LEGISLATIVE COUNCIL

Wednesday 5 March 1997

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Bulk Handling of Grain (Directors) Amendment,

Development (Private Certification) Amendment,

Gas (Appliances) Amendment.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the fourteenth report of the Legislative Review Committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the fifteenth report of the Legislative Review Committee.

I also bring up the report of the Legislative Review Committee on the general regulations under the Electricity Act 1996 made on 19 December 1996.

SCHOOL COMPUTING EQUIPMENT

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement from the Minister for Information and Contract Services in the other place on school computers.

Leave granted.

QUESTION TIME

SCHOOL COMPUTING EQUIPMENT

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 computer industry development.

Leave granted.

The Hon. CAROLYN PICKLES: Yesterday the Minister for Education and Children's Services told the Council that the recommendation for Southmark's tender was overturned after the evaluation of industry development proposals. The Minister said:

> When both evaluations were done on the needs of service. . . along with the industrial development evaluation that needed to be done by the Department of Information Industries, the recommendation was [for] the consortium.

In another place yesterday the Minister for Information and Contract Services twice told the Parliament that this contract was decided by the Minister for Education and Children's Services. My questions to the Minister are:

1. What industry benefits will be delivered to South Australia under the contract?

2. How does the Minister justify his claim that the contract will create 40 jobs, when the local computer industry says that it will lose 160 jobs?

The Hon. R.I. LUCAS: I understand that the information in relation to the industry development aspects of the proposal was prepared by officers within the Department for Information Industries at the time. It is correct to say, as the Minister in another place indicated yesterday, that the decision was taken by the Department for Education and Children's Services, and ultimately me, as Minister, and that is entirely consistent with the information I gave yesterday, that is, that there are two aspects to the evaluation: cost and supply, and industrial development. Based on advice from the Department for Information Industries as to how one aggregates those two aspects on the one evaluation, a final determination was then taken.

The Hon. Carolyn Pickles: What about the jobs?

The Hon. R.I. LUCAS: I just said: it was done by industrial development.

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 ministerial confusion.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: Yesterday the Minister told the Council—

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: Just wait.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: Yesterday the Minister told the Council that the decision to restrict the tenders for school computers to five companies and exclude local suppliers was taken by the Government. The Minister for Information and Contract Services told Parliament that the decision was made by the Department for Education and Children's Services. Will the Minister now explain the difference between the two answers?

The Hon. R.I. LUCAS: There is no confusion between the Ministers. The Ministers were entirely consistent in the answers they gave yesterday and will give today. As I indicated yesterday, and as I have already indicated in response to the first question, there were two aspects to the evaluation: industrial development; and cost, supply and service. They were then aggregated and brought together based on advice from the Department for Information Industries, and as a result of that a final decision was taken by the Department for Education and Children's Services officers, and then ultimately me, as Minister.

In relation to the preferred supplier contract, the contract which was first signed by the Government for the whole of Government prior to July 1996 but which was for the two year period from July 1996 to July 1998 was completed on an open tender basis. I understand (and we are still seeking final advice on this) that it was open to all companies to apply for that tender for the whole of Government contract. Five preferred suppliers were eventually nominated for the whole of Government contract. As I said, the decision was then taken by the Government for the Department for Education and Children's Services to negotiate with each of those five preferred suppliers to the whole of Government and, ultimately, through the process I have explained—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The ministerial statement from the Hon. Dean Brown has nothing to do with the question.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: If the honourable member wants to ask another question about the Hon. Dean Brown's ministerial statement on that other issue, please do so. However, it has nothing to do with this particular question.

The Hon. R.R. Roberts: You can explain it tomorrow.

The Hon. R.I. LUCAS: No, it's on the record. I would be delighted if the honourable member asked another question in relation to that. It has nothing to do with the question that the Leader of the Opposition has just asked me. I have indicated the process that was followed by both the department and the Government.

JUVENILE JUSTICE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about corporal punishment and juvenile justice.

Leave granted.

The Hon. R.R. ROBERTS: In the last couple of days a number of contributions have been attributed to the member for Eyre, Mr Graham Gunn. Yesterday, I heard him on radio espousing his endearment for old-fashioned policing—whatever that means—and for the odd whack on the backside. Mr Gunn had a quite extensive interview, which was followed by Senior Sergeant Howie from the Port Augusta police, who said that it was unlawful for police to strike any offender. Indeed, it was an illegal assault.

This morning I see that the member for Eyre has been quoted in a newspaper article as saying that repeat juvenile offenders should be given an odd whack on the backside. There is no definition of what 'an odd whack on the backside' means—whether it be with the hand, by birching or whatever. The newspaper report also quoted Mr Graham Gunn as saying that the time has come to tell the bleeding hearts that their system of patting these people on the head has come to an end. My questions to the Attorney-General are:

1. Does the Attorney or his Government endorse the concept of backside whacking for juvenile offenders of any description?

2. Does the Attorney view the comments by Mr Gunn as a cynical exercise in vote catching, designed to play on the fears of the community?

3. Is Mr Gunn mistaken, or does the Attorney preside over a juvenile justice system where repeat offenders are patted on the head?

The Hon. K.T. GRIFFIN: I suspect that the honourable Speaker was speaking figuratively rather than in actual descriptions of what he would like to see. Yesterday, when I was asked by the media for a response to what the Speaker was reported to have said at a meeting at Port Augusta, I think on Monday night, I indicated that—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: One hears one's parents talk about the time they were caught at night stealing watermelons and the police officer gave them a whack across the ears and sent them home and they did not do it again. Nevertheless, that does not occur—

The Hon. T.G. Cameron: You don't condone that, do you?

The Hon. K.T. GRIFFIN: It wasn't me.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: I am not condoning anything: I am just reflecting. Allow me to reflect for a moment or two.

Members interjecting:

The PRESIDENT: Order! There is too much background conversation.

The Hon. K.T. GRIFFIN: I was saying that one often hears people talking about those stories from decades ago, when the police officer was part of the community and lived in the community for a long time. Whether or not it actually happened, I do not know, but that is the reflection which older people will frequently raise when they talk about the so-called 'good old days'. However, the fact is that it is not permissible in this day and age for police officers or any member of the community who is a stranger to a young person to give them a whack on the backside. It is just not—

The Hon. T.G. Cameron: Or anywhere else.

The Hon. K.T. GRIFFIN: Or anywhere else. It is just not acceptable.

The Hon. T.G. Cameron: I am pleased to hear you say that.

The Hon. K.T. GRIFFIN: I said it yesterday in the media; it is on the public record in here and out there; and I have no hesitation in saying it. The fact is that the new juvenile justice system gives more power to the police in dealing imaginatively with young offenders than it does in any other State in Australia. The select committee was a bipartisan committee of the House of Assembly and, notwithstanding that a lot of people expressed concerns about the wide-ranging powers that were being given to police, the review that we conducted last year signalled that police, offenders and victims felt that the system was working. There are some glitches in the system and there are some difficulties with it, but we are addressing those.

In terms of police power, the police can caution informally or formally. When they formally caution, they can do it in a way which might result in something like 75 hours community work being ordered, and that is done not only with the young offender but also in conjunction with his or her family and in consultation with the victim.

The facts are that something like 50 per cent of the matters affecting young offenders which come to the notice of the police and the courts are dealt with by either formal or informal cautions. One could say figuratively speaking that that is equivalent to a whack up the backside, because what it enables—

An honourable member: Oh, come on!

The Hon. K.T. GRIFFIN: Just listen to what I am saying. I am sure that the honourable member will go out and seek to distort it. I am saying that figuratively—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I said 'figuratively speaking'. It means that, in close consultation with the victim, the young offender and the young offender's family, some punishment can be tailored to suit the individual as a consequence of the offence. Right across the board, that is generally accepted as working. As I say, it is a power given to police which is much broader than is given to other Police Forces around Australia.

The Hon. Carolyn Pickles: Do you think the remark was stupid?

