LEGISLATIVE COUNCIL

Tuesday 4 June 1996

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

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to question No. 72 be distributed and printed in *Hansard*.

ELECTRICITY TRUST EMPLOYEES

72. **The Hon. R.R. ROBERTS:** As at 30 June in 1992, 1993, 1994 and 1995, what were the number, classification and location of employees in non-metropolitan areas carrying out duties formerly performed by the traditional ETSA inspection group prior to the progressive restructuring of the work force?

The Hon. R.I. LUCAS: The information requested is presented in Appendix 2 (attached).

Appendix 2

Location	Classification	Number of Employees
Adelaide	Elect Inspect Gr 1	1
Angle Park	Elect Inspect Gr 1	4
Angle Park	Elect Inspect Gr 3	1
Angle Park	Electrical Fitter	3
Angle Park	Trade Skill Worker Gr 3	1
Angle Park	Trade Skill Worker Gr 4	5
Angle Park	Trade Skill Worker Gr 5	1
Barmera	Trade Skill Worker Gr 3	3
Bordertown	Elect Inspect Gr 2	1
Ceduna	Elect Inspect Gr 2	1
Ceduna	Trade Skill Worker Gr 3	1
Clare	Elect Fitter 3601	1
Clare	Electrical Fitter	2
Clare	Electrician Sp Cl	1
Clare	Elect Mechanic	2
Coonalpyn	Elect Inspect Gr 2	1
Elizabeth	Elect Inspect Gr 1	4
Elizabeth	Elect Inspect Gr 2	2
Elizabeth	Trade Skill Worker Gr 3	1
Elizabeth	Trade Skill Worker Gr 4	5
Gladstone	Elect Inspect Gr 2	1
Gladstone	Elect Mechanic 3623	1
Holden Hill	Elect Inspect Gr 2	1
Kadina	Elect Mechanic 3623	1
Kadina	Elect Inspect Gr 2	1
Loxton	Elect Inspect Gr 2	1
Magill	Elect Inspect Gr 1	5
Magill	Elect Inspect Gr 2	2
Magill	Trade Skill Worker Gr 3	6
McLaren Vale	Trade Skill Worker Gr 3	1
Mile End	Elect Inspect Gr 1	2
Mile End	Elect Inspect Gr 2	1
Mile End	Elect Inspect Gr 3	1
Mile End	Trade Skill Worker Gr 3	6
Millicent	Elect Inspect Gr 2	1
Mt Barker	Elect Inspect Gr 2	1
Mt Barker	Trade Skill Worker Gr 3	4
Mt Gambier	Elect Inspect Gr 2	1
Mt Gambier	Trade Skill Worker Gr 3	4
Mt Gambier	Trade Skill Worker Gr 4	5
Murray Bridge	Supervising Inspector Gr 2	1
Murray Bridge	Trade Skill Worker Gr 3	2
Naracoorte	Elect Inspect Gr 2	1
Naracoorte	Trade Skill Worker Gr 3	1
Noarlunga	Elect Inspect Gr 1	2
Noarlunga	Elect Inspect Gr 2	1
Noarlunga	Trade Skill Worker Gr 3	6
Norwood	Elect Inspect Gr 3	1
Port Lincoln	Elect Inspect Gr 2	1
Port Lincoln	Trade Skill Worker Gr 3	6
Port Lincoln	Elect Inspect Gr 1	1
Port Pirie	Elect Inspect Gr 2	1
Port Pirie	Elect Mechanic	1
Pt Augusta	Elect Inspect Gr 2	1
Pt Augusta	Elect Mechanic 3623	1
Pt Augusta	Supervising Inspector Gr 2	1
St Marys	Elect Inspect Gr 1	2
St Marys	Trade Skill Worker Gr 3	2
St Marys	Elect Inspect Gr 2	2
St Marys	Trade Skill Worker Gr 4	2
St Marys	Trade Skill Worker Gr 5	1
Strathalbyn	Elect Inspect Gr 2	1
Strathalbyn	Trade Skill Worker Gr 3	1
Victor Harbor	Elect Inspect Gr 2	1
Waikerie	Elect Inspect Gr 2	1
Whyalla	Elect Inspect Gr 2	1
Whyalla	Elect Mechanic	1
Yorketown	Electrical Fitter	1
Total		131

Location	Classification	Number of Employees
Angle Park	Elect Inspect 3	1
Angle Park	Trade Skill Worker Gr 3	1
Angle Park	Trade Skill Worker Gr 4	8
Angle Park	Trade Skill Worker Gr 5	1
Angle Park	Elec Insp 1	3
Barmera	Trade Skill Worker 3	1
Barmera	Trade Skill Worker 4	3
Bordertown	Elect Inspect 2	1
Ceduna	Elect Inspect 2	1
Ceduna	Trade Skill Worker 4	1
Clare	Trade Skill Worker 1	1
Clare	Trade Skill Worker 4	6
Coonalpyn	Elect Inspect 2	1
Elizabeth	Elect Inspect 1	3
Elizabeth	Elect Inspect 2	2
Elizabeth	Trade Skill Worker 2	1
Elizabeth	Trade Skill Worker 4	6
Gawler	Trade Skill Worker 2	1
Gladstone	Elect Inspect 2	1
Gladstone	Trade Skill Worker 4	1
Holden Hill	Trade Skill Worker 2	1
Holden Hill	Elect Inspect 2	1
Kadina	Elect Inspect 2	1
Kadina	Trade Skill Worker 3	1
Loxton	Elect Inspect 2	1
Magill	Elect Inspect 1	2
Magill	Trade Skill Worker 2	1
Magill	Trade Skill Worker 3	1
Magill	Trade Skill Worker 4	6
McLaren Vale	Trade Skill Worker 5	1
Mile End	Elect Inspect 3	1
Mile End	Elect Inspect 1	2
Mile End	Elect Inspect 2	1
Mile End	Trade Skill Worker 4	5
Millicent	Elect Inspect 2	1
Mt Barker	Elect Inspect 2	1
Mt Barker	Trade Skill Worker 4	3
Mt Barker	Trade Skill Worker 5	2
Mt Gambier	Trade Skill Worker 2	1
Mt Gambier	Trade Skill Worker 3	1
Mt Gambier	Trade Skill Worker 4	3
Mt Gambier	Trade Skill Worker 5	2
Mt Gambier	Elect Inspect 2	1
Murray Bridge	Elect Inspect 2	1
Murray Bridge	Supervising Inspect 2	1
Murray Bridge	Trade Skill Worker 3	1
Murray Bridge	Trade Skill Worker 4	1
Naracoorte	Trade Skill Worker 4	2
Noarlunga	Elect Inspect 1	3
Noarlunga	Elect Inspect 2	1
Noarlunga	Trade Skill Worker 4	3
Noarlunga	Trade Skill Worker 5	3
Norwood	Elect Inspect 3	1
Port Augusta	Elect Insp 2	1
Port Augusta	Supervising Inspect 2	1
Port Augusta	Trade Skill Worker 4	1
Port Lincoln	Elect Inspect 2	1
Port Lincoln	Trade Skill Worker 4	4
Port Pirie	Elect Inspect 2	1
Port Pirie	Trade Skill Worker 4	1
St Marys	Elect Inspect 1	2
St Marys	Trade Skill Worker 3	2

St Marys	Trade Skill Worker 4	2
St Marys	Trade Skill Worker 5	1
St Marys	Elect Insp 2	2
Strathalbyn	Elect Insp 2	1
Victor Harbor	Elec Insp 2	1
Victor Harbor	Trade Skill Worker 2	1
Waikerie	Elect Inspect 2	1
Whyalla	Elect Inspect 2	1
Whyalla	Trade Skill Worker 4	1
Yorketown	Trade Skill Worker 4	1
Total		132

Location	Classification	Number of Employees
Adelaide	Elect Inspect 3	1
Angle Park	Elect Inspect 1	2
Angle Park	Elect Inspect 3	1
Angle Park	Trade Skill Worker 3	1
Angle Park	Trade Skill Worker 4	10
Angle Park	Elect Inspect 2	1
Barmera	Trade Skill Worker 3	1
Barmera	Trade Skill Worker 4	3
Bordertown	Elect Inspect 4	1
Ceduna	Elect Inspect 4	1
Ceduna	Trade Skill Worker 4	1
Clare	Trade Skill Worker 4	4
Coonalpyn	Elect Inspect G4	1
Elizabeth	Elect Inspect 1	1
Elizabeth	Elect Inspect 2	1
Elizabeth	Trade Skill Worker 2	1
Elizabeth	Trade Skill Worker 4	3
Gawler	Elect Inspect 1	1
Gawler	Trade Skill Worker 4	2
Gladstone	Trade Skill Worker 4	1
Holden Hill	Elect Inspect 1	2
Holden Hill	Elect Inspect 2	2
Holden Hill	Trade Skill Worker 3	1
Holden Hill	Trade Skill Worker 4	4
Kadina	Trade Skill Worker 3	2
Loxton	Elect Inspect G4	1
Magill	Elect Inspect 1	2
Magill	Elect Inspect 2	1
Magill	Trade Skill Worker 2	2
Magill	Trade Skill Worker 4	3
Mt Barker	Elect Inspect 2	1
Mt Barker	Elect Inspect G4	2
Mt Barker	Trade Skill Worker 4	2
Mt Gambier	Elect Inspect G4	2
Mt Gambier	Trade Skill Worker 3	1
Mt Gambier	Trade Skill Worker 4	1
Murray Bridge	Elect Inspect 4	1
Murray Bridge	Trade Skill Worker 3	1
Murray Bridge	Trade Skill Worker 4	1
Noarlunga	Elect Inspect 3	1
Noarlunga	Elect Inspect G4	3
Port Lincoln	CSO—Electrical	1
Port Lincoln	Elect Inspect 2	1
Port Lincoln	Trade Skill Worker 3	1
Port Lincoln	Trade Skill Worker 4	3
Port Pirie	Cust Servs Officer G4	1
Port Pirie	Elect Inspect G4	1
Pt Augusta	Elect Inspect 2	1
Pt Augusta	Trade Skill Worker 2	1
Pt Augusta	Trade Skill Worker 3	1
Pt Augusta	Trade Skill Worker 4	1
St Marys	Elect Inspect 2	1
St Marys	Elect Inspect 3	4
St Marys	Trade Skill Worker 3	2
St Marys	Trade Skill Worker 4	6
Victor Harbor	Elect Inspect G4	1
Waikerie	Elect Inspect G4	1
Whyalla	Elect Inspect G4	1
Whyalla	Trade Skill Worker 3	1
Whyalla	Trade Skill Worker 4	1
Yorketown	Trade Skill Worker 4	1
Total		105

Location	Classification	Number of Employees
Angle Park	CSO—Electrical	1
Angle Park	CSO—Retail	2
Angle Park	Trade Skill Worker 3	1
Angle Park	Trade Skill Worker 4	8
Angle Park	Trade Skill Worker 5	1
Barmera	Trade Skill Worker 3	1
Barmera	Trade Skill Worker 4	1
Barmera	Trade Skill Worker 5	1
Bordertown	CSO—Electrical	1
Ceduna	Trade Skill Worker 4	1
Clare	Trade Skill Worker 4	3
Elizabeth	Trade Skill Worker 2	2
Elizabeth	Trade Skill Worker 4	3
Gawler	CSO—Retail	1
Gawler	CSO—Retail	1
Gawler	Trade Skill Worker 4	2
Gladstone	Trade Skill Worker 4	1
Holden Hill	CSO—Electrical	5
Holden Hill	CSO—Retail	3
Holden Hill	Trade Skill Worker 2	1
Holden Hill	Trade Skill Worker 3	1
Holden Hill	Trade Skill Worker 4	7
Kadina	Trade Skill Worker 3	2
Magill	Trade Skill Worker 4	1
Morphett Vale	CSO—Electrical	2
Morphett Vale	CSO—Retail	2
Morphett Vale	Trade Skill Worker 5	4
Mt Barker	CSO—Electrical	1
Mt Barker	CSO—Electrical	1
Mt Barker	CSO—Retail	1
Mt Barker	Trade Skill Worker 5	1
Mt Gambier	CSO—Electrical	1
Mt Gambier	CSO—Electrical	2
Murray Bridge	CSO—Electrical	1
Murray Bridge	CSO—Electrical	1
Murray Bridge	Trade Skill Worker 3	2
Murray Bridge	Trade Skill Worker 4	1
Naracoorte	Trade Skill Worker 4	1
Port Lincoln	CSO—Electrical	1
Port Lincoln	Trade Skill Worker 3	1
Port Lincoln	Trade Skill Worker 4	2
Port Pirie	Elect Inspect G4	1
Port Pirie	Trade Skill Worker 3	1
Pt Augusta	Trade Skill Worker 3	1
Pt Augusta	Trade Skill Worker 4	1
St Marys	CSO—Electrical	3
St Marys	CSO—Retail	3
St Marys	Trade Skill Worker 4	6
St Marys	Trade Skill Worker 5	3
St Marys	Trade Skill Worker 3	1
Victor Harbor	CSO—Electrical	1
Victor Harbor	Trade Skill Worker	2
Victor Harbor	Trade Skill Worker 5	1
Waikerie	Elect Inspect G4	1
Whyalla	Elect Inspect G4	1
Whyalla	Trade Skill Worker 2	1
Whyalla	Trade Skill Worker 4	1
Yorketown	Trade Skill Worker 4	1
Total		104

PAPERS TABLED

The following papers were laid on the table:

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

Reports—

Department for Employment, Training and Further Education—Report and Corporate Review, 1995

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

Corporation By-laws—Salisbury—No. 6—Dogs

District Council By-laws—

Dudley—

No. 1—Permits and Penalties

No. 2—Streets and Public Places

No. 3—Street Traders

No. 4—Moveable Signs.

No. 5—Garbage Removal

No. 6—Heights of Fences near Intersections

No. 7—Parklands

No. 8—Caravans, Tents and Camping
No. 9—Creatures
No. 10—Nuisances
No. 11—Vehicles kept or let for Hire
No. 12—Foreshore
Millicent—
No. 2—Moveable Signs
No. 5—Council Land.

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.

Leave granted.

The Hon. CAROLYN PICKLES: On 21 March the Minister for Education and Children's Services told the Council that he would 'have to check whether the Pulteney Grammar School has expressed any interest in the purchase of the Gilles Street school'. This appears to be a case of very serious memory loss by the Minister. On 6 February 1995 the Minister's office received a letter from the Headmaster of Pulteney Grammar advising him that, after discussions with the Chief Executive Officer of DECS, the school wanted to present to the Minister personally its interest in acquiring the site. The Minister saw the letter and wrote on it. I quote from the Minister's own note as follows:

> Can we draft a sensitive letter in response? MECS (Minister) believes inappropriate at this stage to meet to discuss issue. Thank you for advising me of your interest.

So, it is clear that the Minister did have some inkling that the Pulteney Grammar School was interested in purchasing the Gilles Street school. My question is: why did the Minister fail to inform the Council of the meeting between Pulteney Grammar and DECS in October 1995 and that the Headmaster of Pulteney Grammar had written to him?

The Hon. R.I. LUCAS: On that occasion, I indicated that I would have to check my own and departmental records to see whether or not Pulteney Grammar had expressed an interest. When I did so, I ascertained that it had expressed an interest. The *Hansard* record of that question indicates that I said something along the lines of, 'It wouldn't surprise me, given that Pulteney Grammar is next door to the school, that it might be interested.' If the Leader of the Opposition would like to go back to the *Hansard* record and quote that part of it, she will see that I indicated quite clearly that it would not surprise me—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, I had no discussions—that Pulteney Grammar, being next door, might have expressed some interest in the purchase of Gilles Street. I indicated that in my answer to the question. I went back to check the records and I ascertained that Pulteney Grammar had written to me but that I had made a note that it was inappropriate for me even to meet with Pulteney Grammar until I had decided whether or not the school would even be available. As it turned out, a decision was taken not to declare Gilles Street surplus. Therefore, the possible interest of Pulteney Grammar in purchasing Gilles Street did not have to be taken into consideration.

