treasury Policy which now permits acquired Banks to continue to trade under existing name or names and with their existing logos or trademarks.

Thus, while an acquired Bank must, within a reasonable transitional period surrender its banking authorisation, the name can remain.

The way by in which the banking authorisation is surrendered is by merging the acquired bank with the acquiring parent. The Bill before the Council is to effect such a merger.

The Bank Merger (BankSA and Advance Bank) Bill 1996 will operate to transfer assets and liabilities, except those excluded for Federal Taxation or structural reasons, to Advance Bank Australia Limited thus permitting that legal entity to operate the banking business of BankSA under Advance's banking authorisation, but under the name BankSA or Bank of South Australia and the now familiar and, I would say, well regarded Sturt's Desert Pea logo.

Customers of the Bank will see no difference in the way the bank operates except reference to the Banks parent on documentation as required by the Reserve Bank of Australia. Furthermore, there will be no change to the obligations of BankSA subsequent to merger. More importantly there will be no change to the commitment of BankSA to this State and to furthering its economic development.

Of course, this is what one would expect given that Advance paid almost $300 million in goodwill for the BankSA franchise—not a sum that it would wish to put at risk. From discussion and ongoing dialogue between Government officials and senior bank management, the Government notes not only that Advance is pleased with its acquisition (as well it should), but that its strategies are to increase its banking activities particularly in the area of Business Banking. The fact that BankSA is now part of what is currently the 5th largest banking group in Australia gives it renewed capability and confidence.

In this context and most importantly Advance will retain a Chief Executive Officer of the BankSA operations as well as expanding the membership of an Advisory Board of Directors to include more South Australian resident Directors. The continuation of local input to decision making has been an important consideration for Government.

I am also pleased to inform Honourable members that some of the strategic reasons behind Advance's acquisition of BankSA will see benefits for the State. In particular BankSA's well regarded data processing capability are such that the Advance Group will move to an upgraded version of BankSA's primary computing platform which is being developed in Adelaide and at BankSA's sophisticated computing centre at Kidman Park. Similarly BankSA sees an expansion of telebanking associated changing delivery channels with customer preferences and non bank competition placing greater emphasis on technology than traditional over the counter transactions. It is also worthwhile noting that BankSA brought to Advance leadership in electronic banking with, not only a large network of merchant and EFTPOS customers, but experience in credit cards and smart cards.

The Bill itself is conventional in that it follows the form required for Bank mergers, all of which in the past have been effected by legislation because of the number of accounts and other assets to be transferred.

I draw members attention to Section 11 of the Bill which continues the provision for the progressive run down of guaranteed liabilities BankSA inherited from the former State Bank and in accordance with the State Bank (Corporatisation) Act 1994. I also point out Section 12 of the Bill deals with the transfer of staff. As with assets and liabilities of the Bank there has to be a mechanism for transferring staff to the Group employer. Section 12 permits the Chief Executive Officer of Advance Bank to effect the transfer of all staff within 12 months of the day in which the act is proclaimed to be effective. It is important to note that the Bill specifically protects employees and is accordingly uncontroversial in this regard. However, as new industrial agreements may have to be negotiated adequate time had to be provided to enable a proper process to be followed—as intended by the Bill and without the rights of employer or employee being impinged upon.

I commend the Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the new Act on a date to be fixed by proclamation. It is possible (but not likely) that this date will be more than 2 years after the date of assent. Subclause (2) therefore excludes the operation of the provision of the *Acts Interpretation Act 1915* providing for automatic commencement of an Act 2 years after assent.

Clause 3: Interpretation

Clause 3 contains the definitions necessary for the purposes of the new Act.

Clause 4: Act to bind the Crown

Clause 4 provides that the new Act will bind the Crown not only in right of the State but (so far as the legislative power of the State extends) in all its other capacities.

Clause 5: Extra-territorial application

Clause 5 provides for the extra-territorial application of the new Act.

PART 2

VESTING OF BSAL's UNDERTAKING IN ABAL

Clause 6: Vesting of undertaking

Clause 6 provides for the vesting of BSAL's undertaking in ABAL on the appointed day (*ie* a date to be fixed by proclamation for the purposes of the new Act).

Clause 7: Conditions of transfer

Clause 7 provides that the CEO may, by order in writing, fix terms on which BSAL's undertaking is transferred. The terms of transfer may create, and define the extent of, rights and liabilities.

Clause 8: Transitional provisions

Clause 8 contains a series of transitional provisions consequential on the transfer of BSAL's undertaking to ABAL.

Clause 9: Direct payment orders to accounts transferred to BSAL

Clause 9 provides that an instruction, order or mandate for payments to be made to an account at BSAL is, if the account at BSAL is transferred to ABAL under the new Act, taken to be an instruction, order of mandate for the payments to be made to the account at ABAL.

Clause 10: Registration of title etc.

Clause 10 provides for registration of the transfer of assets and liabilities by the Registrar-General and other registering authorities.

Clause 11: Exclusion of obligation to enquire

Clause 11 excludes any obligation on the part of a person dealing with BSAL or ABAL after the appointed day to enquire whether a particular asset is or is not an excluded asset.

PART 3

GOVERNMENT GUARANTEE

Clause 12: Government guarantee

Clause 12 continues the operation of the present provisions of the *State Bank (Corporatisation) Act 1994* for government guarantee of liabilities (so far as relevant) to liabilities transferred under the new Act to ABAL.

PART 4

STAFF

Division 1—Transfer of staff

Clause 13: Transfer of staff

Clause 13 empowers the CEO of ABAL to make an order transferring all employees of BSAL to ABAL or an ABAL subsidiary.

Clause 14: Directors, secretaries and auditors

However, a director, secretary or auditor of BSAL does not become a director, secretary or auditor of ABAL by virtue of a transfer of employment under Part 4.

Division 2—Superannuation

Clause 15: Definitions

Clause 16: Preservation of superannuation rights

Clauses 15 and 16 provide for the preservation of superannuation rights despite a transfer of employment under the new Act.

PART 5

MISCELLANEOUS

Clause 17: Stamp duty and other taxes

Clause 17 excludes transfers under the new Act from stamp duty and other State taxation.