The Hon. K.T. GRIFFIN: I am not making any observation about it. I am telling the Council what I think. I was asked a question about what the honourable Speaker said, and I am giving a response. My view is that it is not acceptable physically to give any young person, or any adult for that

matter, a clip around the ears or a kick up the backside or anywhere else. It is unacceptable. The real problem is that, once we give any person in authority that power, we do not know where the limits will be drawn. Even if some people think it might be reasonable to administer some form of physical chastisement, it can never be properly administered in any event, because the limits of the exercise of that power cannot be controlled.

In society, what we seek to do by the laws we pass and the standards we seek to maintain is ensure that, where there is a public official with power, it is not abused. When it is abused, if it is the police, for example, there is the Police Complaints Authority. If there is an abuse in relation to an administrative Act, then it is the Ombudsman. A number of mechanisms in our society are directed towards dealing with an abuse of power. In all things, we seek to find a proper balance between the rights of the individual and the need to protect the community.

In relation to crime and punishment, I have said on the public record—and everybody knows my view—that you have to deal firmly with offenders, whether young or not so young, when they are detected. They have to be apprehended and taken through the criminal justice system, if that is an appropriate course to follow. However, on the other hand, we also have to give proper attention to crime prevention, identifying the causes of crime and developing strategies which will seek to reduce that crime, because in the long-term, for the benefit of the potential victim, the potential offender and for society at large, as well as the Government through the courts, police and other prosecution services and correctional institutions, the value is in preventing crime before it ever occurs.

Dealing with people in the criminal justice system costs money, and it ultimately creates trauma, for victims in particular, as well as for offenders and others who might be affected by it. So the Government's policy is two pronged: you place an emphasis on dealing with offenders and at that stage community safety but you also place an emphasis on crime prevention. If you do that, you have a prospect of long-term benefits to society.

In relation to Port Augusta, the honourable Speaker, who represents Port Augusta, indicates that there is a major problem with property vandalism in particular, and he is expressing frustration with the way it is occurring. It may be that we ought be looking specifically at the causes of those problems in Port Augusta and, with the community, developing some strategies to try to combat them. If it means ultimately that we have to punish young offenders in the criminal justice system, then so be it. No-one underplays the significance of vandalism and the hurt it may cause to those whose property it may be. The fact is that we have to do something to try to resolve it. In that area we are supporting programs such as Street Legal, an Aboriginal youth worker, and there is a Crime Prevention Committee.

We have encouraged a closer relationship between the crime prevention committee and the Port Augusta council in the wider community. Ultimately, no matter what you do as a Government, it cannot succeed unless you do it in conjunction with the community, and individuals and the community accept responsibility for this issue, which the Opposition tries to ramp up. The Leader of the Opposition is always on about knives and about two strikes and you're out, and Michael Elliott is always on about self-defence and trying to misrepresent the position. If he looked objectively at what we are trying to do he must surely acknowledge that it is the proper course, and it bears a significant measure of consistency with what the previous Government sought to do, although modified in a number of respects.

The Hon. T. CROTHERS: Mr President, I ask a supplementary question. Given the Attorney's sound legal mind, has he a view on whether the course of action that has recently been publicly advocated—that is, 'boots up the bum'—could render the State or its officers liable to be sued for compensation under the present laws of the State? If that is so, does he find it odd that one of the foremost officers of the parliamentary system should be advocating that someone would breach the State's laws?

The Hon. K.T. GRIFFIN: As I said, I suspect that what the Speaker was doing was speaking figuratively. If members opposite cannot understand what that means they should look in a dictionary.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Regrettably members in this Chamber cannot ask questions of the Speaker, but they can arrange for their colleagues in another place to do it if they want to. What I am seeking—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I am not saying that it is a cynical political exercise: let me say that right out. The Hon. Ron Roberts is trying to get me into a position—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I have not answered it—and I am not going to answer it. It is not for me to make a judgment about that. I told you what I believed to be the position, and I have told you the policy position of the Government. The issues of liability are well known to all members. Obviously if persons exceed their lawful authority, either at common law or by statute, and if they are officers of the State, the State may attract a liability for acting in excess of lawful authority. If it is an officer of a council or of the Federal Government the same principle applies. I do not think members opposite would be unaware that that is the legal position.

LAND, HAPPY VALLEY

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question about a proposed land sale.

Leave granted.

The Hon. T.G. ROBERTS: Over the past three years since the Government has embarked on a sale of community land assets I have been speaking to a lot of groups and to the *Messenger Press* generally about the need for community organisations to prioritise potential surplus land in their areas to protect it from sale, because if they do not earmark it for community use and get involved with local government potentially the land could be sold and developed.

We have a real need for second and third generation parklands (for want of a better name) in the south and north of Adelaide as the urban sprawl continues; and we need to protect and improve the lifestyle of people living in the western suburbs by developing urban parks. In the southern region a community group calling itself the Happy Valley Environment Protection Group has rallied to try to protect an area of land that borders on the Happy Valley reservoir. It would like that land, for aesthetic reasons, to be retained for

life quality and to protect the water quality and run-off that goes into the Happy Valley reservoir. I have a letter, addressed to the Leader of the Opposition, which indicates its position as follows:

> The purpose of the Happy Valley Environment Protection Group is to provide a focus for the substantial opposition to the proposal by SA Water to sell the land in Happy Valley bordered by Education Road, Chandlers Hill Road, Glenloth Drive. The group's prime objection to the rezoning of this public asset is the disregard that such a rezoning and subsequent sale has for the preservation for the environment in the area.

And, I would add, the water quality. The letter continues:

> After more than a generation of insistence by the EWS [now SA Water] that the land be kept development free in order to retain the integrity of groundwater close to the Happy Valley reservoir, the group views with some scepticism the rather sudden assertion by SA Water that water draining off this land does not, in fact, find its way into the water supply. Our scepticism is deepened by the prevarication we encounter from representatives of SA Water when we attempt to sight geologists' reports which they claim support their case. No such reports have been made available to us and we begin to doubt their very existence. In past months it has been almost as difficult to get information from Government sources as it has been from SA Water.

The letter then gives an example. My questions are:

1. Will the Government protect the land close to the Happy Valley reservoir from development?

2. Will the Government make available to the Happy Valley council and the Happy Valley Environmental Protection Group Incorporated a copy of the geologists' reports referred to in the correspondence and, if not, why not?

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

EDS BUILDING

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement from the Premier in the other place on the subject of the EDS building.

Leave granted.

ASER REDEVELOPMENT

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement from the Treasurer in the other place on the subject of the Adelaide Station and environs redevelopment.

Leave granted.

HOSPITALS, REGIONAL

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Information and Contract Services, a question about the supply of food to regional hospitals.

Leave granted.

The Hon. SANDRA KANCK: Small retail businesses in regional South Australia are concerned that they are about to be cut out of supplying foods to their local hospitals because they will not be able to compete with large metropolitan wholesale suppliers. Under the conditions of the contract, when the successful tenderer or tenderers get the contract, they will hold it for two years with an option of renewing it for a third year. Some of the current suppliers and distributors are concerned that they might not even be in business in three years' time to be able to compete the next time around. Under the new State Supply rules the small local retailers are expected to compete on price with large Adelaide-based wholesale distributors. They know that they cannot compete because they are too small to purchase directly from the manufacturers; they have to work through a middleman in terms of a wholesale distributor.

These small local retailers not only are disadvantaged because they cannot purchase directly from the manufacturers but they also miss out on the discounts that can be offered on large orders. One small retailer when contacting State Supply and saying that the system would make it too difficult for it to operate was told, 'The Government is not here to support small businesses. We are here to get the best price and, if that means getting it from Adelaide, so be it.' Indeed, the fact that the tender advertisements did not appear in the local paper but only in the *Advertiser* certainly gives the impression that State Supply was not even considering regional retailers. This means that, while these businesses cannot compete on price, they do have one advantage, that is, they can stock the supplies so that the hospitals do not have to supply storage space.

It was only yesterday in this place that the Minister for Education said in relation to the Education Department's computer contract that the contract needed to take into account not only the needs of the Education Department in relation to service, supply and cost, and issues of direct concern to schools, but also a requirement from the Government in relation to industry development proposals for any contract particularly of this size. Clearly, our Minister for Education understands that it is not just the bottom line of cost that matters in contracts. Perhaps he should be advising the Minister for information and Contract Services. I note that the Liberal Party at the last election had a small business policy that said that small business is the engine for recovery and job creation and, at the same time, its regional development policy stated that a Liberal Government would initiate an affirmative plan for regions on public sector investment. My questions to the Minister are:

1. How many hospitals in regional South Australia will have their food supplied on the basis of the current tender process being overseen by the Minister for Contract and Information Services?