I also indicated in that answer that I thought that a number of groups of people had expressed some interest in a number of sites, not just Gilles Street. As I understand it now, some informal interest was expressed in Sturt Street and potentially Parkside during the progress of that review. If any submission had been made to me about the other sites, my response would have been exactly the same as in relation to Gilles Street: it would be inappropriate for anyone to meet with me as Minister for Education until I had made the decision whether any of the sites were to be declared surplus and, if any site were to be declared surplus, which particular site that might be. That was the position I adopted. I advised a member of my staff to reply in writing to Pulteney Grammar and indicate that it was inappropriate and that I was unprepared to do so. As the *Hansard* record demonstrates, when this question was first asked I indicated that these issues are not taken into consideration when decisions are taken as to which particular school—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, I said I would check; that is what I said. I said that it would not surprise me if Pulteney Grammar had expressed some interest. I do not think that anyone could be any more honest than that. It would not have surprised me if Pulteney Grammar had expressed some interest, as indeed it had. If I can recall that occasion, I think one of my colleagues might have interjected indicating that a public statement had been made during the last week or so by Pulteney indicating that it either was not interested or had not expressed an interest, or words to that effect. As it turned out, either the City Messenger Press misreported the representative of Pulteney Grammar or some other error was made in relation to that report, because clearly Pulteney Grammar had expressed some interest at an earlier stage in relation to—

The Hon. Carolyn Pickles: Had you forgotten this?

The Hon. R.I. LUCAS: No, I hadn't forgotten. I said that I would check and that it would not surprise me if Pulteney Grammar had expressed some interest in the site.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I said that I would have to check and that it would not surprise me if it had expressed some interest.

AIR QUALITY

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 air quality and health.

Leave granted.

The Hon. T.G. ROBERTS: A conference held in Sydney over the past few days examined some aspects of community health, particularly those relating to air quality and some of the problems associated with the community's exposure to air that is heavily polluted. Tests are being carried out on the quality of inner metropolitan Sydney and Brisbane air, and I understand that the results thereof have been carried over awaiting the results of tests on the impact of that air quality on potential health problems, particularly those associated with lung and asthma health risks.

I have asked questions in this Chamber on previous occasions in relation to air quality and asthma, as well as air quality in relation to the potential for other lung disorders. I am not quite sure why a study must be carried out in each metropolitan area: one would think that the tests in one metropolitan area would carry over to another. I know that wind direction, speed, etc., have some impact on air quality, but there is not much difference between the inner metropolitan areas of Sydney, Brisbane, Melbourne, Adelaide, Perth

and Hobart. I understand that independent tests carried out by various departments and bodies in each State have come up with almost the same results. Comparisons between Sydney, Brisbane and Hobart which were highlighted in a recent news article on the ABC showed some alarming results.

An article appeared in the *Portside Messenger* on Wednesday 29 May headlined 'LeFevre lung cancer four times higher than the east'. The article made comparisons between various geographical regions within Adelaide, and this would lead one to conclude that some tests and result matching is being done. That article is very informative and needs to be read in conjunction with the reports emanating from the Eastern States. My concerns are the same as those held by every member in this Chamber, in that there appears to be a strong correlation between air quality, lung respiratory diseases and asthma. My questions are:

1. Is Adelaide air quality being subjected to the same stringent quality and health tests as are being undertaken in Sydney, Brisbane and Hobart, as reported on the ABC?

2. If testing is being done or contemplated, will the quality of air and health studies be broken down into geographical areas, given the results of the LeFevre tests and the matching of those tests with tests carried out in the eastern suburbs?

3. If the tests are being done, will they include the regional areas of Whyalla, Port Pirie, Port Augusta and Mount Gambier?

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

KOALAS

In reply to **Hon. M.J. ELLIOTT** (20 March) and answered by letter on 23 May.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

The Minister for the Environment and Natural Resources wishes to make it quite clear that he is aware of the potential environmental problems associated with the relocation of koalas from Kangaroo Island which have been raised by the honourable member. It is just for such reasons that the Minister has established a task force to examine in detail the management options for the Kangaroo Island koalas.

The task force will address the matter of relocating koalas to mainland South Australia and interstate and will consider such aspects as the prior natural distribution of koalas within the State, the availability and extent of suitable habitat, the animal welfare concerns associated with the capture, transport and release of koalas, the genetics of the Kangaroo Island population and the potential problems associated with poisoning by bush ticks and the disease chlamydia, which causes infertility in many eastern states koala populations.

The task force membership includes a range of conservation, scientific, animal welfare and community interests and is chaired by Professor Hugh Possingham from the Department of Environmental Science and Rangeland Management, University of Adelaide.

No decisions will be made regarding the relocation of koalas from Kangaroo Island until the Minister has considered the recommendations of the task force.

CIVIL ENFORCEMENT COSTS

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about civil enforcement costs.

Leave granted.

The Hon. R.R. ROBERTS: I have been advised by people involved in local government of a recent case before the Environment, Resources and Development Court under section 85 between the City Council of Mount Gambier and a private company. The council obtained the orders which it sought and then applied to the court for an order for costs. Judge Bowering found that, where an applicant is a council, neither the Environment, Resources and Development Court Act nor the Development Act contain any provisions authorising the court to make an order for costs in favour of the council. The judge therefore reluctantly found that he could not make such an order but, in his judgment, indicated that if it were within his power to make such orders in these matters he would rule in that way.

People in local government are anxious about this matter because this was an issue dealing with the use of land in a way that was contrary to the application. As part of his portfolio Bills, does the Attorney-General intend to address the recovery of costs by councils in respect of the Environment, Resources and Development Act and the Development Act?

The Hon. K.T. GRIFFIN: The answer is simply 'Yes.' It will be introduced in a Bill tomorrow. I also point out that it was in the Bill to amend the Development Act which the Opposition and the Australian Democrats threw out in the last session.

PATAWALONGA

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about the Patawalonga Catchment Management Plan.

Members interjecting:

The PRESIDENT: Order! I cannot hear the questioner.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to the revised initial Patawalonga Catchment Management Plan Consultation Supplement, which will be available publicly shortly. Of particular note is the supplement's response to the possible diversion of the Patawalonga via a new channel straight out to sea at West Beach. A submission within that report makes the following observation:

> The combined effect on water quality of the proposed upstream basins would only cover the loss of the Patawalonga's current detention function.

This is saying that the money being spent on wetlands and detention basins—

The PRESIDENT: Order! The honourable member is putting opinion into this. It is irrelevant to the question.

The Hon. M.J. ELLIOTT: The Government is spending $4 million on catchment retention basins and on wetlands in the Upper Sturt Creek alone and proposing at least that equivalent elsewhere.

Members interjecting:

The Hon. M.J. ELLIOTT: Wait a second; let me finish. I am not allowed to express an opinion, anyway.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Also under the Better Cities Program the Government is spending about $4.6 million on the clean-up of the Patawalonga itself. Ratepayers within the Patawalonga catchment—and I must declare a vested interest in being one of them—will be paying $2 million a year in levies towards the construction of these works. According to the submission made in this report, the final effect of the works is that the water flowing out to sea will be no cleaner

than it currently is. The one change is that the Patawalonga will be clean and will then be used to generate significant private profit. How does the Government justify this significant expenditure of public money if the end result is that the level of contamination entering the gulf is ultimately unchanged but is leaving through a new mouth rather than going out the mouth of the Patawalonga?

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

SPEED DETECTION DEVICES

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Deputy Premier, a question about speed cameras.

Leave granted.

The Hon. G. WEATHERILL: The Hon. Julian Stefani raised these issues about speed cameras *ad nauseam* when they were placed on private land as a means of catching people as a revenue raiser. He raised this issue when the Labor Government was in power and I raise it now that the Liberal Government is in power. Most countries throughout the world have speed zones where they have signs saying, 'This is a radar zone' and, if a person is picked up, it is their tough luck. Victoria does the same, but in South Australia we have speed cameras in place and 100 or 200 yards past the camera is a sign saying 'Speed camera in use.' If this is not a revenue raiser, what is it? In my opinion, it is unfair on the drivers in this State.

The Hon. R.I. LUCAS: There is a simple answer to that: it is a safety measure to try to save the lives of all South Australians—particularly young South Australians—who die each and every day or who suffer horrific injuries as a result of speed and speed-related crashes. For a more comprehensive response, I will refer the honourable member's question to the Minister and bring back a reply.

The Hon. G. WEATHERILL: Is it not easier to warn people prior to their going through speed cameras, just to remind them of the speed zone?

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

CRIME

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General a question about robberies in South Australia.

Leave granted.

The Hon. J.C. IRWIN: Yesterday, the Director of the Australian Institute of Criminology announced that South Australia has the highest rate of robberies in the country. He said that new figures show that robbery rates have almost trebled in the past decade. This sounds alarming and, not surprisingly, it received a great deal of attention in the media. Many agencies collect crime figures, and I wonder how the institute's statistics compare with those from the police, the Office of Crime Statistics, the Australian Bureau of Statistics, victims of crime surveys, and so on. My questions to the Attorney-General are:

1. What does he make of the figures released yesterday which reveal the highest robbery rate in the country?

2. How do they compare with the figures from other agencies?

The Hon. K.T. GRIFFIN: One always has to be very careful about the way in which one uses statistics, particularly crime statistics.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: In Opposition, we were quite restrained. Of course, the Hon. Mr Sumner sought to detract attention from crime statistics on the basis that it depends on how you interpret them, what the basis is for collection, and so on. The same applies equally to statistics in relation to robbery. I was concerned about that headline, and we were not able to ascertain the source of the information presented by the Director of the Australian Institute of Criminology. As the honourable member will know, there is an Office of Crime Statistics in the Attorney-General's Department, and it does have a very high reputation not only in this State but around Australia, and it draws upon police statistics, Australian Bureau of Statistics surveys, victim surveys and a variety of other information to try to get information about both standardised rates of crime across Australia as well as a proper picture of the level of crime.

In interpreting those statistics, released by the Australian Institute of Criminology, there are a couple of points to be made. First, they relate only to offences which come to the notice of police or which are reported to police. That is to be contrasted with all offences which actually occur within the community. The 1995 victimisation survey, conducted by the Australian Bureau of Statistics, showed that only 54 per cent of victims of robberies in this State reported the most recent offence to police. That has some significant implications for any study which seeks to compare figures across jurisdictions or within the one jurisdiction over a period of time. The reporting levels may vary between States and also within one State over a period of time, and that may influence the number of offences coming to the official notice of police.

Then there is another issue about the definition of robbery. There is a lack of standardised definitions for offence categories from one jurisdiction to another, and that does make cross-jurisdictional comparisons difficult and, frequently, inaccurate. For example, the police in one State may define and record particular behaviour as robbery whilst in another State it may be classed as larceny from the person. That is recognised, and the Australian Bureau of Statistics has established a national crime statistics unit to develop uniform and standardised definitions and counting rules for selected offences.

The standardised data for 1993 and 1994 are now available. The data for 1995 will be available within a month or so. The use of figures, other than those published by the Australian Bureau of Statistics, for any jurisdictional comparisons is highly suspect. The standardised figures for 1994 show that the rate of reported robberies in South Australia declined from 116.51 per 100 000 population to 103.07, whereas the national average increased. That is a comparison between 1993 and 1994.

The other point to note about police statistics is that those which are quoted in the Police Commissioner's annual report indicate that robberies have increased from 1985-86 to 1994-95, but the bulk of that increase occurred up to 1992-93. In that year, according to police statistics, 109.2 offences per 100 000 population were recorded. The figures have dropped slightly over the past several years. It depends on the starting point that is used to determine whether they are going up or coming down. I know it is not much consolation to the public that any offence occurs, but regrettably there is a level of

criminality in the community which, no matter how many police are put on street corners, cannot be prevented.

Another important point is that there was a victimisation survey in 1995, to which I referred earlier. That was based on interviewing a sample of people and asking how often they had been the victim of a robbery over the past 12 months. They counted all offences instead of only those which were reported or came to the attention of the police. The victimisation survey indicates that there has been no appreciable increase since 1991 in the level of robberies experienced by South Australian adults aged 15 years and over.

Another important thing is that there is a whole range of different levels of offending within the offence of robbery. There is robbery with a firearm, robbery with another weapon, unarmed robbery with violence and unarmed robbery without violence. It is interesting to note that about 72 per cent of all robberies reported to the police in 1994-95 were unarmed robberies.

Again, I do not seek to play with the statistics to give a large measure of comfort to those who are victims. The fact is that statistics can be used to explore a variety of possibilities and draw a number of conclusions. It is important when talking about the level of crime that we recognise that a significant level of fear is created in the community by beating up statistics and creating those sorts of concerns. That level of fear is disproportionate to the actual level of offending, particularly the level of risk to which a particular category in the community may be liable. For example, older people in our community are less likely to be the victims of assault than younger members of the community, yet there is a great fear among older people about their vulnerability. We must endeavour to ensure that they are protected as much as possible and are assured that they can go about a normal lifestyle without the likelihood that they will be victimised as a result of criminal behaviour.

I conclude by making two other observations. In 1994 the DPP took three separate armed robbery cases to the Court of Criminal Appeal because he believed that the District Court in particular was tending to let slip the general tariff for armed robbery cases. After the truth in sentencing adjustment was made, the court indicated that the general tariff for armed robbery was six to eight years. If one looks at the sentences which on average have been imposed over the last four or five years, in 1990 the average imprisonment for a robbery with a firearm was 63.1 months whereas in 1994 it was 87.1 months; robbery with a weapon was 59.6 months in 1990 and in 1994 went up to 66.5 months; and unarmed robbery with violence increased from 29.2 months in 1990 to 38.7 months in 1994.

So, there is a recognition with the DPP to keep under scrutiny the level of sentencing imposed by the courts, and also at the court level a recognition that, where a person is convicted of a serious offence such as robbery, the penalties are tough. One can see that there has been a trend for a higher level of sentence to be imposed in those sorts of cases. We are all concerned about the level of criminal behaviour. To some extent, both we and the previous Government have sought to address it through crime prevention strategies about which members have heard me talk on quite a number of occasions.

The Hon. T. CROTHERS: As a supplementary question with respect to statistics, will the Attorney ensure that a specific reference is made relative to the type of home burglary where the burglar enters the premises whilst the occupier of the premises is still there to see how those statistics go in the light of those two aged people defending themselves and their property with a gun?

The Hon. K.T. GRIFFIN: I am not sure whether those statistics are available, but I will refer the question to the Director of the Office of Crime Statistics and bring back a reply. It will depend to some extent upon the capacity of the police to make an appropriate distinction in the recording of the offence. With respect, I do not think that the issue of self-defence in that context is a relevant consideration. In terms of the statistical information, if it is available I will bring it back and if it is not I will let the honourable member know.

DEAF-BLINDNESS DISABILITY

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about the deaf-blindness disability.

Leave granted.

The Hon. P. NOCELLA: For some time I have been concerned about a group of people in our community who were born or who contracted later in life the disability of deaf-blindness. These people, whose number has not been precisely ascertained but which appears to be nationally in the region of 3 000 people (presumably about 200 in South Australia), are not adequately cared for either by the services specifically designed for deaf people or by services specifically aimed at blind people. The difficulty—and I understand that there is a difficulty—is that the two disabilities have been looked at in isolation, whereas there is now a substantial body of evidence from a number of countries that has determined that deaf-blindness is one specific disability requiring very precise and appropriate treatment. Many countries around the world, such as Sweden, Denmark, UK, USA, Italy, and many others, have taken steps to provide appropriate care for deaf-blind people. It is a sad indictment on our society if we cannot do likewise and provide similar services for those people in our community who need them. My questions to the Minister are:

1. Will the Minister undertake to conduct a survey in order to establish the number of people in our community who suffer this disability?

2. On that basis, will the Minister introduce appropriate services aimed specifically at people in our community who suffer from deaf-blindness?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

CRIMINAL LAW REFORM

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about criminal law reform.

Leave granted.

The Hon. R.D. LAWSON: In December 1995 the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General issued a final report on the subject of offences of theft, fraud, bribery and related offences. That report encompassed issues that had previously been raised in a number of discussion papers in 1994. Those discussion papers had proposed changes to the offences of theft, bribery, blackmail, forgery, secret commissions and related offences. When the final report was issued publicly earlier this year, it was announced that several jurisdictions including South

Australia are considering placing the model proposals on their legislative programs in 1996. It was also said that the South Australian law in this area, namely, theft, fraud, etc., is in general bound by irrelevant distinctions and concepts brought forward not only from the nineteenth century but from as early as the fourteenth century. It was also said that discussion papers on conspiracy to defraud and non-fatal offences against the person would be issued in 1996. My questions to the Attorney are:

1. Can the Attorney report on what progress is being made on the reform of the criminal law in relation to theft, fraud, bribery and related offences?