Clause 18: Evidence

Clause 18 enables the CEO to issue certificates about whether an asset or liability is, or is not, a transferred liability. A certificate is *prima facie* evidence of the matters certified in legal proceedings. This clause also provides that the transfer does not affect the evidentiary value of banking records.

Clause 19: Act overrides other laws

Clause 19 provides that the new Act has effect despite the *Real Property Act 1886* and other laws.

Clause 20: Effect of things done or allowed under Act

Clause 20 provides that action taken under the new Act does not give rise to liability for a tort or a criminal offence, nor does it have other adverse legal consequences.

Clause 21: Name in which ABAL carries on business

Clause 21 authorises ABAL to carry on business in the State under any of the following names:

(a) its own name;

(b) Bank of South Australia;

(c) BankSA;

(d) any other name registered under the *Business Names Act 1963*.

Clause 22: Regulations and proclamations

Clause 22 empowers the Governor to make regulations and proclamations for the purposes of the new Act.

SCHEDULE

Excluded Assets and Liabilities

The Schedule contains a list of the assets and liabilities excluded from the transfer.

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

WILLS (EFFECT OF TERMINATION OF MARRIAGE) AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (MEDIATION, ARBITRATION AND REFERRAL) BILL

Returned from the House of Assembly with amendments.

COMPETITION POLICY REFORM (SOUTH AUSTRALIA) BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to ensure that all businesses in the State, whether private or Government-owned, incorporated or unincorporated, will be covered by the same rules about how they compete. These rules, known as the Competition Code, will apply to every other business operating throughout Australia.

This seamless operation of the law throughout the nation is the result of cooperation between all State and Territory Governments and the Commonwealth. The essential details were settled when State Premiers and the Chief Minister of the Northern Territory agreed on the critical features of the package at their meeting in Adelaide in February 1995.

The process had begun at the Adelaide Special Premiers' Conference of November 1991 which endorsed the need for a national competition policy and agreed that an independent review of the Trade Practices Act should be carried out. This decision was made in the knowledge that the competition rules of the Trade Practices Act did not apply to business activities carried out by the Crown in the right of the States. They also did not cover businesses outside the Constitutional reach of the Commonwealth, which meant that most unincorporated businesses were exempt.

State and Territory Heads of Government identified the inequities of having different rules applying to businesses which may be in direct competition. They could also see the opportunities for improving economic efficiency, through greater exposure to fair competition. An independent review was proposed to explore these issues and recommend a course of action to address them.

The Commonwealth Government subsequently became involved, and terms of reference for the review were jointly agreed by the States and Territories and the Commonwealth. Professor Fred Hilmer was appointed to conduct the review, with the assistance of Mr Mark Rayner and Mr Geoffrey Tapperell.

The Committee began its task in October 1992 and reported in August 1993. The results were presented to the Council of Australian Governments when it met in Hobart in February 1994. At that meeting, Heads of Government accepted the principles of the Hilmer Report. The details of implementation were to depend upon two pieces of work:

- an audit of State Government activities, to make sure that we fully understood the practical implications of making them subject to the Competition Code of the Trade Practices Act; and
- drafting of the necessary Commonwealth and State legislation and Intergovernmental Agreements, in a way which was acceptable to all Governments.

The audit was completed by the middle of 1994. The drafting of the legislation and Agreements was undertaken by working parties of Commonwealth, State and Territory officials. A draft was released for public consultation at the Darwin August 1994 Council of Australian Governments (COAG) meeting, and amended as a result of the comments received. The South Australian Government also conducted public consultation at the end of 1994, to identify any issues of particular concern to local business and other interested parties.

The complexity of the exercise arose in part from the fact that the Hilmer Report went much further than recommending the extension of Part IV of the Trade Practices Act to all business activities. The Committee advised that five other policy elements were necessary in order to promote genuine competition in the Australian economy. These were:

- pricing oversight of Government monopoly businesses;
- a right for third parties to gain access to significant infrastructure;
- structural reform of public monopolies;
- review of legislation which restricts competition; and
- competitive neutrality between competing private and Government-owned businesses.

I shall give some more details about these additional policy elements later. First, I want to say something about the Bill now before the Parliament, which is intended to extend the Competition Code of Part IV of the Trade Practices Act to all business activities in the State.

The Bill applies the Competition Code which is contained in a Schedule to the Commonwealth Competition Policy Reform Act 1995, as the law in South Australia. In general, it is the policy of the Government to use mirror legislation to implement agreements on nationally uniform legislation, rather than application laws. However, the Government acknowledges the need to be flexible on this issue, and has decided that the particular circumstances of this law justify a change in normal policy.

The Commonwealth has agreed to give the States and Territories voting rights in approving amendments to the Competition Code. This right, enshrined in the Conduct Code Intergovernmental Agreement, recognises the sovereignty of the States and ensures that changes to the Competition Code applying in the States will not be made if five States and Territories object.

Since the Commonwealth is strongly committed to ensuring that the Competition Code remains consistent with Part IV of the Trade Practices Act, this Agreement has given the States and Territories a strong role in influencing the development of that law. It ensures that the law will not reflect only the interests of the bigger States, and ignore the needs of smaller regional economies. As a result, future Competition Law will be truly national.

Such a voting arrangement was a prime condition of the States and Territories agreeing to the national competition policy, as set out in the resolution of the State Premiers and the Chief Minister of the Northern Territory at their February 1995 meeting in Adelaide. The other was a fair share of the additional revenue which will flow mainly to the Commonwealth, as a result of the economic gains which will come from the implementation of national competition policy.

At the April 1995 meeting of the Council of Australian Governments the Commonwealth also agreed to this demand of the States and Territories. Over $1 billion in 1994-95 dollars will come to South Australia from the Commonwealth between 1996-97 and 2005-06, provided that we implement the reforms agreed to as part of the national competition policy package. One of the conditions for receiving that payment is that this Bill should become law and be in operation by 20 July 1996.

I referred earlier to the other elements of national competition policy, which complement this Bill and which are contained in the Competition Principles Intergovernmental Agreement signed by Heads of Government at the April 1995 COAG. I will now describe these in more detail.