2. What consultation will occur with each hospital concerned in deciding on the relevant successful tenderer?

3. In which publication did State Supply advise its tenders, and in future contracts of this nature where will it advertise? If local papers were not and are not to be used, why not?

4. Given that regional economies can be viewed as special cases, will the Minister use the powers he has under the State Supply Act to direct that the small local businesses be given favourable consideration?

5. Does the Minister agree with estimates of a $10 million black hole in South Australian regional economies if the small local suppliers lose out in this tender process?

6. Why is the Government not operating from the policies with which it went to the last State election?

The Hon. K.T. GRIFFIN: I will take the questions on notice for the Minister in the other place. I will bring back a reply.

SOUTH AUSTRALIA, ASIAN PROMOTION

In reply to **Hon. BERNICE PFITZNER** (3 December 1996).

The Hon. K.T. GRIFFIN:

1. Tourism from Asia into South Australia and Australia continues to grow at a significant rate and for this reason, Asia is treated by the South Australian Tourism Commission as one of its most important in-bound tourist regions.

Asia is the largest and fastest growing in-bound tourism region for Australia and currently provides 30 per cent of all in-bound tourists. According to the Federal Tourism Forecasting Council, it is expected that it will increased to 43 per cent of visitors to Australia by the year 2005.

South Australia is very well situated to capitalise as a 'tourism' destination, particularly as other Australian tourism locations (e.g., Sydney, Gold Coast) have almost reached saturation point in mature markets and Asian tourists and the travel trade are looking for new Australian experiences. Australian Tourist Commission (ATC) research clearly indicates that a great deal of South Australian tourism product is sought by Asian tourists.

The main priority of the South Australian Tourism Commission is, therefore, to create greater awareness of our desired tourism product by both Asian consumers and the travel trade and to convert this interest into actual arrivals.

There is still low Asian consumer awareness of South Australia and the diversity of languages and cultures in the Asian region means that different marketing approaches need to be adopted in each country. To do this effectively within the allocated budget, the Commission has given higher priority to Singapore, Hong Kong, Malaysia and Indonesia because these countries show the greatest potential for increased yield for each marketing dollar spent. Co-operative marketing campaigns with appropriate travel wholesalers and the ATC are therefore conducted to key consumer segments within those priority markets.

This approach has been very successful and I would be delighted to show my honourable colleague examples of advertisements in media such as the *Straits Times* in Singapore, and of television commercials run in Hong Kong with one of that region's largest wholesalers, Jetour.

The Commission has also adopted a strategy of utilising media familiarisations to South Australia to secure publicity worth millions of dollars, and this is playing a major role in creating consumer awareness. Of the budget allocated to marketing within Asia, over 70 per cent is devoted to front line marketing.

In addition to the above mentioned priority countries, limited marketing activities are being undertaken in emerging markets such as Korea, Taiwan and Thailand, which will be expanded once the markets become more mature in terms of overseas travel. The present limited marketing activities include such activities as the organisation of familiarisation visits to South Australia by both journalists and trade; participation in trade shows to educate wholesalers about our product and encourage them to carry South Australian packages in their product brochures, and training of retail travel agents to increase their knowledge of South Australia.

Because of the commission's efforts, there is growing recognition by wholesalers and agents that South Australia has much to offer and, in many cases, we are targeting repeat travellers who, as I mentioned before, have already been to the East Coast destinations and are looking for different Australian experiences. However, there are also a number of first time travellers who are looking for particular experiences including Kangaroo Island, Coober Pedy and our world class wine.

2. Each of the campaigns the Commission runs with Asian wholesalers, airlines and the ATC has target response and booking rates, and these are checked against the actual rates achieved following the completion of each campaign to determine how effective the campaign has been; whether it should be adjusted, and whether it should be continued. In making these evaluations, however, it is realised that not all consumers who see our advertisements will respond by buying that particular package, and may still travel to South Australia at some time in the future without necessarily being included in the campaign's immediate results.

The ultimate measure of success is the number of Asian tourists actually visiting South Australia, and this evaluation is undertaken by the Bureau of Tourism Research through its international visitor survey. The latest results of the survey (in the 3 months to March 1996) indicate visitor numbers to South Australia by Asian tourists are up 56 per cent over the same quarterly period last year. Taken over a longer term, visitor numbers from that region have increased by 27 per cent since 1993, and Asia is now our third largest source of visitors after Europe and North America. However, given the past years of neglect under the former Labor Government in promoting South Australia as a tourism destination, we still have much to do to establish ourselves in this vast market. In particular, the South Australian Tourism Commission must expand its involvement with Asian wholesalers' marketing campaigns and raise consumer awareness of South Australia through increased media coverage. The Commission is dedicated to giving this region high priority in recognition of its great potential for South Australia.

3. The Commission acknowledges the synergies between its efforts in promoting tourism in South Australia and the need to create awareness of South Australia's educational facilities. It has recently provided input into the strategy document for a program entitled 'Education Adelaide' which was prepared by the Office of the Commissioner for Public Employment. This program includes all parties interested in securing overseas students, such as private schools, universities, TAFE colleges and the Education Department. The purpose of the expanding marketing efforts is to increase the number of fee paying students and the goal of this program is to triple the number of overseas students in South Australian educational institutions by the year 2000. The commission will continue to assist groups responsible for the overseas marketing of our educational facilities.

The following information regarding the promotion of the education system has been provided by the Minister for Education and Children's Services:

The Department for Education and Children's Services (DECS) has a Marketing Plan for full fee paying students through the International Student Program. It has also actively promoted the South Australian education system through its involvement in the following:

- the export of educational services on shore and offshore as part of the SAGRIC Education Consortium;
- sister school relationships leading to a range of opportunities to promote SA education;
- sister city and state relationships and promotions;
- hosting delegations, and
- enrolling exchange students as part of reciprocal arrangements.

DECS' contribution to promote South Australia internationally includes the commitment that it will provide the following to a settlement plan for immigrants coordinated by the Office of Multicultural and Ethnic Affairs:

- pre-departure information about education to be provided in the form of a brochure written specifically for people wanting to settle in South Australia;
- sessions on education in South Australia when families first arrive, including information about how to select and enrol students in schools, and
- sessions several weeks after families arrive so that their questions can be answered about the schooling system.

DECS actively markets its International Student Program in Hong Kong, Japan, Korea, Indonesia, Thailand and Malaysia. Students recruited in this way are placed in selected schools such as Norwood Morialta High School, Glenunga International High School, Seaview High School, Charles Campbell Secondary School, Adelaide Secondary School of English and Marryatville High School. The marketing strategies used include:

- working with local agents and through the Australian Education Centres;
- being a member of the Australian International Education Foundation;
- advertising in local papers and distributing promotional material, including brochures (in the appropriate language), videos and through the Internet;
- working with other State education institutions such as TAFE and the Universities;
- taking part in state promotions such as those organised through the Economic Development Authority;
- liaising with South Australian Tourism and tourist organisations such as the Japanese Travel Bureau (JTB).

Although non-government schools in South Australia do not have a formal strategy to promote educational services to potential immigrants or investors, individual schools do have a range of strategies to market themselves in Asian countries.

Each of the 24 independent schools and four Catholic schools registered to enrol international students have their own marketing plans. 12 independent schools and four Catholic Education schools are members of the Australian International Education Foundation and the Independent Schools Board has a consortium

of schools who collaborate to promote their schools at education exhibitions.

Many independent schools have well developed alumni networks which have been very successful in promoting individual schools to Asian business people.

Some independent schools have established individual relationships with schools in Asian countries. It is proposed that these relationships will lead to twinning arrangements where students undertake a year of study in South Australia as part of their secondary schooling.

Both government and non-government schools have been negotiating with organisations such as the Japanese Travel Bureau to provide short term visits for groups of international students.