2. Can the Attorney advise when the discussion papers relating to conspiracy to defraud and non-fatal offences will be issued?

The Hon. K.T. GRIFFIN: In terms of the report in relation to theft, fraud and bribery, I have already given instructions that a paper ought to be prepared which would address the changes that should be made to South Australian criminal law to pick up the recommendations of the Model Criminal Code Officers Committee. The report is very comprehensive. This is one area of the law where in South Australia we could benefit by adopting the recommendations—or at least a number of them—from the report. As members know, I have a view that we should not necessarily move as a State to adopt everything issued by the Model Criminal Code Officers.

I remain to be convinced of the desirability of codifying the whole of the criminal law in this State. We have taken a view that, where there are good points in a particular report, we are prepared to consider adopting them in our State for the purpose of reforming South Australian criminal law to the extent to which we pick up those recommendations of the committee. I would hope that later this year a draft Bill will be available for consideration. It is a particularly complex area. As I recall, the Model Criminal Code Officers took well over a year to work through some of the complex issues dealing with theft, fraud and bribery. So, I do not expect that it is something that we will be able to resolve quickly, but certainly it is on the agenda for this year. I am not aware of the timetable for the other report, but I will make some inquiries and bring back a reply.

SPEED DETECTION DEVICES

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister for Police through the Leader of the Government in this place a question about speed detection devices.

Leave granted.

The Hon. ANNE LEVY: Several constituents have drawn to my attention that the police are locating a speed detection device on the South-Eastern Freeway at the Brinkley overpass not far from White Hill, Murray Bridge, in complete darkness at 6 a.m. My constituents note that traffic coming towards Murray Bridge on the freeway at this time of day appears to be modest indeed, although they have no figures which they can quote to me. My constituents are concerned that, with very few vehicles travelling on the freeway at this time of day, this appears to be a waste of police resources which could be better spent elsewhere in taking other measures to reduce the road toll in the country. In fact, they feel that the intersection of the Mannum Road crossing at Murray Bridge is a much more dangerous intersection where the use of speed detection devices could, in fact, reduce the road toll. I ask the Minister:

1. How many motorists have been detected exceeding the speed limit on the freeway by this particular speed detection device between the hours of 6 and 7 a.m?

The Hon. R.I. Lucas: On a Tuesday morning?

The Hon. ANNE LEVY: No, on any day of the week, all days of the week—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —between 6 and 7 a.m.

The Hon. R.I. Lucas interjecting:

The Hon. ANNE LEVY: Going back to the end of daylight saving when it is still dark at 6 a.m. It is the use of speed detection devices in the dark—

The PRESIDENT: Order! I suggest that the questioner ignore the interjections.

The Hon. ANNE LEVY: I would be happy to do so, Mr President, but I saw no attempt by you to stop them.

The PRESIDENT: Order! I will determine that.

The Hon. ANNE LEVY: I agree, Mr President.

The Hon. T. CROTHERS: On a point of order, Mr President, there are too many interjections from the Government bench. I believe that if those interjections did not exist we would get a much speedier resolution to this question.

The PRESIDENT: Order! I ask members on my right to cease interjecting. I call the Hon. Anne Levy.

The Hon. ANNE LEVY: My questions are:

1. How many motorists have been detected exceeding the limit on the freeway by this particular speed detection device at the Brinkley overpass between 6 and 7 a.m?

2. What proportion of motorists has been found to be exceeding the speed limit compared with the total number of vehicles passing the device at this location during this time period?

The Hon. R.I. LUCAS: I am not sure what the Minister's reply will be, but I hope that he will turn over the whole resources of Government to answer the honourable member's question. I suggest to the honourable member that the simple advice that she could provide to her constituents (he, she or they) is quite simply that if they do not speed they will not be caught. It is fairly simple advice. It does not matter where the speed device is located, whether it is 6 a.m. or 10 past six, whether it is dark or under a bridge, or whether it is Tuesday or Sunday, if her constituents do not speed they will not be detected and they will not be fined.

With that simple advice to the honourable member which she might like to convey to her constituents, who we can only assume have been nobbled, caught or stung, whatever the word might be, by a speed detection device on the South Eastern Freeway at 6 a.m., I will certainly refer her questions to the Minister to see whether or not it is possible to bring back a reply containing the degree of detail that she seeks on behalf of her constituents.

SUPPRESSION ORDERS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about suppression orders.

Leave granted.

The Hon. A.J. REDFORD: Recently, the courts have dealt with the disobeying or breach of restraining orders by various media outlets, particularly in relation to the *Keogh*

case. Section 70 of the Evidence Act provides two ways of dealing with disobeying a suppression order. First, it can be dealt with as contempt of court, and in that context the penalties, fines and the like are unlimited. Secondly, it can be dealt with summarily where the maximum fine is a penalty of $2 000 or imprisonment for a term not exceeding six months. It has been suggested to me that this two-pronged approach may lead to substantial discrepancies and differences in penalty. An example in relation to the *Keogh* case is the fining of the *Advertiser* $10 000 where the offences were dealt with generally as contempt, while channel 9 was fined $650 and channel 7 $2 000.

Without commenting on these specific cases because the facts may well be different in each case, it seems that there is a real risk of substantial discrepancies arising from or at least being perceived in relation to the application of section 70 of the Evidence Act. In the light of the foregoing, my question are as follows:

1. Is the Attorney aware of different penalties being applied depending upon the procedure adopted in dealing with the disobeying of suppression orders?

2. Given some of the enormous resources of the media—and we are talking about Rupert Murdoch, Kerry Packer and the like—will the Attorney-General review the penalties for disobeying a restraining order pursuant to section 70(1)(b) which imposes the maximum penalty of a $2 000 fine?

The Hon. K.T. GRIFFIN: I am aware of the different penalties that may be and have been imposed in relation to breaches of suppression orders. I have not made a study of the reasons for the distinction between particular cases. There may be quite legitimate reasons for different penalties. I will have some work done on that to determine whether there are good reasons for differences in penalties. In respect of the $2 000 maximum fine and the six months' imprisonment if it is a summary offence, I will give some consideration to the extent of that penalty.

We must remember that that is a summary offence and that the penalties attached to summary offences are by necessity lower than for indictable offences. As the honourable member said, if the matter is dealt with as a contempt of court the penalty is unlimited in amount but, in terms of the $2 000 penalty, it may be appropriate at least to consider increasing it to take into account the inflation which has occurred since the time of enactment to the present. That practice is, in fact, being adopted as statutes are amended. We try to upgrade into current money values monetary penalties, whether it be an up-front penalty or an expiation penalty. It may be that there is good reason to do that here, apart from the substantive issue of whether or not the penalties in themselves need to be increased significantly. I will look at those matters and, in due course, bring back replies.

INDOCHINESE AUSTRALIAN WOMEN'S ASSOCIATION

In reply to **Hon. R.R. ROBERTS.**

The Hon. R.I. LUCAS: The Minister for Multicultural and Ethnic Affairs has provided the following response.

1. The extensive Police investigations into the Indochinese Australian Women's Association began in early 1995 and were not delayed or impeded in any way by the Hon. Julian Stefani, as implied in the Honourable Member's question. The Government will not initiate another investigation into the Association or the community work undertaken by the Hon. Mr. Stefani.

2. The matter was already under Police investigation and it would have been completely improper for me to intervene.

3. There is no reason to investigate the role of the Hon. Mr. Stefani who undertakes outstanding and highly recognised community work as a Member of the Legislative Council and in his position as my Parliamentary secretary for Multicultural and Ethnic Affairs.

4. There are no apologies due by any member of the Government on this issue.

FORWOOD PRODUCTS

In reply to **Hon. P. HOLLOWAY** (11 April).

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

The following consultants were engaged for vendor due diligence tasks.

Financial Consultant—	County NatWest
Environmental—	B.C. Tonkin & Associates
	CMPS&F Pty Ltd
Accounting & Business—	Price Waterhouse Urwick
Due Diligence	
Asset Register—	Edward Rushton Australia Pty Ltd
Legal—	Finlaysons

GAS MARKETING

In reply to **Hon. T.G. CAMERON** (3 April).

The Hon. R.I. LUCAS: The Minister for Mines and Energy has provided the following response.

1. The Government is committed through the Council of Australian Governments (COAG) agreement of February 1994 to create, in concert with other Australian Governments, a more competitive gas market.

The South Australian Government is represented on the Gas Reform Task force set up to advise Governments on actions required to achieve the COAG objectives.

The Government has already repealed Petroleum Regulation 244 to remove restrictions on the sale of gas for non-fuel purposes and is also currently reviewing the Natural Gas (Interim Supply) Act to determine if part or all of this Act should be repealed to ensure that legislative barriers to free and fair trade in gas are eliminated.

The Australian Competition and Consumer Commission (ACCC) is reviewing authorisations granted to the Cooper Basin producers to joint venture market gas in South Australia. The deliberations of the ACCC will be taken into account by all jurisdictions in developing the market for gas throughout Australia.

2. A product is only sold at the marginal price when there is an excess of supply over demand and the lower price will increase the demand. Any analysis of the likely selling prices of gas must take into account not only the costs of exploration and production, but also the supply/demand position and the price of substitutes for gas.

The costs of exploration and production of gas must include the need to raise the capital required to ensure future supplies of gas. If companies cannot recover the capital expenditure required to explore for and develop new reserves, the exploration will not take place. Without exploration there will be either a shortage of gas or high prices for the gas which is available.

Cooperation between South Australia and other jurisdictions to increase the competitiveness of both the gas and electricity markets should lead to major benefits to the community. A reduction in energy prices is one of the main benefits sought.

IMMIGRATION

In reply to **Hon. P. NOCELLA** (3 April).

The Hon. R.I. LUCAS: The Minister for Multicultural and Ethnic Affairs has provided the following response.

1. The figures for South Australian settler arrivals for 1993-94 and 1994-95 are attached.

2. The Immigration, Promotion and Settlement Unit of the Office of Multicultural and Ethnic Affairs continues to promote South Australia to prospective skilled migrants. The Unit is working closely with employer groups and the Department of Manufacturing Industry, Small Business and Regional Development to identify skills shortages for South Australia and to target those persons with skills which are in demand in South Australia. The number of skilled migrants entering South Australia was 6 per cent of the total national intake in 1993-94 and 5 per cent in 1994-95 compared with 3.6 per cent in 1991-92. Discussions have already taken place with the Federal Minister for Immigration and Multicultural Affairs about migrants obtaining additional points for applying to live in South Australia. In relation to preferred levels and mix of population, this is primarily a role for the Federal Government.

Department of Immigration and Ethnic Affairs—Settler arrivals by category by State of intended residence
Financial year 1993-94

1993-94

State of intended Residence	Family Migration			Skill Migration					Humanitarian				Other Visaed			Non Visaed			Total Visaed	Total
	Preferential	Concessional	Total	Ens	Business	Special Talents	Independent	Total	Refugee	Shp	Special Assistance	Total	Special Eligibility	Other Visaed	Total	NZ Citz	Other Non Visaed	Total		
NSW	12 071	3 606	15 677	725	815	20	4 293	5 853	1 604	1 218	2 161	4 983	121	187	308	3 344	721	4 065	26 821	30 886
Vic.	6 139	1 972	8 111	338	222	15	1 662	2 237	1 132	994	1 711	3 837	74	66	140	1 236	357	1 593	14 325	15 918
Qld.	2 923	887	3 810	279	373	12	1 161	1 825	387	112	242	741	62	47	109	3 489	293	3 782	6 485	10 267
SA	1 191	463	1 654	96	62	2	549	709	215	53	219	487	23	13	36	234	81	315	2 886	3 201
WA	2 522	970	3 492	247	284	3	1 297	1 831	407	150	511	1 068	59	37	96	1 056	200	1 256	6 487	7 743
Tas.	137	42	179	33	6	-	23	62	44	10	16	70	-	3	3	136	15	151	314	465
NT	184	39	223	10	-	8	36	54	15	-	22	37	3	1	4	37	17	54	318	372
ACT	290	115	405	59	8	3	124	194	26	13	44	83	5	5	10	87	34	115	692	807
Not stated	16	13	29	3			26	29	15	13	16	44	2	1	3	3	1	4	105	109
Aus.	25 473	8 107	33 580	1 790	1 770	63	9 171	12 794	3 845	2 563	4 942	11 350	349	360	709	9 616	1 719	11 335	58 433	69 768
Per-cent SA—Aus.	4.8	5.7		5.4	3.5	3.2	6.0		5.6	2.1	4.4		6.6	3.6		2.4	4.7		4.9	4.6

1994-95, SA

Total SA	1 252	363	1 615	96	70	-	788	954	329	139	264	732	28	-	28	322	131	453	3 329	3 782

1994-95, Australia

Total	29 140	7 938	37 078	1 939	2 087	78	16 106	20 210	4 006	3 774	5 852	13 632	434	83	517	1 433	2 373	15 991	71 437	87 428
Per-Cent SA—Aus.	4.3	4.6		5.0	3.4	0	4.9		8.2	3.7			6.4	0			5.5		4.7	4.3

FORWOOD PRODUCTS

In reply to **Hon. M.J. ELLIOTT** (11 April).

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

Forwood Products is currently implementing an environmental management and remediation plan based on the recommendations of independent environmental audits conducted at each site. Management has undertaken the necessary steps to ensure that all contaminated material is removed and disposed of through licensed contractors.

All on site work associated with PCB contaminated soil are near completion and awaiting access to an approved dump for final disposal.

In relation to the ground water plume, the environmental consultant CMPS&F still recommends a leave in situ strategy. This may change if an economically viable alternative remediation technique is found.

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

In reply to **Hon. P. NOCELLA** (19 March).

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

1. The part time Chairman of the Commission was appointed for the period 4 January 1996 to 1 August 1997 with a fee of $23 000 per annum. This fee was determined on the basis that the Chairman would be undertaking a high level of representative work at functions, discussions and meetings (approximately 2-3 times a week on average) in addition to normal Commission meetings. There are no other additional costs associated with this appointment as support is provided from within the Commission.

2. In accordance with the provisions of the South Australian Multicultural and Ethnic Affairs Commission Act, 1980 the position of full time Chairperson has been replaced with two positions; a full-time Chief Executive in addition to the part time Chairman. It is anticipated that this will upgrade and provide an even higher profile for multicultural issues.

The responsibility of the Chief Executive is to:

- manage the Administrative Unit, promotion of increased awareness and understanding of ethnic affairs, and diversity within the community and the public sector.
- actively encourage full participation of ethnic groups in the State's social, economic and cultural life and promote the economic and social benefits to be obtained.
- provide policy advice through the South Australian Multicultural and Ethnic Affairs Commission and to ensure the best possible utilisation of the resources provided by the Office.

The role of the part time Chairman is now a more conventional chairing role with responsibility for the Board of the Commission and providing the link to the Office of the Commission through the Chief Executive. This arrangement allows for the clearer separation of the functions of the Board from those of the Administrative Unit as envisaged by the Act.

OVERSEAS COMPANIES

In reply to **Hon. T. CROTHERS** (28 March).

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

1. Data are not readily available to determine how much in dollar terms is expatriated from former South Australian companies that have been taken over by foreign companies.

Nevertheless, from the perspective of its impact on the balance of payments, the repatriation of profits in the forms of dividends from companies which have been sold to overseas interests has an advantage compared with interest payments on debt because dividend payments are generally positively related to the economic cycle; whereas interest payments must continue to be made even when the economy is in recession or growing only weakly.

2. Net interest payable on foreign debt in 1994-95 was $9 776 million, of which $5 581 million was attributable to the private sector.

The net debt servicing ratio (net interest payments as a proportion of exports) was 11.3 per cent in 1994-95.

3. Current account deficits may be financed in two ways:

(i) Australia may borrow from overseas. Interest payments will be incurred on the accumulated foreign debt. These interest payments may or may not serve to increase Australia's indebted-

ness. This depends upon the uses to which the borrowed funds are put.

If borrowed funds are used to finance investment expenditures which lead to increases in output in the net exports sector, then an increase in net exports may be sufficient to service the additional foreign debt without additional impost on future indebtedness.

(ii) Australia may sell assets to overseas interests. Dividend payments will be made on the equity investments should those investments prove successful. Whether these dividend payments ultimately add to Australia's foreign indebtedness depends on similar considerations to those described above for overseas borrowing.