The first is prices oversight of monopoly Government business enterprises. The Competition Policy Reform Act amended the Prices Surveillance Act so that, for the first time, its provisions could be applied to State-owned businesses. However, there are stringent limitations on that change, requiring a finding that another jurisdiction has been adversely affected by a State monopoly's pricing before the Commonwealth Minister can declare the business for prices surveillance. In addition, the Commonwealth law will not apply to State businesses which are subject to a State-based prices oversight regime which complies with the principles set out in the Competition Principles Intergovernmental Agreement.

The Government has determined to establish such a mechanism, to be titled the Competition Commissioner. The Commissioner will have the power to make recommendations on the prices to be charged by declared monopoly or near-monopoly Government business enterprises. However, the actual determination of prices will remain a Government responsibility.

The next policy element embodied in the Competition Principles Agreement is competitive neutrality policy and principles. The objective of this policy element is to ensure that Government businesses do not enjoy any net competitive advantage as a result of their ownership. It deals with such matters as tax equivalence and ensuring that Government businesses are subject to the same regulation as their private sector counterparts. The Government will publish a policy statement giving more detail on how it will implement these principles in June this year.

I turn now to structural reform of public monopolies. Before privatising or introducing competition to a public monopoly, the Government is obliged to conduct a review into its structure. It must separate regulatory responsibilities from the public monopoly and consider whether another structure would deliver benefits by enhancing competition. The Government's request to the Industry Commission for advice on the structure of ETSA Corporation complies with this principle, since it ensures that the Government will have advice on these questions before it makes its final decision.

The obligation to conduct reviews is also central to the next policy plank, the review of legislation which restricts competition. By June the Government will have developed a timetable for the review by the year 2000 of all legislation which restricts competition. The legislation identified through this process will be reviewed to determine whether the benefits to the community justify the costs of the restriction on competition, and whether those benefits could be obtained without restricting competition. The review process is consistent with the State's pre-existing Deregulation Policy, which has aimed to ensure that the State had the least restrictive and most efficient laws consistent with the public good.

The fifth policy element is third party access to significant infrastructure facilities and services. This policy is intended to promote competition by allowing competitors to share the use of infrastructure which cannot be economically duplicated. The Competition Policy Reform Act inserts a new part, Part IIIA, into the Trade Practices Act. It provides for a right of third party access to facilities which are involved in interstate trade or significant to the national economy. However, the law states that this Commonwealth regime will only apply to facilities that are not subject to some other effective access regime. The State can enact its own access laws for facilities within its borders, provided it is consistent with principles set out in the Competition Principles Agreement. It can also cooperate with other jurisdictions to design single integrated access regimes covering infrastructure which operates across borders.

Together, these policy elements and the Bill now before the House make up a comprehensive framework for delivering greater economic efficiency by increasing competition. The common principles to be adopted by all jurisdictions recognise the degree of integration in the Australian economy. However, there are a number of elements which allow States to take particular account of the needs of their own regional economies. I will expand on these protections so that members can see that the State can continue to shape its own destiny under national competition policy.

The first is the right of the States and Territories, under section 51 of the Trade Practices Act, to legislate to exempt specified conduct from the provisions of the Competition Code. It is this provision the State has used to enact the Cooper Basin Indenture (Ratification) Act, and other pieces of key economic development legislation. Under the amended Trade Practices Act, becoming a party to national competition policy and passing the Bill now before the House are essential if the State is to retain this right.

Another important protection of State interests is the recognition in the Competition Principles Agreement that evaluating the costs and benefits of implementing some of these principles is a complex judgment which involves balancing a range of policy considerations. Clause 1(3) of the Competition Principles Agreement requires Governments to take these factors into account. They include ecologically sustainable development, social welfare and equity considerations, the interests of consumers and economic and regional development.

This ensures that the Government bases its decisions on the detailed implementation of this policy on the overall interests of the South Australian community.

In summary, I believe that national competition policy offers the State a framework for making the most of its competitive advantages within the national and global economies, while making sure that we retain the quality of life and community cohesion which make South Australia a great place to live and to do business. This Bill is an essential plank in that policy.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the proposed Act. Part 1 and Part 7 will commence immediately on receiving assent. These Parts are supplementary to the substantive provisions of the Bill. Part 1 contains the name of the proposed Act, its commencement and definitions. Part 7 contains transitional provisions.

The remaining provisions are intended to commence 12 months after the date of assent to the Commonwealth Bill. Although the Commonwealth Bill contains a number of different commencement dates, virtually all of the Commonwealth Bill will have commenced 12 months after the date of assent. The result therefore is that the Commonwealth Bill will be in force when the South Australian Bill commences.

There is provision in clause 2 of the Bill for the postponement of the commencement of those remaining provisions, to deal with any unforeseen circumstances that might arise.

Clause 3: Interpretation

Clause 3(2) provides for expressions used in the Bill to have the same meanings as in the *Trade Practices Act*.

Clause 3(3) provides that references to Commonwealth Acts include amendments and replacements.

Clause 4: The Competition Code text

Clause 4 defines the Competition Code text that will be applied to become the Competition Code. This is primarily the provisions of Part IV of the *Trade Practices Act*.

Clause 5: Application of Competition Code

Clause 5 is the operative clause of the Bill. It applies the Competition Code text as a law of South Australia.

Clause 6: Future modifications of Competition Code text

Clause 6 provides a scheme to deal with future modifications of the Competition Code text by Commonwealth legislation. In essence, the scheme provides that there is to be at least a two month gap between the enactment or making of Commonwealth modifications and their application under clause 5. That period can be shortened by proclamation; alternatively, a proclamation can provide that a modification is not to apply at all in South Australia.

Clause 7: Interpretation of Competition Code

Clause 7 provides, for the purposes of uniformity, that the *Acts Interpretation Act 1901* of the Commonwealth applies to the interpretation of the Competition Code (instead of the *Acts Interpretation Act* of this State.

Clause 8: Application of Competition Code

Clause 8 makes it clear that the Competition Code is not to be construed as merely applying in the territorial area of the State and that the extraterritorial competence of the Parliament is being used. However, provisions contained in section 5 of the *Trade Practices Act* are repeated in the clause to require consent of the Commonwealth Minister for proceedings involving conduct outside Australia.

Clause 9: Special provisions

Clause 9 provides for the interpretation of the expression "the commencement of this section" in the Schedule version of Part IV. This expression will, in effect, be read as a reference to the commencement of substantive provisions of the Bill.