The Senior Secondary Assessment Board of South Australia (SSABSA) has actively promoted the standard of the South Australian education system in Malaysia for many years as it has provided students with the opportunity to study and sit for the tertiary entrance qualification, the South Australian Certificate of Education (SACE), known in Malaysia as the South Australian Matriculation. SSABSA is currently involved in negotiating to provide this education service in other locations throughout Asia.

Evaluation of the marketing of the DECS International Student Program is done as part of the Marketing Plan and is specific to each target country component of the Plan. The evaluation takes into account both the income and the cost of providing services to specific groups of students. The following aspects are relevant to the evaluation of each target country plan:

- the number of students recruited;
- the length of time students enrol in a DECS school;
- the quality of the education program provided;
- the counselling and other service needs of the students;
- the educational needs of the students; and
- the cost of recruitment.

South Australian Government schools attract 24 per cent of the South Australian secondary international student market according to the Overseas Student Statistic, DEET, 1996, compared to government schools in New South Wales with 15.8 per cent, Queensland 9.4 per cent , Western Australia 18.4 per cent (Victoria in 1996 had only just started enrolling international students and, at the time of the statistics, only had three students).

The number of international students enrolled in South Australian Government Schools decreased by 12 per cent in 1994, but increased by 46 per cent in 1995 and 51 per cent in 1996. The number of international students in non-government schools decreased by 9 per cent in 1994, increased by 11 per cent in 1995 and decreased by 15 per cent in 1996.

LEGAL PRACTITIONERS CONDUCT BOARD

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the Legal Practitioners Conduct Board.

Leave granted.

The Hon. R.D. LAWSON: The annual report of the Legal Practitioners Conduct Board for the year ended 30 June 1996 was recently tabled. Section 8 of that report refers to the role of the lay observer in the conduct board, and it notes that the present lay observer is a most distinguished South Australian, the Hon. Dr Jim Forbes. The lay observer attends and observes meetings of the Legal Practitioners Conduct Board and may ask the board to reopen, reinvestigate or reconsider matters of complaint. The report notes that the number of files requested by the lay observer have been increasing in recent years and last year 73 files were reviewed by the lay observer. The report goes on to say that, in order to reduce the number of complainants who are dissatisfied with decisions, the board has commenced to give basic reasons for its decisions when notifying the complainant of a decision. It goes on to say:

The board is handicapped in the extent of reasons it can provide, as its investigations are conducted on the basis of the documentary material before it. . . has no capacity to take oral evidence and does not have the protection of absolute privilege.

The report further states:

The issue of absolute protection for the board, the lay observer and the parties to the complaint has been the subject of earlier recommendations for change to the Attorney-General.

My questions arising out of that report are:

1. Does the Attorney agree that it would be desirable for the board to give reasons to complainants when it concludes its examination of a complaint?

2. Should the board have the capacity to take oral evidence and should the board and the lay observer be given absolute privilege?

3. Is the Attorney satisfied with the provisions relating to the lay observer and the degree of public protection which the observer provides?

The Hon. K.T. GRIFFIN: I think it is desirable that, on appropriate occasions, the Legal Practitioners Conduct Board give reasons to a disenchanted complainant. One of the difficulties with the operation of the Legal Practitioners Complaints Committee, and part of the difficulty with the present conduct board in terms of the legislation, is that previously they were complaint driven. Much of the investigation was done really by letters from the complainant to the committee and from the committee back to the complainant or to the lawyer seeking an explanation, and that is a long, drawn-out process.

What I am trying to do in some amendments I am having drafted at present is make the process more flexible and give the Legal Practitioners Conduct Board a greater opportunity to give reasons and to deal directly with complainants face-to-face than has been possible at present. I am not sure about taking oral evidence as a concept, but I think that the board ought to be able to interview complainants and lawyers and ought to generally be able to do things more flexibly with a view to giving ultimate satisfaction to complainants.

Many complaints relate to lack of communication or overcharging and, over the past few years, the processes have been speeded up significantly to ensure that there is a greater measure of satisfaction that is given to complainants by the old Complaints Committee and now the Legal Practitioners Conduct Board. The board itself wants a wider range of powers and more flexible procedures, and I will be seeking to accommodate that in legislation which, as I say, is currently being drafted. One other difficulty is that really unprofessional conduct is the sole criterion, and unprofessional conduct is a very serious charge.

Most lawyers who suspect that the complaint will relate to unprofessional conduct are reluctant to try to facilitate settlement of any complaint or dispute. At the present time, the Government is considering including another category of unsatisfactory conduct so that it can be a reprimand and, in other ways, the issue can be resolved more quickly than by dealing with it solely as unprofessional conduct. They are issues which the Parliament will have an opportunity to consider. I do not believe that the Bill will be introduced for a little while, but there will be an opportunity to consider that and a number of other amendments that relate to trying to make the complaints process much more flexible and with more significant outcomes than in the past.

The other problem that has been drawn to my attention is that when complainants are told by the conduct board (the old Complaints Committee), 'Well, this was a problem; we cannot do anything about it,' they get angry because they do not have a remedy. We are looking at whether we can at least put them back in the position they were in before the negligence or other misconduct about which they complain

actually occurred in order to give much more satisfaction to complainants.

In summary, I do think that, in some instances, it would be appropriate for reasons to be given. I am not convinced about the capacity to take oral evidence, but I think that interviewing complainants, as well as lawyers whose conduct is the subject of complaint, would be appropriate. I remain to be convinced that absolute privilege is appropriate because lawyers are already protected by qualified privilege, but it is an issue that is still the subject of some further consideration.

TRANSPORT, STUDENT CONCESSIONS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about student transport concessions.

Leave granted.

The Hon. T.G. CAMERON: Over the past few months there has been a growing trend in the number of reported cases where students have been issued with transit infringement notices for using concession tickets whilst not being in the possession of a valid concession card that proves their entitlement to the concession rate. Currently students caught for travelling on public transport without a valid student concession card are fined $56, no matter what the reason.

A recent case that highlights the current unreasonable policy of the PTB and student concessions and the need for its urgent reform is that of Paul Simon. Paul, a student from Taperoo High School, was detected by a field supervisor on 15 August last year for travelling on a validated $5.20 student multitrip ticket without being in possession of a student identification card and was issued with a transit infringement notice. When Paul tried to explain that he was unaware that he had to carry a student pass, as he thought they needed to be carried only by university students, he claims that the transit police became aggressive and accused him of lying. Paul, believing himself to be innocent and with the support of his family, decided that he should not have to pay the fine. There began a long period of unsuccessful negotiation with the Passenger Transport Board, the Minister for Transport's office and the Police Complaints Authority to try to resolve the matter.

The Hon. Diana Laidlaw: You have or they have, did you say?

The Hon. T.G. CAMERON: They have. I do not think I have discussed the matter with the Minister.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: That is right.

The PRESIDENT: Order!

The Hon. T.G. CAMERON: The case had its climax last Thursday when Paul Simon was found not guilty in the Youth Court of using a concessional ticket without being in possession of a valid travel concession card. In hindsight, this whole sorry saga is the result of TransAdelaide's transit police trying to enforce a policy that is clearly both unreasonable and unacceptable. Whilst I appreciate that the Transit Passenger Authority must ensure that the public transport system is used responsibly and should endeavour to expose people who abuse the system, I also believe that those cautioned for such misdemeanours, such as forgetting their appropriate identification, should not be treated as criminals and should be allowed to complete their travel home without incurring further fines.

Clearly, there should be a modification of existing passenger transport policy to allow students, who are not carrying their student ID, the opportunity to produce the required identification within 24 or 48 hours before being required to pay an infringement notice. My questions to the Minister are:

1. In light of Mr Simon's winning his case, will the Minister now—and I understand she has been examining it—ensure that TransAdelaide gives warnings to students before giving them an infringement notice?

2. Is it not a fact that the so-called 'crack down' on students who have forgotten their student concession cards has more to do with revenue raising than legitimately exposing those who attempt to abuse the system?

3. Will the Minister now instruct TransAdelaide to change its policy to enable students to produce their concession cards within 24 or 48 hours before being required to pay a fine?