If net exports rise as a result of foreign equity investment, then dividend payments made overseas can increase without necessarily increasing Australia's foreign indebtedness.

However, the current account deficit will rise if dividend payments made overseas increase in the absence of an increase in net exports. A larger current account deficit does often necessitate a greater amount of overseas borrowing which will lead to an increase in Australia's foreign indebtedness.

4. The Commonwealth Government is already conscious of the importance of increasing national saving in order to reduce debt or reduce foreign ownership of assets held in Australia. The Commonwealth Government is proposing that it achieve underlying budget balance (which represents an increase in public sector saving) by 1997-98. The prospective increase in national saving is to be wrought by the proposed expenditure cuts of $8 billion over the next two years.

The Hon. R.I. LUCAS: I make an apology to the Hon. Mr Holloway in relation to the reply to his question which I have just given: the Treasurer and his officers had followed up his question and, whilst I would like to be able to blame the administrative staff, I cannot. I am sure it was the fault of the Minister's misplacing the reply.

RURAL HEALTH

The Hon. T. CROTHERS: I seek leave to make a statement before asking the Minister for Transport, representing the Minister for Health, a question about rural health care in South Australia.

Leave granted.

The Hon. T. CROTHERS: At a coronial inquiry held recently into the death of a patient from a cardiac arrest, which was triggered by a reaction to a general anaesthetic administered during an operation at one of our major rural hospitals by a doctor who was not a specialist anaesthetist, the patient in question was found to be suffering from a rare and difficult to detect disease, malignant hyperpyrexia. In simple terms, that is a complaint that leads to a person's having an excessive temperature or fever.

The complaint was triggered by the anaesthetic agent halothane during an hour-long spinal operation, during which the patient's temperature and the level of carbon dioxide he was expiring began to rise. The patient died three hours later from acute respiratory failure resulting from cardiac arrest. A Dr Griggs said that country GPs were called on to provide excellent care in all areas of medicine, often with little or no specialist support.

In respect of all the foregoing, the Coroner, Mr Chivell, said that the Health Minister should consider ways in which the isolation and lack of physical and professional support for doctors could be alleviated in our rural areas. In the light of the Coroner's comment, my questions are:

1. What has the Minister done or what will he do to alleviate the acute shortage of doctors in the rural communities of South Australia?

2. Further, in the light of the Coroner's remarks, what does he intend to do to alleviate the shortage of specialists in our large rural communities and, in order to understand fully the second part of this question, I point out that this unfortunate death occurred in Mount Gambier?

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

PEDESTRIANS AND CYCLISTS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport a question about pedestrian and cyclist right of way.

Leave granted.

The Hon. SANDRA KANCK: Each year a significant number of road accidents involve collisions between pedestrians and motorists and cyclists and motorists, in which those on foot or on bicycles always come off second best. I refer the Minister to an article in the *Sunday Mail* of 31 March 1996 entitled 'More cars bring peak hour madness'. This report discusses Adelaide's car dependence and points to an extra 10 000 cars being added to Adelaide's already congested streets over the past 12 months.

A constituent has put to me that one way of reducing the emphasis on the private car in Adelaide would be to reduce the tendency of motorists in Adelaide to think that they have supremacy on the roads by giving pedestrians and cyclists right of way. My constituent informs me that pedestrian right of way is the norm in the United States, where he suspects the tendency to litigation has made motorists wary of even the slightest infringement of pedestrian rights.

I am also informed that a traffic regulation principle that operates in many western European countries is that right of way is given to the most vulnerable road user. This means that, in the case of an accident, the least vulnerable road user has a *prima facie* case to answer. My questions are:

1. Will the Minister consider changing the traffic code to give pedestrians and cyclists right of way on South Australian roads? If not, what other methods does the Government intend to employ to reduce Adelaide's emphasis on the private car?

2. What merits does the Minister see in the western European system of giving the most vulnerable road user right of way?

3. What plans does the Minister have to utilise section 32A of the Road Traffic Act 1961, which permits the Minister to create 'shared zones' to provide more pedestrian and cyclist-friendly roads?

The Hon. DIANA LAIDLAW: The honourable member might be aware that, with the release of the capital works program by the Premier last week with respect to the site of the Southern Expressway we released-

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: No, the honourable member knows that is not so—a landscape plan which highlighted a shared-use zone for the length of the expressway. In fact, two infrastructure initiatives are included for cyclists: a veloway, which will be an adjacent expressway for commuter cyclists; and a shared-use zone for pedestrians and recreational cyclists. I put myself in that category. I am not sure whether the Hon. Sandra Kanck, with her enthusiasm for cycling, is up to veloway commuter cycling, but certainly a shared-use zone is a very important part of the Government's proposals to increase cycling use in this State.

I also advise the honourable member that, as part of the Government's cycling policy, a strategy will be released

within a couple of months—I am waiting for a final draft—that will address a range of engineering and education initiatives for cyclists in terms of protective behaviour, better lighting of themselves, reflective clothing and lighting on bikes, as well as engineering issues enforcement. That is an important document, which has been out for public comment, and a final draft should be with me shortly.

As to the foreshore cycleway about which the Hon. Terry Roberts has asked me in the past, it is also proposed for shared use by both pedestrians and cyclists. So, the Government is pursuing a number of initiatives under section 32A of the Road Traffic Act.

The Hon. T.G. Roberts: What about the Burra to Morgan road?

The Hon. DIANA LAIDLAW: As to whether that road will have a cycle lane, I must say that it is an extraordinarily important road in the life of every South Australian, but just to get it sealed is the objective at the moment and not necessarily to provide a separate veloway or to have shared use for pedestrians and bikes. However, I am sure it will be of a standard so that next time I cycle the road it will be much more comfortable than it was in its unsealed state about a year ago.

As to the initiative to which the honourable member referred specifically in terms of right of way, she may appreciate that under national road rules today we would be required to seek a national commitment to such an initiative if it were to be adopted in South Australia or elsewhere. I know it is one matter that the cycling lobbyists have raised. There is a national strategy for cycling, and I believe it was canvassed in general but not necessarily specific terms, but on matters of this importance it would have to be addressed on a national and not a State basis.

BANK MERGER (BANKSA AND ADVANCE BANK) BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1480.)

The Hon. M.J. ELLIOTT: I support the second reading of this Bill. The Democrats do not have any concerns with the Bill as it stands. I have not been approached by any parties with problems at this stage. I have been assured that issues surrounding the transfer of staff and maintenance of entitlements have been adequately handled and, with that issue in particular addressed, as I see it, the rest of the Bill is really a mechanism to facilitate the merger of the two banks, BankSA and the Advance Bank. That is causing no difficulties for the Democrats and I support the Bill.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank honourable members for their contributions to the second reading and their indication of support for the Bill.

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

COMPETITION POLICY REFORM (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1459.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition, in supporting the second reading of this Bill, recognises that the former Federal Labor Government initiated a review process with the goal of improving competitiveness and efficiency amongst statutory corporations and State-owned enterprises of all kinds, with a particular focus on the national monopolies in basic areas such as water, electricity and so on.

The outcome of the review process led by Professor Hilmer was a set of principles which have been set down in a competition code which itself is the subject of agreement among Commonwealth and State Government leaders across the country. Five basic principles are set out in the competition code. There is to be regulation of monopoly Government business enterprises. Part 4 of the Trade Practices Act will apply to Government business enterprises as if they were private sector corporations.

The Prices Surveillance Act will apply to Government businesses as well, unless we in South Australia have our own price regulation mechanism. Indeed, the Government has decided that it will have a mechanism for making recommendations as to prices in respect of Government business enterprises. Therefore, we are going to have a Competition Commissioner, who had better be more than a rubber stamp for Government initiated price rises in respect of our basic goods and services.

The second principle set out in the competition code is the competitive neutrality policy. The Government is bound to treat Government business enterprises and private sector corporations equally, at least as far as regulatory controls and tax equivalents are concerned. The Opposition does not have any particular problem with this policy if it means that only Government business enterprises need to strive to become more efficient. The vital element of community service obligations should not be lost in all this, and I will return to that topic in a moment.

The competition code also refers to the structural reform of public monopolies. Again, the Opposition does not take a firm and binding view on the actual structure of public monopolies, so long as the Government is not simply restructuring public utilities with a view to selling off more of the State's assets.

As the Government is well aware, ETSA is the most contentious example at the moment. Neither the Opposition nor the community will tolerate these competition laws merely being used as an excuse to have public utilities parcelled up ready for privatisation.

Finally, the competition code refers to rights being accorded to third parties who wish to have access to significant infrastructure facilities and services. I suspect that there will be a few arguments about this one as competitors set out to stake their claim on what previously has been recognised as public infrastructure facilities. Certainly, a case can be made out for each of these economic principles, and the Opposition is not about to dispute that efficiency of Government enterprises is desirable, but the real difference between the two major Parties in respect of these issues is that the Labor Party will always fight for the provision of a range of public goods in an equitable manner. Thankfully, there is a reference to these fundamental principles in the competition principles agreement itself.

Apart from these vital social welfare and equity considerations, the South Australian Government also needs to be

mindful of the regional consequences of these competition policies being implemented. For example, it is all very well if South Australian consumers can pick up their phone and elect to buy their electricity from interstate, but let us never forget that the long-term consequences of this type of competition may mean hundreds of lost jobs in South Australia.

The national competition engine seems to have a momentum of its own, and we are position now where we cannot afford to be left out of the process. The previous Federal Labor Government can take credit for the compensation package to be dealt out to the various States, as a result of these reforms being put into place. To be eligible for our $1 billion, this Bill must be in operation by 20 July. With our budget and estimates timetable being as it is, the Opposition recognises the importance of having this legislation passed through the Legislative Council this week and we are happy to cooperate to meet this goal. Perhaps the Premier will bear in mind this kind of cooperation when he next decides to subject the non-government Legislative Councillors to a barrage of ungracious and unwarranted abuse. I support the second reading.

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

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1484.)

The Hon. R.R. ROBERTS: I rise on behalf of the Opposition to support this Bill. This is template legislation that has been brought about through interstate cooperation by a committee set up representing the Governments of at least three States. As I said, this is template legislation and therefore will not be subject to many amendments, to avoid the danger of being sent back to the committee and rejected, which would hold up the process. My colleague in another place, Mr Foley, has questioned the Minister on this matter. He has expressed the Opposition's concerns with some of the ramifications of this move.

One issue that has concerned members of the Opposition is the effects of the legislation on mums and dads. It is very difficult, even given the briefing that was supplied to our Caucus by Mr Longbottom, to see what the short-term benefits will be to the mums and dads, the consumers of electricity in South Australia. It is very clear that there will be some substantial benefit to commercial users of electricity in South Australia, including places such as Mitsubishi, Penrice and, indeed, BHAS in Port Pirie, which will have the benefit of the spot market.

As I understand it, the price of electricity will be actuarially assessed every half hour, with all generators submitting a price. I understand that the highest bidder will be dropped off and the rest of the bidders will then pick up the second tender price, including the lowest. That causes me some concern such that an opportunity would exist for collusion by generators. One could easily envisage an agreed high bid being put in and a second agreed bid being submitted so that all other participants could have the benefit of that price. One hopes that that would not happen, but it would not be the first time that corporate collusion took place. That would have a serious effect on power generation in South Australia, because of the very geography of the State and the manner in which electricity is generated in South Australia. There are natural impediments to very efficient electricity generation. In fact, the pressure may become so great that some of our generation facilities in South Australia would be under intense pressure to remain viable.

One of the other issues that concerns members of the Opposition and me in particular is that there is no real relief in sight for domestic consumers. I have been advised that in the short and medium term no relief will take place. I am also concerned that in the past ETSA has always been deemed by consumers in South Australia to be our electricity supplier and, from time to time, Governments have seen fit to apply reductions in the cost of electricity to people such as pensioners. There has been the ability for off-sets to costs through the purchase of electricity at reasonable tariffs.

I know that this occurs with some of the big consumers where there is a load sharing arrangement, whereby major consumers of electricity, by agreeing to drop off some of their non-essential plant in high peak periods of electricity generation, receive the benefit of reduced electricity costs overall. One assumes that they will take place. However, I do not know whether these things will be adequately addressed in the code that goes with this legislation—which is also being constructed by a national committee—and whether in the long term the 'mums and dads' consumers will see any real benefit. However, I acknowledge that this matter has been discussed very fully in another place.

I have some other concerns with respect to the future of electricity generation in South Australia. I note that there are two other Bills on the Notice Paper with respect to this matter. In an endeavour to be a cooperative Opposition in the Legislative Council and given that the matter has been fully discussed in the Lower House where most of the concerns of the Opposition were expressed and given the fact that it is template legislation, we will move no amendments.

I am advised that an amendment will be moved by the Australian Democrats with respect to the powers of regulation. I point out to the Democrats that the very nature of this legislation, its history and its construction do not leave us in a situation where we will be supporting the amendment. I understand the concerns of the Hon. Sandra Kanck with respect to the powers of regulation, and I am not fully convinced that all other participants in NEMMCO are *au fait* with all the intricacies of the regulations and the adjustments that have been made by succeeding Governments over the years for the benefit of South Australians. However, because this is template legislation, I indicate—prematurely, without hearing the honourable member's convincing arguments—that we will probably not support the amendment or her opposition.

The Hon. L.H. DAVIS: I also support the second reading of the National Electricity (South Australia) Bill and do so with some pleasure. The electricity industry in Australia has come a long way in the past decade. As I have mentioned before in this Council, there was always a feeling of comfort in South Australia that the Electricity Trust of South Australia, as a monopoly which generated, transmitted and distributed electricity in this State, was an august, efficient and effective organisation. However, the Industries Commission Inquiry of 1988, which was the first national inquiry into the electricity industry, dispelled any notions that our industry in Australia was anywhere near world competitive. To its credit, the industry in this State and in other States has

recognised the challenge of improving effectiveness and efficiency of operations, and has reduced prices for the benefit of consumers. The results have been startling. The number of people employed by ETSA Corporation as it is now styled in 1996 is less than half of what it was a decade ago. That is mirrored in other States.

The discussions which have taken place over the past six years and which have now come to fruition in the legislation before us have been initiated among New South Wales, Victoria, South Australia and the ACT. Queensland and Tasmania may become connected to the national electricity grid at some future time. It is not expected that in the short term Western Australia and the Northern Territory will participate in the national electricity grid, because the tyranny of distance would make it difficult.

The legislation which is to be passed through this Parliament will ensure that we have national electricity law enacted, with South Australia acting as the lead legislator. The Minister deserves credit for bringing this to South Australia. In addition to the national electricity law, which will become enacted as a schedule to the Bill, a code will also be enacted and that will be subject to scrutiny by the Australian Competition and Consumer Commission.

These regulatory arrangements for the national electricity market will be in force in New South Wales, Victoria, South Australia, Queensland and the ACT. This legislation will ensure uniformity and consistency in electricity reform in Australia. Of course, as I have said, it is the outcome of intense negotiations in a very complex issue over six years. The introduction of a national grid has necessarily been delayed because of the complexity of the arrangements, but it has gone forward; and to reach this stage of passing legislation obviously underlines the enormous cooperation and good will which exists between the States in ensuring that national electricity reform takes place.

The benefits of reform in South Australia have been obvious in the real reductions in the price of electricity which the Government announced last year and again in more recent times. That is notwithstanding the fact that South Australia is disadvantaged in the sense that our coal from Leigh Creek is of much poorer quality than exists in Victoria, New South Wales and Queensland. Leigh Creek coal has to be taken by a single railway line dedicated almost exclusively for its transport to Port Augusta, and, because of the quality of the coal, the maintenance of the boilers at Port Augusta Power Station will be much higher than in other States.

The Hon. T.G. Cameron: What about gas?

The Hon. L.H. DAVIS: ETSA has worked hard to contain the costs of generating electricity in South Australia. As members will be aware, the Statutory Authorities Review Committee has spent some time examining the effectiveness and efficiency of operations in the Electricity Trust in recent times and has generally recognised that dramatic improvements have been made in that area over the past few years.

The Hon. Terry Cameron interjected with the relevant point that electricity is generated not only from Leigh Creek coal but from gas. One should also point out that the interconnection is already being used to advantage by the Electricity Trust because about 20 per cent of South Australia's electricity needs are brought in by the interconnector from interstate. One assumes that is being done because price benefits flow to ETSA and electricity consumers in South Australia. I support the second reading.