Clauses 10-12: Citing of Competition Code

Clauses 10-12 provides a system for referring to the Competition Codes.

Clause 13: Application law of this jurisdiction

Clause 13 provides that the Act and Competition Code of South Australia will bind the Crown in all its capacities (to the full extent of constitutional capacity to do this). In line with section 2A(1) and proposed section 2B(1) of the *Trade Practices Act*, this will apply to the Crown only when carrying on a business.

Clause 14: Application law of other jurisdictions

Clause 14 is the counterpart of clause 13, and provides that the Act and Competition Code of another State or Territory will bind the Crown in right of South Australia. Again, this will apply to the Crown only when carrying on a business.

Clause 15: Activities that are not business

Clause 15 makes it clear that certain activities carried on by governments or government authorities do not amount to carrying on a business (for the purposes of clauses 13 and 14). The clause corresponds to proposes section 2C of the *Trade Practices Act*.

Clause 16: Crown not liable to pecuniary penalty or prosecution

Clause 16 provides that the Crown is not liable to pecuniary penalties or prosecutions. This is in line with proposed sections 2A(3) and 2B(2) of the *Trade Practices Act*.

Clause 17: This Part overrides the prerogative

Clause 17 makes it clear that, where the law of another jurisdiction binds the Crown in right of South Australia by virtue of this Part, the Code overrides any prerogative right or privilege of the Crown (eg., in relation to the payment of debts). Similar provisions are included in corporations and agvet legislation.

Clauses 18-33:Object

Clauses 18-33 promote the uniform administration of the Competition Codes, as if they were a single Commonwealth Act. The provisions are similar to those included in corporations legislation.

Clause 19: No doubling-up of liabilities

Clause 34 recognises that the same conduct is capable of being punished under more than one law (the Competition Code of South Australia, the Competition Code of another jurisdiction, or the *Trade Practices Act*), and removes this double jeopardy. The clause has its counterpart in proposed section 150H of the *Trade Practices Act*.

Clause 20: Things done for multiple purposes

Clause 35 makes it clear that documentation and other things are not invalid because they also serve other Competition Codes or the *Trade Practices Act*.

Clause 21: Reference in Commonwealth law to a provision of another law

Clause 36 is intended to deal with the technical point that a reference in an applied law to another Commonwealth law is to be treated as if the other law were itself an applied law. There is a similar provision in the corporations and agvet legislation.

Clause 22: Fees and other money

Clause 37 provides that fees, taxes, penalties, fines and other money paid under the Competition Code of South Australia are to be paid to the Commonwealth. This will not apply to amounts recovered in actions for damages. Clause 37(3) is a technical provision that imposes fees (including fees that are taxes) prescribed by the applied regulations.

Clause 23: Regulations

Clause 38 allows regulations to be made for the purposes of the proposed legislation.

Clause 24: Regulation for exemptions under section 51 of Trade Practices Act or Code

Clause 39 provides a specific power to make regulations for the purposes of prescribing exceptions under section 51 of the *Trade Practices Act* or section 51 of the Competition Code.

Clause 25: Definitions

Clause 40 defines terms used in Part 7.

Clause 26: Existing contracts jurisdiction

Clause 41 gives effect to the policy that existing contracts made before 19 August 1994 (the date the legislative scheme was announced) are not caught by the Competition Code. However, if such a contract is varied on or after that date, the Competition Code will apply to future conduct in relation to the varied contract, except as regards matters that were previously protected. The Code applies to future conduct in relation to contracts made after that date.

Although a contract is 'grandfathered' under clause 41 in relation to the Competition Code, it may still be caught by Part IV of the *Trade Practices Act*.

Although clause 41 corresponds generally to clauses 34 and 89 of the Commonwealth Bill, those clauses do not contain provisions that correspond to clause 41(1)*(c)* and (3). That paragraph and that subclause are inserted in this Bill for the purpose and clarifying the way the Competition Code applies in relation to existing contracts made on or after 19 August 1994, and are not intended to imply that clause 41 operates differently from those clauses of the Commonwealth Bill in this respect.

Clause 27: Section 51 exceptions

Clause 42 complements clause 33 of the Commonwealth Bill. Clause 33 is intended to provide a three-year continuation of current exceptions (under section 51 of the *Trade Practices Act*) that do not comply with the requirements of new section 51(1) and (1C) of the *Trade Practices Act* (to be inserted by clause 15 of the

Commonwealth Bill). Clause 42 provides that the same exceptions will be treated as exceptions from Part IV of the Competition Code for that three-year period.

Clause 28: Temporary exemptions from pecuniary penalties

Clause 43 gives effect to the policy that pecuniary penalties will not apply in respect of conduct that is being subjected to the competition law for the first time, until two years have passed after the Commonwealth Bill is assented to. Since this Bill is intended to commence 12 months after the Commonwealth Bill is assented to, this effectively means that there will be one year during which pecuniary penalties will not be available under the Competition Code. Other remedies will be available during that period of one year.

The period of one year will be extended if the commencement of the substantive provisions of this Bill are postponed under clause 2.

Clause 29: Advance authorisations

Clause 44 permits persons to apply to the Commission for authorisation of conduct and to notify to the Commission before the Competition Code applies to the conduct.

Clause 30: Regulations relating to savings and transitional matters

Clause 45 enables regulations to be made for savings and transitional purposes. Regulations can be made retrospectively for this purpose, but any retrospective effect is not to prejudice rights or impose liabilities (except as regards to South Australia or its authorities).

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

PUBLIC FINANCE AND AUDIT (POWERS OF ENQUIRY) AMENDMENT BILL

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

FISHERIES (PROTECTION OF FISH FARMS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

In recent years there has been substantial investment in the development of aquaculture operations throughout South Australia. One of the most successful ventures has been the farming of southern bluefin tuna, where operators net the tuna and then transport the catch to cages in Port Lincoln waters where the fish are fattened before sale to the lucrative Japanese market.

With the expansion of tuna farming, there have been reports of unlawful taking of tuna from the cages. According to the farm operators, commercial farms have experienced losses of thousands of dollars due to such activity. The operators have attempted to minimise theft by seeking police assistance and by hiring private security guards. In addition, the industry has requested the introduction of legislation to minimise theft of fish from aquaculture sites—specifically, amendments to the *Fisheries Act 1982*.