The Hon. DIANA LAIDLAW: I absolutely deny any suggestion that this policy is driven simply by revenue raising, although I do not deny that it is important in the interests of TransAdelaide and taxpayer dollars generally that we seek to maximise our revenue. The honourable member would know that many people pay all the time, as they should, and it is a subsidised fare anyway, but they get pretty cross when other people are not seen to be validating their ticket, or do not have a ticket at all. So it is necessary that this issue be diligently pursued. It should be also noted that anyone without their student concession card would be given a warning in the first instance, and only then would a traffic infringement notice be issued.

That has been a longstanding practice—it is a practice which was introduced by the former Government and one which we have continued. The practice of requiring a valid concession card when people are travelling on a concession ticket is a policy and a practice that we have continued since the previous Government.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: The honourable member did not seem to—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —be concerned about the practice then.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It is because I am concerned about the practice that I have asked TransAdelaide to review that practice, and the honourable member knows from past correspondence—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron will come to order.

The Hon. DIANA LAIDLAW: —that I have asked TransAdelaide and the PTB to look at this issue.

An honourable member: You have been looking at it for months.

The Hon. DIANA LAIDLAW: We have not been looking at it for months.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Are you performing to the crowd?

The Hon. T.G. Cameron: I thought that's what you were doing. They know where you stand on this issue—no compassion.

The PRESIDENT: The Hon. Terry Cameron had a very good opportunity to ask his question. I suggest that he listen to the answer.

The Hon. DIANA LAIDLAW: It is true that I have considered that this issue requires review. Therefore I, unlike the previous Government that introduced this policy, am reviewing it. Through the PTB and TransAdelaide, I have asked that we look at how we can introduce a practice, as with drivers' licences and police picking up people in such instances, whereby they produce their concession card within 24 or 48 hours. As one would expect, that is being looked at with the customer forums within TransAdelaide, and the decision will not be taken by the bureaucracy or me alone. It is being looked at by the customer forums. I should have thought that the Hon. Terry Cameron would agree that this—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: No, I don't believe that, unilaterally, I should make a decision in this matter. We are talking with customer forums. Our customers have sought to be heard not only in this matter but also in a whole lot more, and we are doing so. It is because we are listening to our customers and because we have established these forums that we are increasing patronage, which your Government lost, on public transport.

The PRESIDENT: Order! The Hon. Ron Roberts is standing there as though he is Colonel Light with his finger out. It does not impress me very much.

Members interjecting:

The PRESIDENT: And so will you. The honourable member will not be impressed if I have to put him outside.

NUCLEAR WASTE

In reply to **Hon. T.G. ROBERTS** (12 February).

The Hon. DIANA LAIDLAW: For the honourable member's interest the Commonwealth is responsible for the sea waters between 3 and 200 nautical miles from the coastline, the 'territorial' sea. Waters beyond 200 nautical miles are known as 'international' seas for which ships have free unrestricted passage.

The State Government is only responsible for waters within three nautical miles of the coast and, in South Australia, the gulf waters.

As the ships transporting high level nuclear waste are reported to travel in international waters and will not enter South Australian state waters—

1. No. Responsibility for any contingency planning is that of the Federal Government if it deems the risk warrants such plans.
2. No. As the ships will be travelling in international waters, there is no requirement for such timetables to be disclosed.

VACCINATIONS

In reply to **Hon. BERNICE PFITZNER** (4 December 1996) and answered by letter on 15 January 1997.

The Hon. DIANA LAIDLAW: In response to the honourable member's question about the availability of a vaccine which protects against infection by the pneumococcal bacteria, the Minister for Health is able to advise that a vaccine effective against infection due to twenty three strains of pneumococci has been available for some years. The current edition (1994) of The Australian Immunisation Procedures Handbook recommends its use in high risk individuals (including Aborigines over the age of 50) and that 'consideration should be given to pneumococcal vaccination of individuals over the age of 65'.

The vaccine is not currently funded as part of the immunisation program. As with other changes to the National Health and Medical Research Council's recommendations, there is no funding available for the supply of this vaccine. Funds will be sought from the Commonwealth to support the purchase of all vaccines to be recommended in the 1996 edition of the Handbook.

ANAESTHETISTS

In reply to **Hon. SANDRA KANCK** (9 July 1996) and answered by letter on 16 January 1997.

The Hon. DIANA LAIDLAW:

1. There has been a national shortage of both trainee and specialist anaesthetists in Australia who wish to work in public sector hospitals. In South Australia the following vacancies for established staff specialist anaesthetist positions exist as at 7 January 1997.

Health Unit	Number of Vacancies	Comment
NWAHS	4	3 overseas graduates—two of whom are permanent residents—have been interviewed and are in the process of being appointed. A person to be appointed to the Chair at TQEH has been identified and is being processed
FMC	0	
WCH	0	1 new appointee will commence 1 February 1997
RGH	0	
RAH	0	

2. Current staff specialist salaries range between $68 855 (level 1) through to $91 531 (level 9). Anaesthetists are entitled to 'on-call' allowances of 5 per cent of salary for being on an on-call roster, and those with designated managerial duties are entitled to 'managerial allowances'. Consultants are paid additional amounts according to the amount of 'call-back' work performed.

Staff anaesthetists have a right of private practice and are entitled to earn up to an additional 45 per cent of their salary.

In addition to base salary, a 20 per cent loading on base salary has been approved operative from 1 July 1996. This salary loading has been made available to all staff anaesthetists for a period of three years. In addition, it is intended that anaesthetists will be able to enter into five year contracts, with a further 20 per cent loading on their salary component, in exchange for a tenured position.

3. Examination of the various awards in other States does not reveal the full picture, as various forms of enterprise bargaining obscure total remuneration within packages. In addition, interstate hospitals have instituted a number of other methods of employment such as using a 'hired gun' approach, offering return airfares, accommodation and $1 000 per day for casual anaesthetists.

Senior Consultant interstate salary comparisons as at February 1996

SA	NSW	QLD	TAS	WA	ACT	NT
91 531	95 976	98 331	90 024	111 059	96 425	98 819

Victorian rates not included as local enterprise agreements which are negotiated according to market rates are in place

4. The Australian Medical Workforce Advisory Committee, established by the Australian Health Ministers' Advisory Council, has addressed the supply, distribution and future requirements for anaesthetists in Australia through the Anaesthetic Workforce Working Party. (AMWAC REPORT 1996.3 JANUARY 1996, 'The Anaesthetic Workforce in Australia: Supply, Requirements and Projections, 1995-2006').

The Working Party found that the public hospital vacancy rate

in Australia in 1995 for staff specialists was 14.2 per cent (equivalent to 61 FTE vacant positions). The vacancies were greatest in NSW and QLD. It was anticipated that with growth in activity and annual loss from the anaesthetic workforce, the current level of graduate output would need to increase. The working party recommended that there be an increase in the number of funded anaesthetic training positions up to a maximum of 28 in 1997, with a variable distribution across Australia. In South Australia, it was recommended there be an increase of one training position in 1997, and that by 2006 there be an increase of three positions. The working party assessed this increase in training positions would meet projected requirements in SA.

The needs for South Australia will be constantly monitored and we will work with the Australian and New Zealand College of Anaesthetists to ensure sufficient accredited training posts are available.

5. There has been a period of intensive activity to address both shortage and outflow issues, involving upgraded salaries as outlined above and an intensive recruitment campaign. Four overseas graduates (two of whom are permanent residents of Australia) are in the process of being appointed to the NWAHS. One of these is to be appointed Professor of Anaesthesia at TQEH. These appointments require the necessary immigration and registration processes to be completed prior to appointment. No Australian graduates have been able to be recruited for these positions.

The issue of the 15 hour wait to which the honourable member referred in her question was not about anaesthetists but came about because of an unusual run of emergencies occurring at the hospital.

MODBURY HOSPITAL

In reply to **Hon. SANDRA KANCK** (26 November 1996) and answered by letter on 15 January 1997.

The Hon. DIANA LAIDLAW:

1. Since February 1995, Modbury Public Hospital has contracted Benson Radiology to provide all radiological services, including general X-rays, ultrasound and CT Scans for all patients either seen in the outpatients or accident and emergency department, or admitted inpatients.