The Hon. SANDRA KANCK: Although the Attorney-General's explanatory speech points out that the plans for a national grid for electricity have been in the making since late 1990, this Bill, which puts things in place so that the national electricity market can be set up, is being rushed through this Parliament with indecent haste, having been introduced only last Wednesday in the House of Assembly. If there are flaws in this legislation—and no doubt there will be—we will not have had the time to find them, because the Opposition is assisting the Government in getting this Bill through in what must be record time for such a radical reform.

The debate about competition policy, particularly as it applies to the electricity industry, is not one in which the bulk of South Australians have been involved. Indeed, the minimal media coverage which might have advised the public what consecutive Governments have had in mind has largely been conducted in business publications or in the business sections of the daily papers. The *Financial Review* of 10 May 1996 gave out the news that on the previous day an agreement had been signed by Ministers from the South Australian, New South Wales, Victorian, Queensland and ACT Governments committing the signatories to the establishment of a national electricity market.

I suspect that for the bulk of South Australians the first inkling they might have had about what was going on was the page 1 *Advertiser* article on 27 May headed, 'Cut-price power over the phone.' This article informed *Advertiser* readers that ordinary consumers would be able to order their domestic electricity over the phone by the year 2001, as if they would want to do this.

So here it is, less than a month on from that meeting of Ministers, and we are in the process of rushing through legislation which South Australians have barely heard about, and, because of this timetable and the agreement of the Opposition to facilitate it, the public will not get the opportunity to provide any input to this debate. We are told that the reason for this undue haste is that South Australia has fought for and gained the dubious right of being the so-called lead legislator.

When I was briefed on this legislation a little over a week ago, I was told that if we did not get this legislation through by the end of the first week in June, Victoria would pass its own and we could lose out on being the lead legislator. I wonder whether that is such a terrible thing, because I am not sure that we gain much by being the lead legislator. By being the lead legislator, we get to set up the National Electricity Tribunal as a statutory tribunal of South Australia. So what? I can almost predict that the Government will argue job creation. But how many jobs does a tribunal make? I would bet that it will not make up for the jobs that will ultimately be lost from ETSA in the long term.

According to the Attorney-General's second reading explanation, this Bill 'empowers the Governor of South Australia to make regulations with respect to any matter necessary to give effect to the national electricity law. . . ' That sounds pretty normal, but do not get carried away with excitement yet; let us hear the second half of the sentence, 'but only on the recommendation of the Ministers of the participating jurisdictions.'

What sort of advantage is that to South Australia? We get the privilege of being the first to pass legislation, which has already been sorted out by the other States, and the South Australian Parliament's sovereignty is severely compromised in terms of the ongoing regulation of the electricity industry. As a consequence of this sort of thinking, clause 11 prevents

this Parliament from being able to disallow the regulations. I find that outrageous. My role as a politician is to scrutinise the laws which are to be imposed on us and to amend or even vote against them if necessary. I will not willingly remove the power of this Parliament to scrutinise and disallow regulations, and I indicate that in the Committee stage I will move for the deletion of those words in that clause.

The Opposition is cooperating with the Government to hurry through this legislation so that South Australia can be the lead legislator. As far as I am concerned, it has been conned by snake oil merchants.

The Hon. T.G. Cameron: Who are they?

The Hon. SANDRA KANCK: Maybe you are peddling the same snake oil—I am not sure—but possibly in smaller amounts. The Attorney-General's second reading explanation failed to explain what the national electricity market is about, so I will attempt to do this in order that readers of *Hansard* might have some idea of what it is all about and why the Democrats have so many concerns.

All of the producers of energy will, on paper, put the energy they have available for sale into a common pool, and the consumers will be able to buy from that pool, although they might contract to buy from a particular generating company at that particular company's price. NEMMCO, the authority that will oversee this scheme, will be kept up-to-date about the up and coming power demands with an aggregated list of contracts in terms of kilowatt hours, and it will manage all the trading activities. It will not be told, nor will it be interested in, who has what contracts. It is interested only in the electricity coming into and out of the pool. Because the electricity purchased is part of a pool, the consumer will not necessarily get the electricity from the contract producer.

For instance, an Adelaide company might contract to buy electricity from PowerGen's Latrobe Valley power plant, while, at the same time, someone in Sydney might contract with Torrens Island power station and someone in Melbourne might contract with Pacific Power in Sydney. NEMMCO will look at the pool to see which generating companies from all those in the pool have available power at the time these companies demand it, and it would then contact the cheapest generating company at that time and ask it to feed power into the pool. The electrons that consequently arrive through the wires to those three companies might not have come from any of the generating companies they have negotiated with. As far as the market is concerned, it does not matter who provides it, as long as the contracts are honoured and the money is paid.

In the early stages in South Australia I have been informed that there will be about 20 to 25 customers who will be allowed to contract directly with the energy producers. These are large companies such as BHAS and Mitsubishi who have a consistent energy demand of five megawatts or more. At a later stage, another band of customers whose power demand is in the one to five megawatt range will be invited to participate in this contestable market, and ultimately the household consumers will have the opportunity (if you can call it that) in four to five years.

The Hon. T.G. Roberts interjecting:

The Hon. SANDRA KANCK: Maybe. Most household consumers will probably not be interested in doing this. It is likely that the Government, through ETSA, would offer them, for example, a 12 month package so that they do not have to worry about it. Can the Minister advise how householders will access the scheme in terms of the sort of equipment they would need in their homes and what sort of package might be offered to those customers who do not want to play the energy futures market and who, indeed, have never played any sort of futures market and who have no desire to do so? We have been told that customers will be able to change their generating company on a half-hourly basis to get the cheapest rate, but once the system has had all the bugs removed this could drop to a time interval of five minutes. The Government is highly optimistic about its timetable; after all, the necessary computerisation to handle the scheme is still being developed.

When I explained this to an engineer I know his apparently unrelated response was, 'They should be building more asylums.' When I asked him why, he said that it was needed to put back all the economic rationalists who had obviously escaped from asylums in the past. If we are putting through a Bill such as this at the moment, someone must gain from it. So, who will gain from the national electricity market? Those businesses which are large consumers of energy stand to gain, at least in the short term. In the early stages of the scheme energy companies will offer attractive packages to secure their position in the market. A large user of electricity might feasibly snap up one of these packages for 80 per cent of its energy needs, and then play the market for the remaining 20 per cent in the hope of striking some better bargains.

There will be a benefit also for the producers of electricity. I was told at my briefing on these Bills that the national electricity market would take up the slack in electricity production around the country, although I was unable to get an explanation as to why this would occur. It is somewhat worrying because it means that throughout the country more electricity will be used, but all indications from an environmental point of view are that we should attempt to use less. Perhaps the Minister might explain to us how and why this slack will be taken up. I was also told at my briefing that, ultimately, the pool price will stabilise. So, it sounds to me as though in the short term companies which are large consumers of electricity will be able to purchase their power requirements at lower prices than at present but in the longer term nothing is guaranteed. In the longer term, it will be the big multi-national power companies which will gain, and that gain will occur at the expense of local companies, courtesy of privatisation.

An article by Alan Kohler in the June 1996 edition of *The Independent Monthly* informs us that Victoria is ahead of the other States and, he suggests, is further ahead than anywhere else in the world in setting up a competitive electricity industry. The latest edition of *Electricity Supply Magazine*, in an article about an international conference recently held in New Zealand, confirms this with the report that 'numerous conference speakers lauded Victoria's competition program as being in the forefront of international electricity reform'. This is a matter of some concern given we are following the Victorian path, albeit with a few deviations at the moment, and Victoria is leading the way for the rest of the world. It means that we in South Australia are part of a gigantic experiment, the results of which are yet to bear fruit. To continue the market garden analogy, whether that fruit will even set is not yet provable. If it does set fruit, whether it will be edible or inedible will not be known until some time in the future. Methinks that if it does bear fruit it will be a very bitter one.

Let me refer a little more to this article in *The Independent Monthly*. The author quotes Bob Green from Utilicorp, the US based company which controls United Energy—United

Energy being one of the privatised parts of the former State Electricity Commission of Victoria. I shall read out some most revealing information from that article as follows:

> And though the rest of the Australian States say they have no intention, at this stage, of going down the Victorian track, the pressure to do so will become intense over the next couple of years. Privatisation is inevitably the next stage. Victoria's private utilities, most with strong links to the giants of world electricity, will use the national grid to make sure it does.
>
> 'Our vision', says Utilicorp's Bob Green, 'is to build a national utility in Australia. It will be a combination of buying interstate utilities, if and when they become available, and selling commodity energy—gas or electricity—on our own pipes and wires as well as others. We're in Australia to become a national utility, and we'll do that however we can.'

It is clear what Mr Green's and Utilicorp's intentions are. But I wonder what say we in South Australia will have in this—probably next to none. Just as an agreement was reached by our State Government about the national electricity market without due consultation with the people of this State, I predict that we will ultimately be sidelined when Mr Green begins his takeovers. When that happens, who will be the winners and losers? We now know that Mr Green's and Utilicorp's objective is to build a national utility in Australia. What if it is not to our benefit for him to do this? Where are the environmental and social objectives? I suspect that their objectives are purely economic.

Not everyone is an avid fan of the national electricity market. I refer members to an article in the business section of *The Australian* on 14 February 1996 entitled, 'WA questions benefits of Kennett-style sales' in which comments made by Western Australia's Energy Minister, Mr Colin Barnett, at an infrastructure conference were reported. Mr Barnett told the conference that the $9 billion sell-off of the SECV had not created any value and in fact had added to Australia's foreign debt, and because of the high purchase price there will be greater pressure in the longer term to increase tariffs to recoup the investment costs. This tends to confirm what I said earlier about the pool price in the national market rising in the longer term after the battle for market share has been won or lost.

Mr Barnett said that such pressures will be very hard to resist unless there is a very strong regulator. I do not know how strong NEMMCO will be, but comments such as this do not provide me with much reassurance. I quote from that article, as follows:

> Barnett, with his background in economics and industry organisation, clearly sees little benefit in exchanging public sector assets for private sector investment if the net result does not add value. It is clear that within limits there is no magic wand that allows private sector operators to obtain a significantly better return on their investment in utilities. The difference is that the public sector operator is always bound by the public good to provide services which a private sector operator would not entertain because they are unprofitable.

Because of undertakings given by the Minister for Infrastructure, I know that we will further canvass the privatisation question when we come to the other two electricity Bills. Obviously, I will have a deal of input at that point. Our Minister has said that South Australia's generating company will not be privatised but, in the light of the fact that United Energy and others of our competitors in the National Electricity Market are determined to make takeovers in the context of the national grid, the future does not look good for ETSA.

I predict that the Playford Power Station at Port Augusta will be the first casualty once an interconnection is built from Queensland into New South Wales and across into South Australia. While our Minister for Infrastructure will tell us that the national market will be good for our large companies, I wonder whether that can make up for the job losses that will result. Quite frankly, this Government and the Opposition are demonstrating that they can be bought. Minister Olsen keeps trumpeting to anyone who will listen about compensation coming from the Federal Government. The slogan used by the South Australian Government to market this State, 'Going all the way', is apt. The clear message is that South Australia will do it for the money. Simply make the Government or the Opposition a promise of money, and they are yours. Heaven knows why the Prostitution Bill failed last year in the House of Assembly!

If there are winners in all this, there have to be losers. So, who are the losers? For a start, I would say that many of the current employees of ETSA will be losers when more positions are ultimately shed. Then there are the financial costs to the State: the costs of setting up an energies futures market, the costs of computerisation, and the costs of setting up and servicing NEMMCO are just a few obvious ones. The environment is likely to be another sad loser. When I asked at my briefing about the suppliers of ecologically sustainable energy being able to participate in the pool, I was told that for local suppliers that might possibly happen via contracts with ETSA. That certainly does not sound very positive to me, and I would be grateful if the Minister could elaborate on how this could or might happen.

Under the national electricity market, Victorian generators of power using brown coal as the fuel source will be running solidly 24 hours per day, while the Torrens Island Power Station will probably operate primarily at peak periods (another reason for future job losses within ETSA). Brown coal is one of the most greenhouse polluting fuel sources in Australia, while the gas-powered turbines at Torrens Island are almost innocent in comparison. From an environmental point of view, we should be doing anything we can to stop using Victorian brown coal, but economic rationalism insists that Victorian coal has got it over our gas. In fact, economic rationalism will run counter to the use of any environmentally benign fuel source within this system, because it will be much more financially expensive than, for instance, brown coal.

Loss of energy through transmission is another issue that the national electricity market fails to address. There is no doubt that a loss of power occurs across distance through transmission wires. I had two briefings about the three electricity Bills we have before us in the Council, and on both occasions I pressed for more information about these transmission losses. I have since been faxed some information from ETSA, but it remains very vague. That fax states:

> Over the transmission and distribution systems the level of losses may vary between locations due to the transmission distances involved and equipment used.

That information is quite obvious and no surprise to me; in fact, it is exactly the point I made at the briefing. I asked for some quantifiable figures or perhaps some formulae that our energy utilities must currently use in getting our 240 volts to our homes. If they did not have that information they would not know what sort of equipment, such as step-up transformers, to put in at the substations. So I ask the Minister to please explain to me what the losses of power are through transmission and to elaborate on whether there will be cross-subsidies and how they will work. Why should we be asked to vote for a system when we do not even know how it will operate?

There are a number of other important questions which arise on this matter of transmission losses. Where will the boundaries of the national grid be drawn? Will they be drawn at the point where electricity leaves the generators? Will they be drawn at the point where the first customers are connected to the grid? In other words, will transmission losses be managed by NEMMCO, in effect, providing a cross-subsidy, or will they be borne by the producers of the electricity? Will this create pressure in the future for generators to be built near population centres to reduce transmission costs, and how will transmission costs be calculated across the interconnects that exist in the system? Soothing noises were made to me at my briefing, and I was assured that there were losses through transmission and that the transmission costs will partially reflect this but that there will be a cross-subsidy. A cross-subsidy? For two years with respect to assorted Bills in this place that I have dealt with this Government has been arguing for transparency. That is part of the reason that we have a competition policy and this Bill so that we can have transparency, but now our Government is going to disguise some of these transmission losses through a cross-subsidy.

While on the matter of lack of information about this system, I think we deserve a little more information about what mechanisms the Government intends to put in place to address what some supporters of competition policy see as potentially anticompetitive practices. South Australia has what is regarded in the industry as a small interconnection with Victoria of 500 megawatts. The power supplied from Victoria through the interconnection will basically become the baseload for South Australia's electricity needs. Then we will have to top up as needed from the local power stations. I was informed at my briefing that the about-to-be-created ETSA Generation Corporation will have a partial monopoly with a captive market and that mechanisms will have to be put in place by the State Government to ensure that it does not operate unfairly.

To me, this presupposes a certain type of thinking and motivation, and I query that. It just does not make sense. The ETSA Generation Corporation will be the property of South Australians and, if the Government and the Opposition keep their promises, it will stay that way. So, why would ETSA take advantage of the South Australian electricity consumer? If it did and if it charged more money, it would simply come back to the South Australian Government coffers anyhow. So, can the Minister tell me just why any procedures of this nature are contemplated, and just what they will be? Quite frankly, this shows a certain mindset that comes with competition policy, and it demonstrates even more the importance of having a good old-fashioned utility which operates for the benefits of its consumers and not for the benefits of shareholders in a multi-national company. The only reason I can come up with for the Government being concerned about ETSA having a partial monopoly is if there are long-term plans for the private management or sell-off of the generating company. I think we should regard the fact that the Government has such concerns as a strong indication of its long-term intentions.

If ever there was an opportunity for the highjacking of an industry of national importance by the big States, this is it. There is no protection by the Commonwealth, and South Australia will have only one vote with great potential for the other jurisdictions to gang up against us. I note in the House of Assembly *Hansard* that the Deputy Leader of the Opposition said that the Hilmer competition policy was 'horse swill'. That is very good on the rhetoric, but why does the Opposition not have the courage to stand up to the Government on it? Instead, it has rolled over to have its tummy tickled. Through this Bill, we in South Australia will be entering the brave new world of electricity competition. When I use that term I do not use it in any heroic sense but in the way used by Aldous Huxley in his book of that name. It is a world where commonsense, sharing, caring and community are rapidly disappearing in the name of profit for a few. It is certainly not trendy to question competition policy, but I am not afraid to do so. I have said it before, and I am sure that it will not be the last time in this Parliament that I will say it: the emperor has no clothes. The Democrats believe that the passage of this Bill will be a backward step for South Australia. We oppose the second reading.