There is a provision in the Fisheries Act that makes it an offence for a person to interfere with a lawful fishing activity. However, as a lawful fishing activity is defined in the context of taking fish, not farming fish, this provision does not cover instances involving theft of farm fish from aquaculture sites.

Although the matter has been raised by tuna farm operators, other marine fish farm operators (eg oysters, mussels, and finfish) would be susceptible to the same problem. Therefore, any amendments to the Fisheries Act should encompass all marine fish farming activities.

It is proposed to amend the Fisheries Act to include trespass provisions based on those contained in the *Summary Offences Act 1953*. Specifically, it would be an offence for a person who enters a fish farm area to fail, without reasonable excuse, to leave immediately if asked to do so by the operator or a person acting on the authority of the operator, or to re-enter the area without the express permission of such a person or without a reasonable excuse. It would also be an offence to take or interfere with any fish within the fish farm area or to interfere with any equipment used by the farm operator. A further offence of entering a fish farm area intending to take or interfere with fish or interfere with equipment is also created. These amendments should address the concerns of the aquaculture industry by providing measures that will assist in minimising theft of fish from aquaculture operations.

I commend the measures to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 53A

The proposed new section 53A creates offences relating to trespassing on fish farms and interfering with fish within fish farms and equipment used in fish farming.

'Fish farm' is defined as the land and waters within the area subject to a lease or licence under section 53 of the Fisheries Act.

'Marked-off area' of a fish farm is defined as an area comprised of or within the fish farm the boundaries of which are marked off or indicated in the manner required under the terms of the lease or licence in respect of the fish farm.

Subsection (2) provides that the operator of a fish farm has a right of exclusive occupation of the marked-off area of the fish farm subject to the terms, covenants, conditions, limitations, etc., of the lease or licence.

A person will commit an offence (punishable by a maximum penalty of $2 000 or 6 months imprisonment) if the person has entered the marked-off area of a fish farm and having been asked by an authorised person to leave the area, fails (without reasonable excuse) to do so immediately or re-enters without the express permission of an authorised person or without a reasonable excuse.

'Authorised person' is defined as an operator of a fish farm or a person acting with the authority of an operator.

Further offences are created under the proposed new section:

- a person must not use offensive language or behave in an offensive manner while present in the marked-off area of a fish farm in contravention of the section (maximum penalty—$1 000)
- a person who is present in the marked-off area of a fish farm must not fail to give his or her name and address when asked to do so by an authorised person (maximum penalty—$1 000)
- an authorised person, having exercised a power under the proposed new section in relation to another person, must not fail to give his or her name and address and the capacity in which he or she is an authorised person when requested to do so by the other person (maximum penalty—$500)
- an authorised person must not address offensive language to, or behave offensively towards, a person in relation to whom the authorised person is exercising a power under the proposed new section (maximum penalty—$1 000)
- a person must not, without lawful excuse—
  - take or interfere with fish within the marked-off area of a fish farm; or
  - interfere with equipment that is being used in fish farming, including equipment that is being used to mark off or indicate the marked-off area of a fish farm

  (Subsection (7)).

(maximum penalty—imprisonment for 2 years)

- a person must not enter the marked-off area of a fish farm intending to commit an offence against subsection (7) in the area (maximum penalty—imprisonment for 1 year)
- a person must not falsely pretend, by words or conduct, to have the powers of an authorised person (maximum penalty—$500).

The section provides evidentiary assistance for a prosecution by providing that an allegation in the complaint that a person named in the complaint was, on a specified date, an authorised person in relation to a specified fish farm will be accepted as proved in the absence of proof to the contrary.

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

OVERSEAS QUALIFICATIONS BOARD

In reply to **Hon. P. NOCELLA** (21 March).

The Hon. R.I. LUCAS: My colleague, the Minister for Employment, Training and Further Education has provided the following response:

1. The South Australian Overseas Qualifications Board has been formed—members have been invited to take up their position on the board for a two year membership.

The Chair of the board has not yet been appointed. This is expected to be announced in the next week or two.

2. The South Australian Overseas Qualifications Board has an annual budget of $107 000.

SENIOR SECONDARY ASSESSMENT BOARD

In reply to **Hon. A.J. REDFORD:**

The Hon. R.I. LUCAS: The following information has been provided by SSABSA in supplement to the answers provided on 15 February 1996.

The scaling and aggregation process is conducted by SSABSA within the policy framework which is established by the three universities. It is a complex mathematical process which is designed to provide a higher education selection score which seeks to treat all students fairly, regardless of the subjects they studied.

The prime purpose of the standard, produced by SSABSA, is to support students in the understanding of the assessments which are within SSABSA jurisdiction. As a result, a detailed explanation of the calculation of the higher education points is not included. For people who wish to understand the underlying mathematical processes, an information sheet on scaling and aggregation is produced by the Scaling and Tertiary Entrance Review Consultative Committee. A copy of that information sheet is provided for information.

SSABSA does not plan to undertake a survey to determine the level of difficulty in understanding results, as the analysis of telephone and personal inquires for the 1995-96 results release cycle has revealed that there were many less questions about the results than in previous years. In 1995, 5 131 calls were received on the main inquires line in the first week, while in January 1996, 1 583 calls were received in the equivalent period.

The number of inquires relating to aggregation and scaling amounted to 454, and are issues that do not come under the jurisdiction of SSABSA. Given that in excess of 19 000 Stage 2 students receive results from SSABSA, these figures indicate increasing public understanding of the SACE and its requirements. A community education program has been identified as part of the SACE improvement strategy being undertaken by the board, to ensure that the level of understanding is maintained as the fine tuning to the SACE continues.

To accommodate the increase in telephone contact with SSABSA subsequent to the results release, the usual SSABSA lines were supplemented by an additional 15 telephone lines.

The scaling and aggregation procedures are within the jurisdiction of the universities of this State. SSABSA carried out the calculation within the policy framework established by these universities.

The scaling process is not regarded as a disincentive to students for the study of languages. It is the perception in the wider community that all languages are scaled down by the process. However, an analysis of the average scaled scores in languages has shown that for a considerable number of the languages, eg Latin, French, Chinese, Japanese, these average scores are higher than those for a number of non-language subjects.

In addition, it should be noted that as part of the scaling procedure, a special subject allowance is factored into the calculation to compensate for any excessive effects the scaling process may have on the language scaled score.