It is interesting to note that, since this contract was established, Benson Radiology has improved the after-hours attendance times of both radiologists and radiographers. For example, prior to the contract, the on-call radiologist was not required to attend the Hospital if contacted and would provide advice on the telephone. Benson Radiology has arranged that, if the on-call radiologist is contacted by a duty doctor or casualty officer, he or she must attend the Hospital. The same arrangement applies to radiographers who take the X-rays.

It should be noted, however, that a radiologist will only be called in after-hours if the nature of the medical condition requires urgent specialist consultation, essential to the immediate management of the condition, or specialist investigation. In most cases of uncomplicated fracture, or suspected fracture, such consultation is not necessary and the condition is always treated conservatively in the first instance by immobilisation and appropriate pain-relief.

It should also be noted that in many cases of uncomplicated fracture, as in the case of the woman referred to, the fracture or fractures may not be visible in the first instance and further X-ray is often indicated at a later stage, up to ten days later in some cases.

In keeping with similar metropolitan hospitals, such as the Lyell McEwin Health Service and the Noarlunga Health Service, Modbury Public Hospital does not have a radiological registrar on duty 24 hours a day. However, the on-call arrangements provided by Benson Radiology are regarded as quite sufficient in the circumstances and ensure that, in urgent and complex cases, the expertise of a specialist radiologist is available at very short notice, that is, within 15 to 20 minutes.

2. As a matter of standard practice, all X-rays taken after-hours are reviewed or audited by a specialist radiologist the next working day (the Monday if taken at the weekend). This is common practice in all public hospitals, including those hospitals where a radiological registrar is available on duty after-hours, but where there is not a need to review all X-rays taken at the time of the presentation. It is left to the clinical judgement of the examining clinician, usually the duty casualty officer within Accident and Emergency Departments, to seek the advice of a radiologist if required.

Private hospitals have a variety of arrangements in place, according to their size and the nature and complexity of the work that they undertake. However, it is unlikely that their arrangements would exceed those of the public hospitals in terms of the availability of radiologists.

3. It is difficult to answer this question without more details.

As indicated above, at Modbury Public Hospital all X-rays taken after-hours are reviewed or audited by a specialist radiologist on the Monday following the weekend. It is not known why a routine audit was not undertaken until the Wednesday.

4. If the patient's condition was such that a fracture was not obvious on X-ray, the likelihood of a poor clinical outcome, as a result of a delay of this nature, is extremely small.

Redress for poor clinical outcomes is the province of the common law or professional disciplinary bodies, if negligence or unprofessional conduct is the cause.

INNER WEST COMMUNITY HEALTH SERVICE

In reply to **Hon. SANDRA KANCK** (5 February).

The Hon. DIANA LAIDLAW:

1. The Minister for Health has advised that in the overall restructure of metropolitan community health services, there has never been any intention that the people of Hindmarsh, Thebarton and West Torrens will be expected to seek a service from either Port Adelaide or The Parks Community Health Services (CHS).

Most community services in the Hindmarsh and Thebarton areas have been offered alternative accommodation within local neighbourhood houses and local community centres and will continue to be run in this way. The Adelaide Central CHS will continue to work closely with other community-based services in each locality. Collaborative arrangements already exist with services such as Charles Sturt Council and community mental health services. These and other partnerships are being explored to ensure that existing local services continue to operate and, where possible, other unmet health needs are addressed.

It is possible that staff who provide services in the Inner West area may be based at Port Adelaide CHS or The Parks CHS. Options for staff to be co-located with other relevant local services are also being explored. Services will be provided locally, irrespective of where they are based, and community health staff will travel as required to the Inner West so that services are provided locally. (It should be noted that it is only a ten minute drive from The Parks to the Inner West area).

2. It is clear that the Inner West CHS bus is an important aspect of the services provided to the Inner West community. At this point, it is not clear how best to retain this service. Planning sessions involving the Inner West CHS Reference Group are in progress and it is expected that this, and other service delivery issues, will be resolved soon.

If the bus is a vital part of community health services and programs, and there are groups of people who cannot access these programs without this facility, it will be important to ensure that a bus continues to be available. The logistics and details of how this will happen will be determined during a local area planning process to take place in May or June this year.

SCHOOL COMPUTING EQUIPMENT

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the whole of Government computer contract.

Leave granted.

The Hon. P. HOLLOWAY: On 25 February, when answering a question about school computer tendering, the Minister said:

The Government has a whole of Government contract with five or six major computer suppliers, some South Australian-based and some interstate-based. Each department is required to negotiate with those preferred suppliers.

My questions to the Minister are:

1. Will the Government make public the terms and conditions of the whole of Government computer contract and, if not, why not?

2.Will the Minister say whether the preferred suppliers have a right of renewal under the contract?

3. Did industry development guidelines apply to the whole of Government computer contract as the Minister has informed us that they apply to the school computer contract?

4. Given that some preferred suppliers are, in the Minister's words 'interstate-based', how does the whole of Government computer contract comply with those industry development guidelines?

5. Did the Minister and his department support the whole of Government contract at the time it was negotiated, and does he support it now?

The Hon. R.I. LUCAS: As most of those questions relate to the then Department for Information Industries or, preceding that, the Office for Information Technology, I will refer them to the appropriate Minister and bring back a considered reply. I am surprised at the Labor Party's approach in relation to this. It would appear from the Opposition Leaders in another place and in this place that the Labor Party wants this contract awarded to an interstate company. That appears to be the position—

The Hon. P. Holloway: That is quite untrue.

The Hon. R.I. LUCAS: That is the position put by the Labor Party over the last 48 hours in attacking the Government's decision to award the contract to a consortium of three local companies. Clearly, from the information provided by the Leader of the Opposition in another place and his counterpart in this place yesterday, it would appear that the Labor Party's preferred position is that the contract go to a Victorian company. At least the Labor Party ought to be honest about that. Clearly, if the Labor Party criticises the Government's decision about a preferred supplier being a consortium of three South Australian companies and if it criticises the Government's decision not to proceed with a recommendation from an interstate company, its position is that this huge contract and its jobs should have gone to a Victorian or interstate company. The Leader of the Opposition wants Jeff Kennett, Bob Carr or some other Eastern Seaboard State Government to take the contract, because the Opposition has mounted a quite vicious campaign—

Members interjecting:

The PRESIDENT: Order, members on my right!

The Hon. R.I. LUCAS: The Labor Party has been attacking the Government for ensuring that there is a balance in the evaluation of industrial development and jobs for South Australian workers in relation to this decision. Clearly, the Hon. Carolyn Pickles and the Hon. Paul Holloway think that the contract should have gone to a Victorian or Eastern Seaboard company.

The Hon. A.J. Redford: It's like the Grand Prix.

The Hon. R.I. LUCAS: That's the Labor Party's position: get rid of the Grand Prix—

Members interjecting:

The PRESIDENT: Order! I am sure that the Minister for Education and Children's Services is quite skilled in looking after himself. He does not need help from the back bench.

The Hon. R.I. LUCAS: The Opposition is quite vicious; I need all the help I can get. That is a critical policy distinction between the Labor Party and the Government in relation to a whole range of issues. The Government is quite intent, in the decisions it requires of departments, that these issues need to be taken into consideration. Clearly, the Hon. Paul Holloway, the Hon. Carolyn Pickles and the Hon. Mike Rann, with what they have done over the last 48 hours in being critical of the contract being awarded to a South Australian consortium, support the notion, as they sought to do yesterday, that the $17 million or so contract over 12 to 14 months go either to a Victorian company or a company in one of the Eastern Seaboard States. As a proud South Australian, I must say that I am disappointed at the lack of patriotism and State support from the Hon. Paul Holloway, the Hon. Carolyn Pickles and the Hon. Mike Rann for the way that the Government has gone about this contract.

The Hon. P. HOLLOWAY: As a supplementary question, given the Minister's comments and the inference that the Government does not prefer interstate suppliers, will he say why interstate suppliers were chosen for the whole of Government contract?

The Hon. R.I. LUCAS: The Government is saying that there needs to be an appropriate balance between the cost, the service, the supply and industrial development. The Labor Party and the Hon. Mike Rann are saying, 'Forget about the industrial development side of the contract,' because yesterday—and in this place as well—they deliberately indicated only one part of the evaluation. They knew that in the overall evaluation there were two aspects to it, and they deliberately chose—

The Hon. A.J. Redford: Is it because they had not read that far?