The Hon. P. HOLLOWAY: I support this Bill. As has been pointed out, it is template legislation. We therefore do not have any capacity to amend the legislation and it needs to be passed fairly quickly. The advantage to South Australia of doing that is that it will be the lead State and will therefore reap some benefits. I agree with the Hon. Sandra Kanck that those benefits may not be great; however, it is better than having no influence at all. At least being the lead State we will have some influence: if we were not the lead State, we would have no influence. Although the benefits may not be that significant, nevertheless they are worth having.

This Bill is about setting up a national electricity market in Australia. The speech made by the Hon. Sandra Kanck would have done proud some of the conservative members of this Parliament 20 or 30 years ago. It really was a very parochial States' rights speech. At present, around the world, some 75 countries are engaged in energy sector deregulation, so it is hardly a new era. Nevertheless, the honourable member is right to point out that some risks and costs are associated with it, and I will come to those in a moment.

I am strongly in favour of this Bill because I have always believed that, in cases of energy, there should be a national market, and the Labor Party has always held that view. We can go back to people such as Rex Connor, who was trying to establish a national gas pipeline some 20 or 30 years ago. Why is it that, if at the height of the Cold War a gas pipeline could be laid between the Soviet Union and Germany, in 1996 Australia should have totally separate State entities that do not relate to one another? Why do we have basically a Cold War attitude towards each other? That is really what the Hon. Sandra Kanck is saying.

The benefits of a national market mean that we will be able to get away with less investment in electricity and energy generation than we otherwise would because, the bigger the market and the more interlinked it is, the greater the capacity for saving.

With respect to electricity, each State must have spare capacity for peak loading, but the larger the market the less capacity there is for reducing requirements, such as outages due to maintenance, and so on. The great advantage is that we as a nation can save resources, and, as a result of this national policy, this State will receive compensation from the Federal Government. That is essentially the benefit to be gained but, yes, the Hon. Sandra Kanck is right, some costs will be involved, just as applied to the deregulation of the financial sector: there are not only benefits but also risks and costs.

I believe that investment in generating in this State will obviously be less than would be the case if we were not part of a national market. So, clearly those high cost production areas have an advantage because they are now sunk costs—

they are in existence—and I believe they will continue. Their viability does not worry me, but I believe there will not be the investment in this State that there otherwise would be, and we need to be honest to understand that.

However, the benefits in the longer term to this State will be that, if we can have locked-in lower power costs, we should have growth in other areas. We must go for these benefits; we must have a truly national electricity market, just as we need it in some of our other basic resources such as water. In the case of the Murray River, I am sure that the Hon. Sandra Kanck would not advocate a parochial States' rights issue. For years South Australia has been fighting to get a national approach to the distribution of the waters of the Murray River, and so it is with this resource—we need a national approach.

We can look back over the past and see how this nation has suffered because of bad investment in energy. A classic case is the Victorian gas fields. Victoria took a very parochial approach to the fact that it possessed cheap gas. In the end, a pipeline was laid from the Cooper Basin gas fields to Sydney, rather than from the much larger gas fields of Bass Strait, and that was done because of a parochial State interest. That has probably cost this country enormously in terms of lost resources. It is long overdue that, as a nation, we start to deal with some of these issues.

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: Well, that remains to be seen. It is amazing that when the deadline approaches more gas is found, but that is another issue. Nevertheless, we do not need to go back. We should start behaving as a nation. If Europe can do it with 13 disparate countries, with different languages, why cannot Australia do it as a nation of seven States? As I say, the decision involves costs and risks.

One of my concerns is about planning for the future. I believe a national grid will be fine in the current situation, where we have excess electricity capacity in this country, largely due to over-investment in New South Wales and Victoria, but when the supply and demand equations come into balance in the future I wonder how this national competitive market will cope in terms of promoting the new generating capacity that is required. In many ways, that will be the true test of the national electricity market.

The Hon. T.G. Roberts interjecting:

The Hon. P. HOLLOWAY: As my colleague, the Hon. Terry Roberts said, or in determining priorities for those markets. I also believe that the key to success of a national market will be the details. It is one thing to agree in principle, as I have done, but I have some concerns about how the market itself will work. We will need to be assiduous in making sure that it works properly. I place on record some comments made by the Managing Director of ICI, Mr Warren Haynes, which appeared in the March issue of the *Business Council Bulletin.* He states:

> The ability of the relatively small number of generators to exchange considerable information through the daily bidding process can be a cause for concern and could allow indirect collusive action. This is particularly dangerous in a pooling system which allows only generators to establish the pool price—customers have little or no effect on the pool price itself. Generators strategically placed on the cost curve or in the network can exploit opportunities to exert market power. This strongly underlines why the Business Council is keen for the national electricity market. . .to commence quickly by bringing in more interstate competition.

He further states:

> We have had a feeling that hidden in the immense complexity of the cost reflective network pricing method and the other processes being proposed there were real problems for customers.

Mr Haynes further states:

> Some of the Business Council members operating in Western Australia—the one State which probably will never be connected to the national grid—[for obvious physical reasons] have confirmed some of our fears.

Mr Haynes then goes on to elaborate on some developments in the goldfields region of Western Australia, where some private producers want to construct their own gas-fired plants. Mr Haynes then states:

> The terms being sought by Western Power involve annual costs many times those which the companies consider reasonable. Specifically, the charges are higher than the annual costs of the companies constructing separate duplicated systems to deliver the same amount of power to the various locations. This is a somewhat silly outcome and runs counter to the normal expectation that costs of using a shared facility should always be less than the cost of separate dedicated systems.

Mr Haynes concludes:

> The experience of these companies has heightened the concern of the Business Council regarding the proposed NGMC network pricing system and has raised several matters which are of great interest to the Business Council and its members.

Undoubtedly, some problems will be experienced in relation to this market. Nevertheless, I believe it is long overdue that we set up this national market.

Finally, the Hon. Sandra Kanck talked about transmission losses, and I share some of her concerns about building transmission losses into prices. In my view, it is reasonable that if the losses of transmission are built into the price—in other words, if we talk about a delivered price rather than a price at the generator and there is some mechanism to build those in—I do not believe we will necessarily have a problem.

I certainly think that some attention needs to be given to this because if no proper account of transmission losses was given, rather than bringing about a better allocation of resources, the reverse could happen. If transmission costs were not transparent and built into the price, of course it would lead to some misallocation of resources. In my view, what method one uses to take them into account is important rather than this necessarily being a criticism of the national grid itself.

To conclude, I have no hesitation at all in supporting the legislation and the national electricity market, but I hope that I have indicated that there are some concerns in relation to it. I do not think it will necessarily all be smooth running. I am sure we will have our problems with it, but nevertheless in 1996 in Australia it is long overdue that we start to think as a nation and move forward into this national market. We will all have to be diligent to make sure that we keep a close eye on how the market operates in the future.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their contributions, and particularly the Hon. Mr Holloway for his strong support for the second reading of the legislation. The honourable member demonstrated that this issue is not being promoted just by the current Minister and the current Government: it was supported by the previous Government and previous Ministers and is supported by this Government and the alternative Government in South Australia in a bipartisan demonstration of support.

The Hon. Mr Holloway demonstrated an ability to lift his eyes beyond the horizon and see the importance of the legislation in South Australia and for South Australians. The honourable member has acknowledged that there will be issues and concerns, and he has demonstrated his concerns. Everyone accepts, when one goes into some sort of national agreement, that everything is not perfect or ideal from every constituent party's point of view and there are obviously issues that have to be resolved over the years, as has been the case in resolving a common agreement which is agreed to by all Governments.

All members of this Chamber who are either Ministers now or who have been Ministers will know the degree of difficulty that is involved in trying to reach national agreements. The simple fact of the decades of trying to get national gun laws has demonstrated the difficulty in some areas of reaching national agreement in areas.

In this area, whilst I have obviously not been a party to the discussions over the past five or six years or however long it has been, I am sure that the degree of complexity and the differing viewpoints equally would have been evident in those discussions in trying to reach a national agreement to the benefit of all, and certainly from the South Australian Government's viewpoint and that of the South Australian Parliament this would be to the benefit of consumers in South Australia.

Again, in his contribution the Hon. Mr Holloway demonstrated one of the persuasive arguments—that is, the degree of capital cost that the South Australian public may or may not have to enter into over the coming years when compared to existing arrangements as opposed to the proposed arrangements—as being an important factor in his consideration of the reason why he and the Opposition ought to support the legislation.

As I said, I acknowledge that there are issues that members have and will continue to have about aspects of this matter. The Hon. Sandra Kanck indicated in her comprehensive contribution to the second reading that, although she had a couple of comprehensive briefings on this issue, she remains unconvinced. She has a series of further questions that she is putting to the Government and advisers through me. As I indicated to her privately, I will ensure that I do not lose the answers to questions and that the appropriate Minister and his advisers will get the answers to the questions that she asked in the second reading debate and any others that she may put in the Committee stage. I will try to get back a response as soon as possible.

However, I suspect that in the end, given my knowledge of the strong views that the Hon. Sandra Kanck has on this issue and related issues, she nevertheless will remain unconvinced, even with the next round of answers that I, on behalf of the Government, will provide to her. Nevertheless, we will do what we can to try to answer some of the questions that she has raised quite genuinely, given her strong views on this issue, in the second reading debate of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—'General regulation making power for national electricity law.'

The Hon. SANDRA KANCK: I move:

Page 5, lines 16 and 17—Leave out subclause (5).

I indicated in my second reading speech that I would move this amendment. Obviously, the Opposition has more or less stated that it will oppose it, and I have some doubt that I will be able to convince it to support me. In his comments the Hon. Mr Holloway said that I was being parochial. I have no problem about being accused of being parochial. Along with the other 21 members of this place, I represent an electorate that is the whole of South Australia. I represent South Australians and I certainly do not represent anyone else. I am not here to put the case for the multinational energy companies: I am here to put the case for South Australia and to stand up for it.

I find the argument that this Bill has been agreed to by everyone else and cannot therefore be amended a pathetically weak one. We are taking the role with lead legislation, and that is the reason I have been given why we must get this Bill through before the end of the week. If we are taking the role as lead legislator, let us lead and not follow. Clearly, we are told to follow what other States have come up with for us.

It is of real concern to me that even at this point the Government and the Opposition are not prepared to tackle the other States. It is quite a travesty that we have regulation-making powers and that we as a Parliament agree that we would not allow ourselves to use these normal powers to disallow the regulations. An article in Saturday's *Weekend Australian* from Phillip Adams is very relevant. Headed 'Altered States', he begins the article by asking us to imagine that our current Pope has died and the cardinals get together to elect a new Pope. That is duly done and, after the Pope is elected, it turns out that the Pope is an atheist who has as his prime agenda a determination to destroy Catholicism.

As Phillip Adams says, it sounds like a very strange sort of scenario—one that is unbelievable—yet that is what has been happening in Australia with our governments: people have been electing governments that say, 'We actually don't want to be part of handling legislation; we want to hand it over to the big guys. We are helpless; we can't do anything about it.' I find it amazing that this clause is inserted and that people will apparently say that it is a good thing. I urge the Opposition to reconsider its position.

The Hon. R.I. LUCAS: It will not surprise the Hon. Sandra Kanck that the Government does not support her amendment to the legislation by way of this change to clause 11(5). As a number of speakers have indicated this afternoon, the whole Bill is the subject of national decision making. I will not go over the detail again, but there has been a national agreement. It has not just been pushed by this Government; it is something which was pushed by the previous Labor Government. The fact that in this Chamber we have both the Government and the alternative Government supporting this national agreement is an indication that there is bipartisan support from 20 of the 22 members in this Chamber and all the members in the House of Assembly. So, 67 out of the 69 members in the two Chambers support the legislation.

We obviously acknowledge the right of the two remaining members in this Chamber, the Australian Democrats, to put an alternative point of view, as the Hon. Sandra Kanck has done. However, it is a national agreement, and I am advised that this is an important provision of the national agreement. I readily concede that it is not something that most members in this Chamber would willingly want to trade off in every piece of legislation or even in the occasional piece of legislation that comes before this Chamber, but it is part of the national agreement in terms of trying to lock in governments to the national agreement and to ensure that governments cannot head off in their own different directions at the

drop of a hat. It is part of trying to ensure that the national agreement sticks and that governments stick to it. I acknowledge the Hon. Sandra Kanck's views in this area, but the Government does not share her views and will oppose her amendment.

The Hon. P. HOLLOWAY: I wish to use this opportunity to correct the inference that the Hon. Sandra Kanck made in moving this amendment that I and/or the Opposition were in favour of multi-nationals. Whether we should have a national electricity market or whether there should be privatisation of the Electricity Trust of South Australia are two completely different questions. I am sure that many members on the Opposition side will have plenty to say about that matter when the ETSA Bills come before Parliament. However, since the Hon. Sandra Kanck had made that inference that the Opposition was somehow getting into bed with multi-nationals, I want on the record that the Labor Party here, like the Labor Government of New South Wales, does not support the privatisation of the electricity industry. However, supporting a national electricity market is a quite different issue.

The Hon. R.R. ROBERTS: On behalf of the Opposition, I point out that we will not support the Hon. Sandra Kanck's amendment, to leave out subclause (5), which provides:

> Section 10 of the Subordinate Legislation Act 1978 does not apply to a regulation under this Part.

I point out—and the Minister touched on this matter briefly in his contribution—that we are talking about a national agreement, and obviously the subordinate legislation in Victoria and New South Wales will not apply, either. I refer back to an inference that the honourable member made earlier about the Opposition rolling over and having its tummy scratched and her belief that the bigger States may collude when it comes to making decisions with respect to this matter. I point out to the Hon. Sandra Kanck that the agreement is now made, and it is an agreement which, whilst not perfect, is an agreement of all parties, including the South Australian Government. The Hon. Sandra Kanck's moving this amendment only opens up a Pandora's box such that, when the legislation goes to the other States, they will start to collude and put their heads together to make arrangements that will further disadvantage South Australians. If taking the line that we protect the rights of South Australians is rolling over and having your tummy rubbed, well, rub on!

The Committee divided on the amendment:

AYES (2)

Elliott, M. J.		Kanck, S. M. (teller)

NOES (17)

Cameron, T. G.		Crothers, T.
Davis, L. H.	t.)	Griffin, K. T.
Holloway, P.		Irwin, J. C.
Laidlaw, D. V.		Lawson, R. D.
Levy, J. A. W.		Lucas, R. I. (teller)
Nocella, P.		Pfitzner, B. S. L.
Pickles, C. A.		Roberts, R. R.
Roberts, T. G.		Schaefer, C. V.
Weatherill, G.		

Majority of 15 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (12 to 14), schedule, preamble and title passed.

Bill read a third time and passed.

CARRICK HILL

Adjourned debate on motion of Hon. Diana Laidlaw:

1. That this Council appoints a select committee to consider a proposal designed to secure the financial future of Carrick Hill in perpetuity, namely—
   (a) that, in accordance with the requirements of section 13(5) of the Carrick Hill Trust Act 1985, a maximum of 11.34 hectares of the land comprised in Certificate of Title Register Books Volume 2500 Folio 57 and 1718 Folio 159 (as shaded on the plan laid on the table of this Council) be sold, with the amount of the land to be determined by the Carrick Hill Trust with the approval of the Minister for the Arts;
   (b) that a new trust fund be established to incorporate the net proceeds of the land sale and other external fundraising activities; and
   (c) that the net proceeds of the land sale be directed to effecting necessary repairs and improvements to the Carrick Hill house and that the income from the trust fund be applied towards Carrick Hill's operating costs;
2. That Standing Order No. 389 be suspended as to enable the Chairperson of the committee to have a deliberative vote only;
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council; and
4. That Standing Order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 30 May. Page 1476.)

The Hon. ANNE LEVY: The Opposition supports the establishment of the select committee, which is the proposal before us. I point out to members that the select committee is to consider the proposal. Support for the establishment of the select committee in no way indicates support or otherwise for the proposal set out in paragraphs (a), (b) and (c), as those will be the matters that the select committee will consider.

I am sure that nobody needs reminding that the Council has agonised over the sale of Carrick Hill land prior to this occasion. In fact, a select committee was set up in 1987 for this very purpose. It is interesting to note that the select committee established at that time had six members, all of whom are still members of this Council. However, I understand that only one of those six will be a member of this new select committee. The other five perhaps have had enough of Carrick Hill and do not wish to be any further involved, and it may be that they are wise in that respect.