WATER SUPPLY

In reply to **Hon. SANDRA KANCK** (13 February).

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

1. Licences for the four wastewater treatment plants are held by SA Water and as such SA Water is responsible for obtaining all approvals from the EPA in relation to the conditions previously outlined SA Water is also responsible for the payment of the licence fees.

2. With regard to the payment of any fine or penalty that may be imposed by the EPA for a breach of any licence condition, the contract specifically states that United Water must comply with any EPA approval, whether obtained by United Water or by SA Water. Furthermore, the contract also includes indemnity clauses that ensures that SA Water does not bear the final cost for any fine or penalty due to any act or omission on the part of United Water which leads to a breach of licence conditions.

VIRGINIA PIPELINE

In reply to **Hon. R.R. ROBERTS** (19 March).

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

The South Australian Government is seeking the continuing support of the Commonwealth Government for this project.

The support of the South Australian Government for this project was demonstrated in the ministerial statement of 13 February 1996 by the Minister for Infrastructure. The South Australian Government is fast tracking an upgrade of the Bolivar Wastewater Treatment Plant at a capital cost of $32.5 million to ensure the increased availability of water resources to enable the expansion of economic production in the Virginia area.

PARLIAMENTARY SECRETARIES

In reply to **Hon. G. WEATHERILL** (20 March).

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

1. The Parliamentary Secretary will have the use of an existing office facility while undertaking the duties of the position.

2. No.

3. No.

4. The duties of the Parliamentary Secretary are to assist the Minister in the administration of the portfolio. The duties will include representation of the Minister at public functions, receiving deputations on behalf of the Minister and general liaison between the Minister's Office and the community.

CONSOLIDATED ACCOUNT

In reply to **Hon R.D. LAWSON** (27 March).

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

1. A budgeted payment of $422 million for the quarter ending 30 September 1994 was in relation to the Capitalisation of Bank of South Australia Limited, pursuant to State Bank of South Australia (Corporatisation) Act. There is no corresponding payment for the period to 30 September 1995. Further, there was a variation to the level of payments between years of $47.4 million under the South Australian Superannuation Scheme and $7.9 million under the Electricity Trust of South Australia Superannuation Scheme.

2. Yes, the note is considered to be a fair description of the expenditure under this item, as it is only intended to give examples of the total Payments authorised under various Acts. It is not intended to explicitly specify all payments.

3. The Treasurer has indicated that consideration will be given to further clarification by adding to the explanatory note such wording as '& Other Payments'.

GOODWOOD ORPHANAGE

In reply to **Hon. P. HOLLOWAY** (2 April).

The Hon. R.I. LUCAS: As I indicated in Hansard, the majority of questions have been answered, but the following specific information is provided to the honourable member's questions:

1. The portion of the site at The Orphanage Teachers Centre has not been declared surplus and therefore there was no obligation to offer the land to the Unley Council.

It is the Government's intention to sell 34% of the Orphanage site to Tabor College to enable the Orphanage Teachers Centre to have access to additional facilities to be built by Tabor College.

2. At the request of the Unley Council, the Development Assessment Commission has been approved by the Minister for Housing, Urban Development and Local Government Relations to be the relevant authority.

Ownership of the land will be transferred to Tabor College when approval of the subdivision of the site has been obtained and in accordance with legal and contractual obligations.

3. The Minister for State Government Services (as successor to the Minister of Public Works) gave written notice of termination to the Unley Council on 4 April, 1996 under Clause 15(1) of the 1982 joint use agreement.

4. Representatives of Tabor College in March, 1994.

Senior officers of DECS undertook the negotiations.

5. The co-operative arrangement means that DECS will be provided the use of the lecture theatres and classroom accommodation at no cost, apart from a contribution towards cleaning and other running costs.

TAXATION

In reply to **Hon. T. CROTHERS** (20 March).

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

1. We will be seeking assurances from the Commonwealth Government that any expenditure cuts should be targeted at eliminating overlap and duplication within the Commonwealth bureaucracy and streamlining administrative processes, including reducing the burden of unnecessarily detailed reporting and monitoring requirements.

This should result in savings and increased efficiency for both the Commonwealth and State Governments. We consider that there is considerable scope for savings within the Commonwealth bureaucracy to meet the requirements for expenditure cuts, without impacting unduly on State operations. It is not envisaged at this stage that there would need to be increased taxes or charges. The South Australian Government is committed to maintaining a competitive tax environment in this State.

2. Unemployment

Unemployment as such has a direct impact on outlays (primarily via benefit payments). However, to the extent that declining unemployment is associated with rising employment, it has a bearing on household income and revenue collections.

In the 1995-96 Federal Budget, the then Commonwealth Treasurer forecast revenue to rise by 12.8 per cent and strong expected growth in employment was one of the main explanations for this strength. In the Mid Year Review released in December 1995, the employment growth forecast was revised down from 3 per cent to 2.5 per cent, and this would have entailed some reduction in revenues.

Exports of Farm Produce

In general the Commonwealth Government does not impose taxes directly on exports. The rise in rural export volumes and some export prices in 1995-96 is associated with much improved levels of rural production and farm incomes, and this will boost income tax receipts. However, the impact related to exports is not quantifiable.

Improved Mineral Prices and Exports

Company profits in 1995-96 affect company taxes in 1996-97. No detail is provided in the budget papers of the impact of mineral prices and exports in this regard.

Petroleum royalties in 1995-96 were projected to rise in line with an expansion of the North West Shelf project.

3. Comparative figures compiled by the Commonwealth Grants Commission indicate that South Australia's revenue-raising capacity from State taxation bases is less than the Australian average. In 1994-95, South Australia's assessed revenue-raising capacity from taxation was 87 per cent of the average for all States and Territories. This was the lowest capacity of the mainland States, but greater than the estimate for Tasmania.

The Commonwealth Grants Commission takes this below average revenue-raising capacity into account in its assessments, which ultimately determines the State's share of Commonwealth general revenue grants.

The principle of Horizontal Fiscal Equalisation (HFE) on which the Commission's assessments are based, is a vital feature of Commonwealth-State financial relations. HFE is not only equitable but promotes economic efficiency. HFE is practised explicitly in most Federations, and implicitly takes place in nations with unitary systems of government. It ensures that States are not disadvantaged due to variations in their revenue-raising abilities and in their expenditure requirements, which reflect differences in their geographic, demographic and economic characteristics.