The Hon. R.I. LUCAS: No, they knew that it did not suit the story. They knew that there were two parts.

The Hon. L.H. Davis: The fabricator strikes again.

The Hon. R.I. LUCAS: Yes, the fabricator strikes again! Mr President—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! Does the Hon. Terry Cameron have another question?

The Hon. T.G. Cameron: I am out of time, Mr President.

The PRESIDENT: Order! The honourable member will have all day tomorrow to ask it.

The Hon. R.I. LUCAS: As I was trying to indicate, the Leader of the Opposition and the Labor Party knew that there were two parts of the evaluation which were added together to give an overall evaluation. They deliberately chose yesterday to reveal to the Parliament and to the media only one part of the evaluation. They got rid of the other part of the evaluation. They got rid of the bit that added the two—

The Hon. L.H. Davis: Did he stamp it 'confidential'?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am not sure. He has done that on a previous occasion, as has been revealed in the Parliament. He has been revealed in the Parliament on a previous occasion to have engaged in behaviour like that, and clearly yesterday, he, supported by the Leader of the Opposition in this Chamber—

The Hon. L.H. Davis: Aided and abetted.

The Hon. R.I. LUCAS: Aided and abetted—deliberately chose not to reveal all the information that they had in relation to the issue.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As I have indicated, I will refer the other parts of the question to the Minister responsible and bring back a reply.

MATTERS OF INTEREST

MALE HEALTH

The Hon. CAROLINE SCHAEFER: This morning, my attention was drawn to an article in the *Advertiser* entitled 'The trouble with boys', which is probably appropriate today! In part, the article states that many parents, particularly feminist mothers, are worried about the schooling that their sons are getting. They see an obvious difference between the energetic forward-looking attitudes of their daughters and the often apathetic and angry response to school of their sons. Professor Richard Teese of Melbourne, who heads a national education outcomes survey, notes in this article that the study found that girls outperformed boys in English, are less likely to fail in higher level maths, outperform boys in terminal maths, and those few girls who go on to take physics outperform boys in physics as well.

The article needs to be noted by us all, because in a push to find equality for women we have forgotten our male counterparts. It is well known that women in rural areas are on average two years better educated than their partners, and many people are now beginning to suggest that boys may require single sex education instead of co-education in order to do well outside the competitive arena, in the same way as people said that about girls 15 or so years ago.

However, more concerning even than the issue of education is a publication by Bill Ohehir, entitled *Men's Health—A Working Manual*, and I would like to draw the attention of the Parliament to some of the statistics in that publication. Taken from a 1993 study (and I do not suppose it has got any better since), the following statistics are some of the percentage differences in mortality rates between male and females.

Between the age of 0 and 14 years, boys are more likely to drown by 171 per cent; suffer from infant death syndrome by 59 per cent; and die in motor vehicle accidents by 53 per cent. Worse still are the adolescent boys' percentages, where males are 325 per cent more likely to commit suicide; 214 per cent more likely to die in a motor vehicle accident; 266 per cent more likely to die from other injuries; 83 per cent more likely to die from drug dependence; and 60 per cent more likely to die from cancer.

The statistics for men between 25 and 64 years are as follows: 253 per cent more likely to die from heart disease; 252 per cent more likely to die from suicide; 223 per cent more likely to die from lung cancer; 170 per cent more likely to die from vehicle accidents; and 130 per cent more likely to die from stomach cancer. Over the age of 65 years, men are 389 per cent more likely to die of lung cancer; 197 per cent more likely to die of bronchitis, emphysema or asthma; and 137 per cent more likely to die of stomach cancer—yet we continually hear of the need for more women's health centres and a greater concentration on specialist women's health.

Certainly, many of us have seen the positive influence that women's health centres have had on women's health, and in my case I am very grateful for the work done by the travelling breast X-ray clinics. However, I wonder whether money has been well spent or fairly directed, considering those absolutely staggering statistics. Have we forgotten that there are two genders? In times gone by, the feminist movement required the support of men. It seems now that, if men will not stand up and speak for their own health issues, they deserve the support of women.

ECONOMIC RATIONALISM

The Hon. T. CROTHERS: When last I spoke in this Chamber on matters of interest, I referred to the evils of economic rationalism. For the consideration of members, I want to put some more facts on the *Hansard* record. Michael Douglas, the film actor, appeared in a film about share trading, and so forth, on the New York Stock Exchange, and he coined in that film the phrase 'Greed is good'. I thought that was a very apt phrase, when one stands it against the activities of some of the international cartels.

I make very clear that I am one democratic socialist who is not opposed to private enterprise, because I have seen what happens in communist countries when enterprise falls under the thrall of the Government. Of course, you have the authoritarian nature of government of that nature versus the total and absolute grief of what is occurring in today's global economy.

When this nation tries to lead the world in the removal of its tariff barriers, it really is no small act of lunacy, because stacked up against that is the fact that we have a very small domestic market. We are a nation of some 18 million people, and we have to export that which we produce, whether it be manufactured products or anything else, in a world which is ever more increasingly becoming globalised and highly competitive. It is not a level playing field, irrespective of what Paul Keating used to say—and I totally disagreed with what he said in respect to many aspects of that, concerning economic rationalism and the globalisation of world trade. That has some things to commend it, but those two matters are operating in a vacuum where there is no international law—no control whatsoever over the day-to-day, week by week, month by month deeds and activities of these extremely large companies, most of which have economies that are bigger than all but about 20 of the world's national governments.

I noted when my Liberal colleague the Hon. Legh Davis—a dry economist, in my view—interjected on the last occasion when I spoke on this matter that he did not give account to what is now happening to the automotive industry, on which this State and Victoria rely very heavily for their manufactured industry. It is no good the automotive industry saying, 'Yes, you have to go global; you will be able to export $1 billion worth of motor cars.' Some recognition is not given to the fact that, for instance, on four-wheel drives we spend some $2.2 billion per year on hard earned foreign exchange, and then people wonder whether we have deficits.

On this occasion, the Federal Opposition Party's policy, as announced by Kim Beazley, with respect to the automotive industry is a correct one, and I hope that the Prime Minister and his governmental ministerial colleagues will adopt it. That would not sit well with dry economic rationalists, yet they are the people who are at the forefront of advocating total economic rationalism and total globalisation with respect to the matter.

I have talked about the fact that there is no international rule of law that governs the activities of these people. I am constrained to put on the record the brutish behaviour of the United States in protecting its own farmers and its steel industry—just two of the many examples where the US has adopted the principal of might of right.

The other two matters that are worth getting in *Hansard* are the copper scandal with respect of Sumitomo and the collapse of Barings Bank, all in the name of economic rationalism and globalisation of trade. There is more to follow, and I hope Mr Davis is here next time to listen to me.

PARKS REDEVELOPMENT

The Hon. SANDRA KANCK: For three years the people of The Parks have been living in a state of apprehension not being able to predict their future because of the impending redevelopment that is planned there. Last year, I put questions on notice about this matter, and I received answers on 4 February. They have confirmed that the redevelopment will begin mid year. As a result of that redevelopment, there will be a 30 per cent increase in the housing plot ratio, and an extra 1 350 people will be living in the area when the whole redevelopment is completed in 15 years. This area, when redeveloped, has the potential to be very attractive to home owners, because it is only 15 minutes drive from the city. However, I believe it should not be gentrified at the expense of the current residents, some of whom have lived nowhere else but The Parks. Even if the current total number of Housing Trust homes were to be maintained, this alone would represent a reduction in Housing Trust tenants overall, yet the plans are for a 30 per cent increase in housing density.

There clearly has been a conscious decision to reduce Housing Trust accommodation even further, based on the answers I got to those questions on 4 February. At that time, I asked whether the existing Housing Trust stock was to be maintained, and the answer was, quite categorically:

> No—the intention is to reduce the level of public housing from the present 60 per cent to around 25 per cent over the life of the project.

I also asked:

> Of the approximate 2 800 existing Housing Trust homes, what numbers of dwellings will be:
>
> (a) retained as is;
>
> (b) refurbished; and
>
> (c) demolished?