The previous proposal was for the sale of only eight blocks on the eastern side of Carrick Hill adjacent to Springfield. That is very different from the present proposal, which is for the sale of up to 34 blocks of land on the western side of the Carrick Hill Estate adjacent to Mitcham and Netherby. The earlier proposal was for eight blocks only, which was less than 7 per cent of the total area of Carrick Hill. That contrasts markedly with this proposal for 34 blocks, which is approximately 25 per cent of the total area. This proposal is very different from what was discussed in the select committee nine years ago.

I remind members, though I am sure that many in this place will remember, that nine years ago all members of the Liberal Party vehemently opposed the sale of even one square metre of Carrick Hill land. There were many robust speeches as to why no part of Carrick Hill should be sold, and the reasons were set out in a very comprehensive but guarded fashion in the report of the select committee of 1987, which

I am sure many members have dug up or obtained copies of and read prior to this debate.

I suspect that the Hon. Mr Davis was not personally opposed to the proposition, but his Party room would not allow him to support the proposal. All members of the Liberal Party who spoke in the debate following the report of the select committee were adamant that there should be no sale whatsoever of any Carrick Hill land. It is interesting to see the conversion on the road to Damascus, as it could be described, by the present Minister and presumably all members of the Liberal Party who now support the sale of a very much larger portion of Carrick Hill than that which they had so strongly opposed only a few years ago.

In fact, some members of the Liberal Party suggested that if Carrick Hill needed money it would be much better to sell the Gaugin. I point out that the Gaugin owned by Carrick Hill, while not one of his greatest masterpieces, is nevertheless the only Gaugin painting in Australia. To dispose of it, probably into private hands and/or overseas, would be an enormous deprivation for all art lovers in this country. I point out that parliamentary approval is required only for selling Carrick Hill land; it is not required for selling any of the art works. Therefore, at any time during the past nine years the Carrick Hill Trust could have disposed of the Gaugin or any other work of art housed in the building had it wished to do so. It is a tribute to the perspicacity and integrity of all members of the Carrick Hill Trust that they have not thought of such a way of raising money. They appreciate the priceless art collection developed by the Haywards and given to the people of South Australia and they wish to preserve it for the enjoyment of those people.

Indeed, I would feel that they were derelict in their duty if they proposed selling the Gauguin, the Epsteins or the other wonderful works of art which adorn Carrick Hill. Nine years ago the Liberal members of the select committee supported all the locals who raised objections to the sale, regardless of the form of the objection or its nature. Obviously, some of the objections had validity. There are never clear-cut answers in matters such as this, but some of the objections were purely selfishly based and had no validity other than 'I do not want a next-door neighbour because that might mean a few extra cars driving past my place some time.' These, what I can describe only as selfishly based objections, were supported by all the Liberal members of Parliament who were members of the select Parliament as well as those who spoke in the debate when the select committee reported.

The Hon. T. Crothers: Was the Minister a member of that select committee?

The Hon. ANNE LEVY: No, she was not. I can say only that the boot is now on the other foot. The Liberal Government can appreciate the difficulties of developing Carrick Hill or, in this case, maintaining it. I point out to members that nine years ago the proposal for selling just the eight blocks of land was to raise money to establish a sculpture park at Carrick Hill. This had long been the wish of Sir Edward Hayward. He had spoken of it to many people, and no-one in any way queried his wish that there be a sculpture park at Carrick Hill. There was general agreement that a sculpture park at Carrick Hill was highly desirable and that it would be a great asset to the place. The previous proposal was to raise finance to enable this to occur. Of course, the proposal before us is not as imaginative: it is purely on the basis of trying to make Carrick Hill more self-sufficient in terms of maintaining it and carrying out highly necessary maintenance work. I do not in any way query the necessity of such maintenance work, but the proposal is not put forward as a visionary statement to develop Carrick Hill with a sculpture park or any other forward-looking development which would enhance its cultural value. The proposal is merely to make Carrick Hill self-sufficient and not reliant on the arts budget for its maintenance. We can see that this is particularly necessary in these times as the arts budget has yet again been slashed by this Government. There are great cuts occurring in many areas of the arts budget—

The Hon. Diana Laidlaw: Where?

The Hon. ANNE LEVY: Well, $50 000 was taken from the State Theatre; $50 000 from the State Library; $50 000 from the Museum; and $50 000 from the old recurrent part of the Art Gallery. The History Trust has escaped this time but, of course, it took a huge cut last year and lost one quarter of its entire museums through the closing of the Old Parliament House Museum—but I am straying from the topic of this debate. It is, however, relevant that the Government is trying to get Carrick Hill off the State budget by these means so that the cuts to the arts budget will do less damage to our arts infrastructure and arts activity. Indeed, the Arts Industry Council warning this morning about the continued cuts to our budget, which were broadcast by the ABC as its lead item in its radio news this morning, should cause a great deal of concern to many people in South Australia.

The Arts Industry Council warns against further cuts to our arts budget at a time when Jeff Kennett is pouring money into the arts budget in Victoria. The Arts Industry Council fears that Victoria will overtake South Australia as the premier arts State in this country. Indeed, it would be very sad if it did so. I am sure that neither the Government nor the Opposition would want to see that happen. Unfortunately, the Opposition is not in a position to do much about it. Only the Government can take the necessary steps to see that the arts are properly maintained and developed in this State and that we do retain our pre-eminent status in the arts in this country.

The extensive sale proposed by the Government is, as I have indicated, for a quite different purpose from that which was stated when nine years ago a select committee examined the possible sale of eight blocks of land. As I said, that was for development and enhancement of Carrick Hill: this is merely to maintain it and get it off the State budget. I suppose the Minister may indicate that, because it is for a different purpose, that is why she has changed her mind. When it was for one purpose it was not permissible: now it is for another purpose it is permissible. This is equivalent to saying that the ends justify the means, which is a very slippery slope argument to start raising. If the ends justify the means we can have all sorts of undesirable proposals put to us, but most people would maintain that, while the ends must be desirable, the means must also be desirable and that one cannot justify disgraceful means to achieve valuable ends. I am sure that there is a Latin tag which would explain this line of thought, but I am afraid my education was not sufficiently classical to produce one.

I note in passing that the previous select committee had six members, whereas the select committee to be established will have only five. I remind members that the composition of the Council in 1987 was very similar to that which exists now. There was a tradition at that time of always having six members on a committee, but that tradition was broken by the Liberal Party after the 1989 election. It now finds itself hoist on its own petard and will be in a minority on a select committee, which is fair enough seeing that is what it insisted on from 1989 onwards.

The Hon. Sandra Kanck quoted from a letter, which was part of the evidence received by the previous select committee. There is, of course, in the body of evidence received by the previous select committee another letter from David Tonkin—a former Premier of this State and not of my political persuasion—in which he provided information to the select committee about a conversation he had had, I think in 1982 but it may have been in 1981, with Sir Edward Hayward regarding the possible sale of land from the estate of Carrick Hill for the benefit of the Carrick Hill property. I hope that the new select committee when established will consider it desirable to examine some of the papers and evidence which were presented to the previous select committee. I have checked with the clerk that as these have all been tabled in Parliament there is no need to amend the motion before us to enable that to occur. They are public documents, and the new select committee can have access to them. I certainly hope that the new select committee will take note and be cognisant of a lot of the written submissions which were made to the previous select committee.

The Minister has indicated that if the proposal is accepted she is prepared to move an amendment to the Carrick Hill Trust Act to state that no further sale of land can proceed. I know that this is meant to sound encouraging, but it ignores the fact that one Parliament cannot bind another Parliament. Any Parliament can change any Act at any time it wishes. While such a clause could indicate that this Parliament does not think that any further sale of land from the Carrick Hill estate should occur, it would in no way prevent a future Parliament from changing its mind and deciding to sell the lot. Parliament is always supreme, and one Parliament cannot bind another Parliament—I am sure that the Minister would recognise that fact. Such a clause would be an expression of goodwill only: it could not prevent such a sale occurring at a future time if the Parliament at that time wished to do so. This comes, of course, from the fact that Parliament is the supreme legislative body in the State and can alter or create legislation at any time it wishes.

I will not take up further time of the Council now, but I reiterate that my support for the select committee does not necessarily mean support for the proposals set out in full in paragraphs (a), (b) and (c).

The Hon. A.J. Redford interjecting:

The Hon. ANNE LEVY: I am certainly happy to be a member of the select committee and to listen to all the evidence for and against the proposal. I agree that a select committee is a good way in which to consider this matter in full. It will enable any citizen of South Australia to present their opinion. I hope that opinions will come from right across the board, not just from local residents. If various views are presented to the select committee, it will then be able to consider the pros and cons and arrive at a decision which will be the best available for the people of South Australia and Carrick Hill.

The Hon. L.H. DAVIS: I support the proposal before the Parliament. The history of this matter has been well canvassed. Carrick Hill was bequeathed to the people of South Australia in 1970. That bequest was triggered by the death of Sir Edward Hayward in August 1983. At that point, the property passed to the State. Committees which looked at this matter in both 1974 and 1984 agreed that the best method of recognising and protecting this most generous gift to South Australia was through the creation of a trust. The Carrick Hill Trust Act of 1985 gave legislative effect to the wishes of Sir Edward and Lady Hayward. At the time that legislation was passed, the Carrick Hill property was said to be worth at least $20 million. It consisted mainly of European and Australian paintings, antique English furniture, sculptures and other art objects. Carrick Hill itself is a most unusual building. Peter Ward in the *Adelaide Review* many years ago described it as an ersatz architectural curiosity. It was said to have the oldest interior of any building in Australia. As members would be well aware, much of the interior, the wood panelling and the staircase had been brought into South Australia from the Beaudesert Castle which had been demolished in the 1930s.

The Carrick Hill Trust Act recognised that the land could be used for a variety of objects including an art gallery. It also recognised that:

> The trust shall not without the approval of both Houses of Parliament sell or otherwise dispose of its real property.

When the Bill came through the Houses of Parliament in 1984 and 1985, it was amended by the Liberal Party to ensure that rather than any proposal for sale being with the approval of the Minister as originally intended there could be no sale unless it was scrutinised by the Parliament itself. It is true to say that when Carrick Hill was opened during the 1986 Festival of Arts by Queen Elizabeth in our sesquicentenary year, the hopes for Carrick Hill as a major tourist attraction were high. It was said publicly by many people that it would not be unreasonable to expect up to 100 000 visitors a year locally and from interstate and overseas. That figure was never achieved. We never came close to achieving that figure: 45 000 was the largest number of visitors that Carrick Hill received in any one year, and that figure is, of course, now significantly lower. One of the facts of life of arts institutions in South Australia in the late 1980s and early 1990s is that with the creation of many new attractions, particularly in the museum area, there has been some distillation of attendances.

South Australia has a very strong museum network, but the price has been that it has put pressure on attendances. Carrick Hill, looking at it realistically, suffers the tyranny of distance. It is not easy to visit, in the sense that it is out of the city centre and, for older people particularly, it may be more difficult given that the car park is situated some distance away from the house. But, given those limitations, certainly it is a very interesting tourist destination. In 1987, when the then Bannon Government brought to the Parliament the suggestion of selling off 2.7 hectares of land for a sum just over $1 million, with the object of developing a sculpture park in the grounds of Carrick Hill, there was, as the Hon. Anne Levy has fairly put it, some reasonable basis for supporting this notion.

I must say publicly, as I can now with the effluxion of time that, at that time, I was the Liberal spokesman for the Arts, and I had privately expressed support for this proposal, but I was a lone ranger. There was not a scintilla of support in the Party for the proposition which had been initially supported by the families close to Carrick Hill but which had very strong opposition from the residents of Springfield, based firmly on the well-established 'NIMBY' principle, and there was, as one would expect with a matter such as this, a fair bit of emotion.

At the time the Liberal Party determined that it would oppose the resolution to sell off the 2.7 hectares of land, or roughly eight blocks. That area of land represented about 6.8 per cent of the total land area at Carrick Hill. It was well away from the house itself and, indeed, as the Hon. Anne

Levy has said, David Tonkin gave evidence to the select committee at the time that Sir Edward Hayward, who had outlived Lady Ursula Hayward, had expressed his thoughts about this matter. I read into *Hansard* a brief extract of a letter from David Tonkin which followed a discussion between himself and Sir Edward Hayward during a visit by the then Premier to Carrick Hill in 1982. The letter states:

> I also offered to see whether assistance could be given towards maintaining the grounds and providing some help with certain trees which were in urgent need of attention. Following on this, Sir Edward mentioned the possibility of moving from the main property to part of what I understand is now the portion of land that is proposed to subdivide and sell. He made the point then that splitting off the piece of land 'up at the back'—

those were Sir Edward's exact words—

> would not in any way affect the integrity of Carrick Hill as a complete entity.
>
> He was also pleased that it represented a valuable source of capital which would provide a trust with the basic income to develop Carrick Hill should the Government find it difficult to provide adequate funds.
>
> I have no doubt at all of Sir Edward's commitment to the development of the Carrick Hill concept, including the creation of the sculpture park, nor of his clearly expressed attitude towards the selling off of the land in question to raise Trust capital to provide income towards its development.
>
> I hope this will be of some assistance to you; the Chairman of the Carrick Hill Trust has written to me in similar terms—

at the time, the Chairman of the Carrick Hill Trust was Dr Christopher Laurie—

> and I have responded to him in the same vein.
> With best wishes, yours sincerely, David Tonkin.

David Tonkin was the then Secretary-General of the Commonwealth Parliamentary Association. To put this in context, that letter, dated 23 June 1987, was written to the Hon. Anne Levy, President of the Legislative Council and, at that time, she had also been the Chairman of the select committee—

The Hon. Anne Levy interjecting:

The Hon. L.H. DAVIS: I am sorry. She had been the Chair of the select committee of the Legislative Council which had examined this proposal to sell off 1.2 hectares of land. As the Hon. Anne Levy mentioned in her contribution, that was an evenly divided committee, consisting of three Liberal members and three Labor members. The report of that committee, which was established in April 1987 and which reported in October 1987, noted three distinct themes in relation to this subject: first, opposition to the proposed sale on environmental and planning grounds; secondly, an opinion that the bequest should be inviolate and not subject to part sale, which would destroy the original intent of such bequest; and, thirdly, support for the development of a sculpture park at Carrick Hill and belief that the proposed sale of land was the only practical means of achieving that while not interfering with the integrity of Carrick Hill.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: The Hon. Terry Roberts, if he is not suffering memory loss, was, in fact, a member of that committee. I remind the honourable member of that. One point that should not be forgotten is that the report, at page 4, states:

> The possibility of selling personal property such as paintings or furniture in order to raise the necessary capital to fund a sculpture park was discussed. However, the Carrick Hill Trust advised that it was not their wish nor their intent to raise money by such means, even though the sale of such property does not require the acquiescence of Parliament but is subject only to ministerial approval.

The report of the committee further noted:

> . . . that the concept of a sculpture park at Carrick Hill was instigated by the late Sir Edward Hayward in early 1980 and received the endorsement of the then Premier. . . . Evidence was also given [as I have already mentioned] that Sir Edward Hayward had previously raised the possibility of selling the same portion of Carrick Hill land in order to fund the sculpture park and provide a home for his retirement.

Of course, the Carrick Hill Trust board was firmly in favour of the development of the sculpture park and had supported the proposed excision of the land to make the trust more viable. I should also say that the proposal was to develop not only a sculpture park of international renown to complement the Epstein sculptures and the very eclectic range of paintings within Carrick Hill but also the more hilly region of Carrick Hill on the southern boundary to provide walking trails. In other words, the object would be to broaden the range of interest that Carrick Hill could provide for potential visitors: to upgrade the gardens; to provide a sculpture park, which would be an attraction to garden lovers, together with the interesting and unusual interior of Carrick Hill, and the range of paintings and Epstein sculptures also within the house itself, and then, of course, the hiking trails and picnic grounds that were to be developed on the southern extremities of Carrick Hill.