4. The Department for Transport advise that the upgrading of the Mount Barker Road is expected to continue as planned. It is their understanding that the Federal Coalition made a commitment to continue the project during the election campaign.

5. The South Australian and Northern Territory Governments have committed $100 million each to the project and the Korean Company Dawoo has stated that it can raise $500 million for the project. It is understood that the Alice Springs to Darwin rail link is still dependent of the commitment of the Federal Government of up to $300 million. Prior to the election this was dependent on the project being economically viable and Treasury and Finance have no information regarding any change of this position.

6. The SA Government will be seeking a fair and equitable share of Commonwealth tax revenues. As indicated in the answer to question 1, South Australia will be seeking assurances from the Commonwealth that it will not shift the burden of national fiscal adjustment on to the States, but will eliminate overlap and duplication and improve efficiency within the Commonwealth bureaucracy.

CONSTRUCTION INDUSTRY TRAINING BOARD

In reply to **Hon. A.J. REDFORD** (21 March).

The Hon. R.I. LUCAS: My colleague, the Minister for Employment, Training and Further Education, has provided the following response:

Before I provide the response to the questions posed by the honourable member I think it appropriate that I provide members of the Council with some background information on the Construction Industry Training Board (CITB).

The SA Construction Industry Training Fund (CITF) Act 1993 established the CITB on the 1 September 1993 as 'a body corporate with perpetual succession and a common seal' and, as such, is 'not a part of the Crown, nor is an agency or instrumentality of the Crown'.

The CITB is managed by an eleven member Board which comprises;

(a) a person nominated by the Minister, after consultation with relevant employer and employee associations, to be the presiding member of the Board;

(b) two persons nominated by the Minister, being persons who have appropriate experience in vocational education or training and who are or have been employed or engaged in the provision of such education or training;

(c) five persons nominated by relevant employer associations to represent the interest of employers in the building and construction industry;

(d) three persons nominated by relevant employee associations to represent the interests of employees in the building and construction industry.

The Mission of the CITB is to:

'. . . provide leadership and respond to the training needs of employers, trainees and employees in all sectors of the SA Building & Construction Industry. It does this to improve individual career paths and industry competitiveness by researching, funding and monitoring training through consulting with key stake holders and providing industry-driven advice.'

Since the 1 September 1993 the CITB has been successful in addressing the skill needs of the SA building and construction industry. Over the last two years the CITB has helped boost apprenticeship numbers in the SA building and construction industry by almost 200, taking the number of apprenticeship commencements from approximately 300 to more than 500. The CITB has also funded a wide range of post-entry level training programs across the industry with many thousands of participants receiving funding support to attend these programs. Programs have also been conducted in both metropolitan Adelaide and SA regional areas.

The CITB has also assisted in funding the establishment of new industry skills centres such as the Civil Construction Skills and Technology Centre at Dry Creek and the Netley Skills Centre at Netley.

With regard to the honourable member's specific questions:

1. The Board of the Construction Industry Training Board (CITB) is currently preparing its Annual Training Plan for 1996-97. The Construction Industry Training Fund Act 1993 requires that the CITB must 'prepare a training plan for the purpose of improving the quality of training, and to increase the level of skills, in the building and construction industry across all skill areas.'

The Annual Training Plan is currently being prepared by the CITB with considerable input from its Sector Standing Committees, the Specialist Services Sub Committee and supplemented by research conducted by the Housing Industry Association, the Civil Construction Skills and Technology Centre and the CITB. In 1996-97 the plan will provide for the expenditure of almost $5.5 million.

The CITB is required by the Act to submit the 1996-97 Plan to the Minister for Employment, Training and Further Education for approval.

2. The Board of the CITB has taken action to address the matter of the qualification of its 1993-94 and 1994-95 Annual Audit

Reports. Representatives of the SA Auditor-General's Office have been advised of the action taken, or to be taken. They are satisfied that compliance with the procedures recommended should permit an unqualified and sound 1995-96 Annual Audit Report.

The direct actions taken include:

a. The signing of a Memorandum of Agreement between the CITB and the Local Government Association (LGA) of South Australia. It should be noted that Local Government Councils are the majority of the CITB's Collection Agents.

b. The CITB is making direct contact with South Australian Local Government Councils to assist them with ensuring they comply with the requirement to provide audited statements.

All indications are that the CITB is performing satisfactorily and that it is achieving its stated mission. I look forward to the tabling in this House in September of this year the CITB Annual Report for the current year. I call on all members to support the important work that is being carried out for the benefit of the South Australian building and construction industry, and the wider community, by the CITB.

QUEEN ELIZABETH HOSPITAL

In reply to **Hon. T.G. CAMERON** (27 March).

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

The Government has appointed Mr Philip Fargher as Project Moderator for The Queen Elizabeth Hospital Development Project.

Mr Fargher is a Chartered Professional Engineer and Arbitrator with extensive experience in the (prudential) management of major infrastructure projects and in public and private sector tendering.

Mr Fargher has had similar experience as an independent umpire in major transactions involving parties in bidding, negotiation and contracting.

Mr Fargher will be advised on legal matters relating to the prudential management of the Project by Mr Chris Legoe QC, a retired Justice of the State Supreme Court.

The position of Project Moderator is not a full time position. Mr Fargher lives in Adelaide and will be available for the Project as required. If the Government decides to proceed to Requests for Proposals, there will be periods when the Project Moderator is required extensively and there will be periods when the call on his time is expected to be slight. However, the important thing is that he will be available, on request, in Adelaide until the confirmation on contracts, if any.

The Project Moderator will have extensive authority with regard to equity and probity matters. The Moderator will oversee the bidding process and may be appealed to by any party in respect of any matter pertaining to equity or probity. The Moderator will consider all matters raised and give written determinations with reasons.

Mr Fargher will have direct access to the Minister for Health as required.

In reply to **Hon. T.G. ROBERTS** (27 March).

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

1. Thirteen submission have been received, a number of them including other parties as part of consortium.

The Minister for Health has been advised that Kaiser Permanente has not put in an Expression of Interest, either as a principal or as part of a consortium.

It is inappropriate to name all of the parties who have registered at this stage. The Expressions of Interest are being evaluated and in due course, an announcement will be made about the response to the Expressions of Interest call and on the outcomes of the Expressions of Interest evaluation.

2. The primary purpose of the Minister for Health visiting the United States of America was to participate in a major invitation-only international conference on health care management entitled 'Shaping the future: Making Virtual a Reality'.

Whilst in the United States for the conference, the Minister took the opportunity to meet with a range of local health care and information technology providers, including Kaiser Permanente, Silicon Graphics, Columbia Health Care and Medline.

At both the conference and in his meetings with health care providers, the Minister was looking for opportunities which will enhance South Australia's delivery of health care, add value to our information technology industry and foster export opportunities in both health care and information technology, particularly in the Asia and Pacific regions.

CENTRE FOR LANGUAGES

In reply to **Hon. P. NOCELLA** (28 March).

The Hon. R.I. LUCAS: My colleague, the Minister for Employment, Training and Further Education has provided the following response:

1. Arabic 3 and Russian 3 are being conducted in 1996 to honour arrangements to continuing students. In both cases, funds (of $25 000 for each language) have been provided by the South Australian government, through the Centre for Languages, to conduct these language subjects. The University of Adelaide and the Flinders University of SA are delivering the subjects through the hosted languages arrangements commenced by the South Australian Institute of Languages three years ago.

I remind members of the Council that the ministerial statement announcing the establishment of the Centre for Languages (30 November 1995) refers to '. . . programs such as the 'hosted language' programs in Russian and Arabic introduced thanks to Mr Rubichi's efforts are continuing, and the new Centre will carefully assess the value of those courses and others of SAIL's activities, with a view to retaining and developing those which have potential to enhance languages teaching.

The funding arrangements established in the 1994-96 triennium, through the former South Australian Institute for Languages, provided guaranteed funding only for the completion of a three year cohort of students in Russian and Arabic. This year sees the completion of the three year cohort and the government's commitment to the guarantee of the delivery of Russian and Arabic. The formation of the Centre for Languages did not change these arrangements and in fact has strengthened the planning processes for the delivery of languages in the tertiary education sector.

The Centre for Languages Management Committee, with representation from each of the member institutions, has the responsibility to identify through appropriate planning processes the need for future language development in the tertiary education sector and to identify the funding arrangements for those plans.

2. The South Australian Institute for Languages, previously operating under the Vocational Education, Employment and Training Act, was disestablished on November 30. The Centre for Languages was subsequently formed through agreement by the Vice Chancellors of each of the universities and the Chief Executive of DETAFE.

The primary task for the Centre for Languages is to facilitate the establishment of collaborative arrangements between the tertiary education institutions and to ensure appropriate levels of resources for the teaching of languages which will:

- strengthen support for the development of the state's trade and commercial languages;
- preserve and strengthen community languages spoken by South Australians;
- protect and foster Aboriginal tribal languages.

These new arrangements give ownership to the tertiary institutions for the coordinated development and expansion of languages, which the former SAIL did not allow. A Management Committee has been formed which includes, in the first instance, representation from each of the partners. The Centre therefore has the capacity and responsibility to ensure that appropriate resources are available for its activities and to foster collaborative arrangements across the tertiary sector to achieve the objectives listed above. A full-time Executive Officer has also been appointed. This salary will be met by the Department for Employment, Training and Further Education for the first three years of the Centre, until November 30 1997.

Significant government resources have been channelled in 1996 to the establishment of the Centre, in the order of $160 000, made up of:

SAIL accounts for 1995	$54 000
Arabic and Russian 3 for 1996	$52 500
Executive officer and contingencies	$50 000 per annum

In addition, DETAFE is providing accommodation for the Centre and other line management support. A study abroad scheme is being funded by $50 000 from SAIL proceeds.

There has been no direct financial support from the universities at this stage.

The Management Committee is chaired by Professor Michael Rowan, Head Faculty of Humanities and Social Sciences. He has developed a structured agenda and work plan for the Committee

which includes the identification of a series of projects which will support the development of language programs in the state, identification of tertiary language needs and appropriate resourcing issues, including sponsorship and funding from the universities and DETAFE. The Study Abroad Scheme will also be developed and managed by the Centre.

QUEEN ELIZABETH HOSPITAL

In reply to **Hon. R.R. ROBERTS** (27 March).

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

1. The primary purpose of the Minister for Health visiting the United States of America was to participate in a major international conference on health care management.

The Minister was invited to attend an International Health Management Conference entitled 'Shaping the future: Making Virtual a Reality'.

The conference had an outstanding selection of speakers talking about the likely directions of health care using the emerging information and network technologies. Great opportunities exist to improve access to services, the effectiveness of care processes and consumer involvement by the application of currently available information and network technology.

One of the keynote speakers was Dr C. Everett Koop, United States Surgeon General from 1981 to 1989, who spoke on 'Networking Health Information for the Public'.

Attendees at the conference were by invitation only and included a large cross section of health administrators and Chief Executives from not only the United States of America but other international health systems as well, thus providing opportunities to understand key developments in other health systems.

A number of Australian health administrators were invited. However, the fact that Minister Armitage was the only Australian Minister for Health invited indicates South Australia's growing international stature as a centre for both information technology and innovative health management.

2. Whilst in the United States for the 'Shaping the Future: Making Virtual a Reality' conference, the Minister took the opportunity to meet specifically with a range of local health care and information technology providers, including Kaiser Permanente, Silicon Graphics, Columbia HealthCare and Medline.

At both the conference and in his meeting with health care providers, the Minister was looking for opportunities which will enhance South Australia's delivery of health care, add value to our information technology industry and foster export opportunities in both health care and information technology, particularly in the Asia and Pacific regions.

Kaiser Permanente is a leader in the application of information technology to the delivery of health care. The Minister was keen to assess some of their initiatives and his briefing included Kaiser's:

- telephone medical advice centre
  providing 24 hour, seven day a week medical advice
- Patient Data management system
  which greatly reduces the administrative burden on caregivers in terms gathering information for patient records and care planning.
- Consumer Health Information Initiatives.

ADJOURNMENT

At 7 p.m. the Council adjourned until Thursday 30 May at 2.15 p.m.