The committee considered all the evidence, and its three key recommendations were: first, that it was evenly divided on a resolution to recommend approval by Parliament of the proposed sale of land; in other words, it is split on Party lines. Secondly, it agreed to recommend that if Parliament approves the present sale of land no further land at Carrick Hill should be sold; and, thirdly, it agreed to recommend the question whether the Supreme Court should be given the power to vary charitable trusts in order to provide that ongoing maintenance of any bequests be further investigated by the Attorney-General. I do not know whether that third matter has been taken up and whether indeed—

The Hon. Anne Levy interjecting:

The Hon. L.H. DAVIS: The then Attorney-General was the Hon. Christopher Sumner, and he remained the Attorney-General for another six years, so it is a valid point for the present Government to determine whether the Government and the Attorney-General of the day took up the point to investigate whether or not the Supreme Court should be given the power to vary charitable trusts—which, of course, was one of the arguments that made some people feel diffident about selling off that portion of land.

The irony is that we are now faced with this dilemma again. The very generous gift of Carrick Hill by the Hayward family unfortunately was not accompanied by sufficient funds to maintain the property. No blame can lie with the Hayward family for that because they were different times. The State was not impecunious then as it is as a result of the State Bank debacle, and there was a reasonable expectation that Carrick Hill would more or less pay its way. But the shortfall of visitors has meant that there is a recurrent deficit each year.

The Hon. Anne Levy interjecting:

The Hon. L.H. DAVIS: There was an expectation that it would be less a drain on the State than it is. Given the financial constraints with which this Government is faced, obviously all options must be considered. One option is to sell the property holus-bolus. That is one option and certainly one I would resist. As I have mentioned, another option would be to sell some of the personal property, the paintings and sculptures within Carrick Hill. Again, I do not think that is a serious option.

A third option is one we are now addressing, that is, to sell real property, land, and the proposal that we have now before is to sell sufficient land to raise the sum of $8 million, with $1.5 million to be devoted to urgent capital works to ensure that Carrick Hill is kept in good repair (that is always a major consideration) and the balance of the funds, $6.6 million, to be devoted to a capital fund, the interest from which would then meet, or go some way towards meeting, the recurrent expenditure that is necessarily involved in maintaining Carrick Hill as a place for public visitation.

The Hon. J.C. IRWIN: I support the motion to set up the select committee, which has three specific terms of reference: (a) to sell up to 11.34 hectares of land, with the emphasis relating to the word 'up'; (b) to establish a trust to incorporate the net proceeds of the land sale and other external fundraising activities; and (c) the net sale of the proceeds of the land and external funds to be applied to necessary repairs and improvements to the Carrick Hill house and the income from the trust and investments to be used for Carrick Hill's operating costs. I will be most interested to learn of the conclusions of the select committee when it reports to the Council, as I was a member of the select committee that was established as a result of a motion in each House in 1987 that resulted in a select committee from this Council, and I was part of that. As most members of the Council know, a select committee is a good and appropriate vehicle to hear and deliberate on all matters concerning its terms of reference. I would expect that if the committee reports with positive findings in regard to the terms of reference both Houses of Parliament will be asked to pass motions supporting the sale of land at Carrick Hill and the setting up of a trust.

I am not sure if that is the process that must be followed, but I assume from past experience that it is. As some members know, I have an historic interest in Carrick Hill and the area of Springfield. As I have indicated to the Council before, my father was Sir Edward and Lady Ursula Hayward's architect for the Carrick Hill house. I have never looked it up, but I assume that his brief was to build a house around the internal fixtures and fittings, most of which were bought from a house in the United Kingdom. The Hon. Mr Davis referred briefly to that. It included a mammoth staircase that people can see if they visit the house.

The Hon. Anne Levy: And wonderful fireplaces.

The Hon. J.C. IRWIN: As the Hon. Anne Levy says, there are some wonderful items in the house, and I get somewhat set back when people refer to the house as a mock Tudor mansion. It is not fair to call it 'mock'. It might be Tudor or anything else, but it is no more or less mock than the other half of this building is different from this half or than the old Chamber is a mock of some other time. It gets on my goat when that is printed, but nevertheless the house was designed to go around a whole lot of furniture, fittings and fixtures that came from overseas.

My great-great-grandfather was C.B. Newenham, who built Springfield House, which is one of the oldest houses in South Australia. It was the first house in Springfield, and I suppose it was in the midst of a series of paddocks in those days. However, it is well known to people who know some of the older buildings of South Australia.

As I said before, I was a member of select committee that was appointed in 1987, when the issue of selling land for the benefit of Carrick Hill was tested with a motion in each House. I found it of great interest and benefit to be taken through the select committee process on that occasion. Although I will not be a member of the committee that is being set up today, I am sure that its members will find this a very interesting exercise.

I did not support the concept of selling land on that occasion in 1987 and I do not support the concept now in 1996. However, I will hold my final judgment until the select committee has reported. It may be that it can offer from a conglomeration of input from around South Australia some compromise that could persuade me to change my mind. However, my principle has always been that the heritage left to South Australia—the land and buildings known as Carrick Hill—accepted as it was by the State Government, was based on a joint will.

This seems to have escaped some people. It was not the will of Sir Edward Hayward and it was not the will of Lady Ursula Hayward: it resulted from a will to which they both agreed before Lady Ursula predeceased Sir Edward. It was a joint will and, with the greatest of respect for David Tonkin, it did not matter what Sir Edward suggested about the land and selling some of it off: I must remind members that the land itself was a wedding gift to the Haywards by Lady Ursula Hayward's family, the Barr-Smiths, who are also well known benefactors in South Australia.

I offer one observation which has held in reasonably good stead for me over the years, as passed on to me by my elders of other times, who said: 'Don't sell land.' There is no more of that being made nowadays, so far as I know. Once it is gone it is gone. Part of the heritage of Carrick Hill from the Haywards is its open space, and this is often forgotten in the concept of splitting it up and selling off land. It is open space that goes hand in glove with Colonel Light's heritage, which he left us and of which we are proud, that is, the Adelaide parklands. It is our lungs and it is open ace. If you like, Carrick Hill is the second ring generation. If in their wisdom people do not see land possession as sacrosanct, then I urge them to follow their own logic and not hold that the art collection should also be sacrosanct. If land can be sold, my proposition is that some of the art collection should be sold, as a mixture, and I hope the committee will look at that. The Art Gallery would have no difficulty, I would imagine, in replacing art at Carrick Hill on a rotating basis from its own trove of treasures which are now more on display than they have been, thanks to the new extension.

I raise the matters of land area and art in reference to paragraph (b) of the motion. I urge the select committee to seek out other forms of fundraising which will eliminate or greatly reduce the pressure on land sales. I am not convinced that, since 1987, anything exciting has been tried at Carrick Hill to make it more self-reliant, using its house and its land. I have not heard anything at all. I have visited the house a couple of times since 1987 but, in the normal flow of information from around this State or through this place, or from letters, reports or whatever, I have not heard of any increase in the usage of the land and buildings at Carrick Hill for entrepreneurial activities. Perhaps the Minister can give me some advice on that when she replies; I would be happy to hear that. By saying that, I certainly do not reflect on the wonderful people who volunteer to work at Carrick Hill and who do so very effectively.

In relation to the wording of paragraph (c), what is meant by the words 'improvements to the Carrick Hill house'? Are these words meant in the context of repairs and maintenance to the house which are normally associated with an ageing building? Given that it was built in the mid 1930s, it is now a 60-year-old house. Does the word 'improvement' mean

something more than repairs and maintenance in internal or external work that might be added on to the house, or rearranging the internal parts of the house by knocking down and putting up other walls, or does it mean adding on some other external area? I will not make any judgment on whether that would detract from the amenity of the house or whether it would add to the attraction of the house, but I seek some clarification of the word 'improvement'. With that said, I support the motion and the setting up of the select committee.

The Hon. R.D. LAWSON: I, too, support this measure, and I wish to speak only very briefly on it. I reserve judgment on the matters that the select committee will be required to address. However, I congratulate the Minister on facing up to the difficult issues that have arisen in relation to Carrick Hill. From the Minister's point of view, the easy solution to this problem would simply have been to let the property fall into disrepair and not to provide the additional funds which are ultimately required for its preservation. On that scenario, the Minister would have left it to somebody in the future to resolve the difficult issue. The issue must be faced up to at some time, and now is the appropriate time to do it. As has already been explained, the Carrick Hill house requires extensive and expensive renovations in the near future, if the fabric of the building is to be preserved. I reserve judgment on the issue as to whether or not any land should be sold at all and, if land is to be sold, how much and which land should be sold. These are issues that the select committee will have to examine. Like my colleague the Hon. Jamie Irwin, I will be interested to read in due course the conclusions of the select committee on whether there are any other feasible ways of protecting and preserving Carrick Hill for future generations of South Australians. I support the measure.

The Hon. DIANA LAIDLAW (Minister for the Arts): I would like to thank all members who have contributed to this debate and also colleagues who have worked with me in working through the issues and in framing the motion before us. I give credit to the Hon. Jamie Irwin who amended an earlier proposition that I had prepared and who proposed the words which were approved by the Party which added reference in paragraph (b) to other external fundraising activities. I have always indicated during the discussions that I have had with many people on this issue that the proposal involves a maximum of 11.34 hectares of land and that this provides considerable incentive for the trust and for those who find some objection to the sale of land to come up with other means that will provide the necessary money to sustain Carrick Hill in the future.

In terms of the Hon. Anne Levy's reference to examining papers that were presented to the last select committee I, too, would hope that that option is taken up by members. In terms of a reference to further land sales, I recognise that, if there was a provision to remove the reference to sale of land—clause 13(5) in this Bill—Parliament could reinsert that at some later date.

However, the reason why we have brought it before the Parliament now and why the honourable member brought it to the Parliament in the past—notwithstanding what is in the will and subsequent to the will's being read—is that Parliament sought to provide that there was a mechanism for the sale of land. It is on that basis that we looked at this issue in 1987 and that we look at again now. It is also important for us to recognise that, notwithstanding any will at any time, the Carrick Hill Trust Act 1985 overrides the terms of the wills and the deed of the Haywards. That was noted in the 1987 select committee, and it is worth noting again now. Of course, in seeking to do that, we have the safeguard of Parliament considering the measure.

Taking up the point made by the Hon. Robert Lawson, it would have been a quite easy option to let this house fall into disrepair. It was also an option for the Minister—me in this instance—not to even bring the matter before the Parliament, not to canvass this issue, not to stir up local residents, as I know I have, and to sell the art collection. However, the art collection was extraordinarily important to both Lady Ursula Hayward and Sir Edward. It was one of their express wishes—and this is reflected in the Act—that this property be for the purposes of an art gallery. It may well be that it is an option that can be pursued in the future, depending on the outcome of the select committee. It is not an option that I have ever wanted to canvass, even though, as I said, it would be much easier to pursue that option at this time than to take up the time of my colleagues here or to stir this issue.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Of course, as I indicated, that is another option: that it be closed and let fall into disrepair, and the Hon. Robert Lawson has referred to that. That would probably be an easy solution, too. However, it is not one that is desirable because at least in the instance of Old Parliament House there was an acute need for this Parliament to find more space. The building is now fully utilised. It has been restored and is being well used. We cannot leave old buildings unused, because they fall into disrepair. We saw that with Borthwick and others on Brougham Place over a number of years.

The Hon. Anne Levy: They are much older than Carrick Hill.

The Hon. DIANA LAIDLAW: Much older; that is right. That was really true Australian heritage in a sense. The Government has not chosen either of these easy options. We have brought this matter before the Parliament and proposed a select committee so that the public can have an input in the deliberations. I thank all members who have taken part in the debate for supporting the establishment of this select committee. I repeat, for the benefit of the Hon. Sandra Kanck, that, as confirmed by the 1987 select committee, the Carrick Hill Trust Act 1985 overrides the will and the deeds of the Haywards. We would not be considering bringing forward this motion at this time, as the former Premier, John Bannon, would not have brought forward his motion on behalf of the Labor Government in 1987, were that not so.

Motion carried.

The Council appointed a select committee consisting of the Hons Sandra Kanck, Diana Laidlaw, Anne Levy, P. Nocella and A.J. Redford; the committee to have power to send for persons, papers and records, to adjourn from time to time and to report on Wednesday 24 July 1996.

STATUTES AMENDMENT (SENTENCING OF YOUNG OFFENDERS) BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1480.)

The Hon. R.D. LAWSON: I support this measure and wish to speak only briefly in relation to it. The Bill provides for the restoration, in certain circumstances, of the principle of general deterrence in sentencing young offenders, but it will not provide for the principle of general deterrence to be

applied to all young offenders who come before the Youth Court. It is worth going back to the interim report of the select committee on the juvenile justice system of November 1992. That all-Party committee, under the chairmanship of Mr Terry Groom, made a detailed examination of a number of issues arising in this area. One of the issues that it examined was the sentencing criteria in relation to young offenders. I suspect that if we asked people whether the principle of general deterrence should be applied when sentencing young offenders, most, perhaps 99 per cent, would immediately reply, 'Of course it should. The courts ought to have in mind the general deterrent effect of a particular sentence when passing sentence.' However, that immediate response is perhaps not appropriate without at least giving the matter further thought.

The select committee analysed some of the arguments relating to general deterrence. The report noted that the concept of general deterrence was not then currently applicable in the juvenile justice system. Chapter 6 of the report dealt with some philosophical and legislative issues, in particular the question of general deterrence. It noted that the Police Department was very much in favour of introducing an element of general deterrence into the juvenile justice system. The report noted that section 7 'allowed too much emphasis to be placed on rehabilitation to the detriment of the community', that being one particular argument that was raised.

The Police Department was critical of the fact that section 7 of the then legislation 'contained no element of general deterrence, even in the case of serious of repeat offenders'. This, the department claimed, led to an imbalance 'between the interests of the child and the interests of the community and the victim'. The police on that occasion favoured a reordering of priorities to ensure that 'the community comes first, the victim perhaps second. . . and third should be the child'. It was recommended, therefore, by the Police Department that the legislation be amended 'to reflect a priority-based criteria preferring the victim and the community'. The department also argued that there should be a specific provision about general deterrence.

The Department for Family and Community Services, the Children's Interest Bureau and the Legal Services Commission, all of which presented evidence to the select committee, did not support the reintroduction of general deterrence across the whole spectrum of juvenile offenders. The Legal Services Commission said that 'general deterrence could readily be invoked for certain children by lodging a section 47 application'. That was an application under the previous legislation which would have ensured that the child came before an adult court where, under the general criminal law, sentencing legislation applies the principle of general deterrence at the point of sentencing. The Department for Family and Community Services rejected the concept of deterrence on the ground that there was no evidence to indicate that it prevented either offending or reoffending.

The select committee ultimately recommended at section 6.7 of its report that there was a need to provide an element of general deterrence. The precise nature of that element was not defined. When the package of measures which created the Youth Court and which enacted the Children's Protection Act and the Young Offenders Act came into force, it was found by reason of a decision of the Full Court of the Supreme Court that the principle of general deterrence was not a relevant sentencing principle for children at all. That decision was arrived at by reason of a close application of the strict letter of the Criminal Law Sentencing Act and the other legislation to which I have referred. It is important that the Parliament understand that, in allowing for an element of general deterrence in those cases where the offender is treated as an adult, it does involve a change of principle.

One can readily understand that applying the principle of general deterrence across the board to juvenile offenders would be inconsistent with notions of fairness. A number of studies have shown that young offenders do not respond as one might hope they would to being sentenced not on the basis of their own criminal or deviant behaviour but on the basis of the need to deter others from offending similarly. It does create in them a feeling of alienation and injustice. It does not encourage the level of improving citizenship that one would hope the juvenile justice system is designed to achieve but, rather, as I have said, alienates the child concerned. In those circumstances I am glad to see that the anomaly which was noted by the Full Court of South Australia in the case of Schultz in March of 1995 has been remedied but that no more has been amended than is, strictly speaking, necessary in this respect to overcome the need for general deterrence in those cases where serious offences have been committed.

I do not have the legislation at hand, but the amendments to which I refer are those to section 3 of the Young Offenders Act which require the court, in the case of a youth who is being dealt with as an adult, and allow the court in any other case where the court thinks appropriate because of the nature or circumstances of the offence, to provide 'an appropriate level of deterrence for youths generally'. That is a measure which I support, and I support the second reading of the Bill.

The Hon. T. CROTHERS secured the adjournment of the debate.

STATUTES AMENDMENT (ABOLITION OF TRIBUNALS) BILL

The House of Assembly intimated that it insisted on its amendments to which the Legislative Council had disagreed.

ADJOURNMENT

At 5.50 p.m. the Council adjourned until Wednesday 5 June at 2.15 p.m.