The answer was that 460 would be retained as is; 260 would be refurbished; and 1 990 would be demolished. I contrast that with a story in last Saturday's *Advertiser* about the business migrants whom the Government is trying to attract to this State. It states:

> In the first phase, to cost $700 000, the migrants will be offered fully furnished prearranged accommodation at normal Housing Trust market rental rates for up to 12 weeks.

Later in the article it states that as a result of their financial independence, these people will not present a burden to the State. On the one hand, we are saying to people such as these business migrants, 'Because you've got money we will reward you,' but to the people in The Parks, 'Because you haven't got money, you will be punished.'

The Housing Trust tenants will be moved out as their suburb's turn comes up to be bulldozed. They do not know what time or when, where they will be shifted to, and they have no guarantee that they will be able to return. I attended a public meeting on 5 February, to which approximately 100 local residents came, and they showed both their fear and anger. They asked questions such as who would shift them and how; when it will happen; which people will be allowed to move back in; and, of those allowed to move back in, will they be offered purchase of the Housing Trust home. However, no-one at the that meeting had the answers to the questions.

Some of the residents have lived there for 50 years since that area was first subdivided. They have established lawns and gardens; they have maintained the houses—and some have even improved the houses. One man at the meeting explained how he had spent part of his retirement income on having new carpet laid throughout the house, and having new blinds and ceiling fans installed. When he is moved, he will have to rip them up or take them down and go through the cost of having to have the carpet re-laid and the blinds and fans installed at the next house he is shunted to. He asked a simple question, 'Who will meet the cost for new carpets and blinds in the next house if the ones in his current house are not the right size?' The increase in population of 1 350 people and the closure of The Parks High School, which this Government decided on last year, just do not add up. I recognise the Premier has given an undertaking to review that, but I hope he is aware of that projected increase in population.

I believe the concerns of The Parks residents are justified. Unfortunately, they live in a safe Labor seat, so it will not matter to a Liberal Government whether the lives of these people are thrown into chaos. However, I believe that the Housing Trust should be apolitical, and it should get its act into gear to ensure that the people of The Parks are properly informed and are given a fair deal. Every Housing Trust tenant who lives in The Parks should be guaranteed housing in the suburb in which they currently live, if they so wish.

WORLD VISION

The Hon. J.F. STEFANI: I wish to speak about the work of World Vision. The World Vision program began in 1950, when Bob Pierce, an American Church Pastor and war correspondent in Seoul, Korea, was deeply moved by the suffering of Korean children who had been orphaned and abandoned through war. He publicised their needs to people in United States who began funding small Korean orphanages to care for these children. This was the beginning of the child sponsorship scheme, and the program was called World Vision.

In the 1960s, World Vision expanded its operation to meet the needs of refugees in Indo-China and the people recovering from disaster in Bangladesh and Africa. Where long-term assistance was required and programs could be established, children in various countries began to receive sponsorship assistance from Americans, Australians and many other people throughout the world. World Vision Australia began operating in 1965, and most members would be aware the former Labor Premier (Hon. Lynn Arnold) was recently appointed to the position of Chief Executive Officer of World Vision Australia. In the 1970s the focus of World Vision was broadened from child care to include community development.

Since the 1980s the welfare approach of the early days has gradually changed to assist poverty stricken, forgotten people and communities to achieve lives of self-reliance and dignity. Currently World Vision is working on 4 514 projects in 96 countries around the world. It assists 1 163 267 children and 50 179 047 people in various countries. In 1996 World Vision had a budget of $US366 million. Over the past 16 years I have been privileged to be involved with the World Vision programs as a sponsor of three children and their families in South Africa. I recently received a letter of thanks from a little girl I currently sponsor through the Umlazi Creche Project. The letter reads:

Dear sponsor,

I will always remember you. Thank you for everything you have been doing for me, and for your love and care. May God bless you always. Thank you.

The Umlazi Creche Project serves 1 550 children in six widely spread areas throughout the province of KwaZulu Natal. The aim of the project is for self-sufficiency as a community and self-reliance and dignity for the individual. The children receive educare and skills training as well as bringing to the parents and their community a sense of hope for the future and a tangible improvement to their standard of living.

Every child selected for sponsorship is carefully screened and only the very poorest are chosen. A team of nine local field workers supervise the needs of children and their parents in each area. Each community has its own character and the field workers are trained to observe and serve the child and its family in the community. It has been a very rewarding experience for my family and me to be involved in World Vision programs and to know that three little girls and their families have been able to achieve a better life and a better future through the valuable work of World Vision.

STATE SUPPLY CONTRACTS

The Hon. R.R. ROBERTS: I rise to address the subject of State Supply contracts, especially in country areas. The Hon. Sandra Kanck by way of a question today raised one of the issues that has been brought to the Opposition's attention—the supply of miscellaneous grocery goods to Port Lincoln hospital. She pointed out in her explanation—and it has been explained to us also—that what we now see, as a consequence of the Government's policy for contracting out through State Supply, is a situation where a small business in Port Lincoln is competing against its own supplier of goods. In such situations obviously the small business in Port Lincoln cannot complete.

Another matter that has been brought to the attention of the Labor Opposition concerns local butchers in small country towns. For many years it has been an integral part of their business, and the part of their business that has been able to keep them viable, in being able to contract for and provide wholesome products for the local hospital and maintain employment. These people in rural South Australia are under continuing pressure because of the reduction of Government services and the abandonment of small business in country areas by the Liberal Government.

Another matter concerns the Housing Trust where we now have open tendering, with local businesses who employ local tradespeople trying to compete for Housing Trust contracts with highly efficient and professional housing maintenance firms in South Australia that are able to access their basic building requirements—materials and services—much cheaper, and we are seeing a loss of jobs in country areas.

I come from Port Pirie and I worked for BHAS Pty Ltd. When that company was contracting out it made an allowance for local business. I do not think that this is an unreasonable suggestion for the South Australian Government, if it does have a commitment to rural South Australia and small business in rural South Australia. This situation can be overcome by this Government making an allowance for local business content. I am sure that it is not beyond the wit of the bureaucrats to write a contract which states that not necessarily the highest or lowest contract will be accepted. This is a well known business practice and would allow for the fact that these people not only have to look after their employees but have to suffer the tyranny of distance in relation to access of services.

The policy of retraction and centralisation by this Liberal Government even goes down to State Supply itself. Last year I was in the South-East and was made aware of the State Government's intention to close—and it has closed—the State Supply office in Mount Gambier, an operation that had been reduced from eight to two employees. Even so, it had sales of $1.431 million and made a profit of $54 120. Previously that office had lost eight jobs from that area, and last year, as a result of the centralisation policy of the Liberal Government, that operation closed down. The Government is more interested in operations in the Northern Territory: we see that for two trips it cost some $15 000 to have people go their and make contacts, and obviously they stayed at high value hotels and consumed what must have been very sumptuous meals.

This is a serious matter for country South Australia. I call on this Government to show a real commitment to rural South Australia, to rural business in particular, and to apply some factored formula to allow for the tyranny of distance so that these small businesses which employ people in local economies can compete with businesses in Adelaide to provide not only jobs but services for people living in rural South Australia.

JUDICIAL ACTIVISM

The Hon. R.D. LAWSON: I want to speak on the subject of judicial activism. The High Court has been the subject of a good deal of criticism lately. The Queensland Premier has been particularly vehement in his attacks upon the court. He has been widely quoted as saying that the court is regarded with contempt in parts of Queensland. Moreover, Mr Borbidge has proposed that the mode of appointing High Court judges should be reviewed and that consideration should be given to appointing judges for non-renewable terms of, say, five years.

The timing of these proposals suggests that they are made *in terrorem*, in other words, that there is some threat implicit in the Premier's statements: if the High Court does not lift its game and decide cases in accordance with his view of the desired result their own positions on the court could be under threat. The Deputy Prime Minister launched an attack on the court for what he, erroneously as it happened, believed were delays in handing down the judgment in the Wik case. He received a stinger from the Chief Justice and the correspondence was not released at the time but, intriguingly, someone requested the Chief Justice's letter under freedom of information and the *Sydney Morning Herald* recently trumpeted it over its front pages.

The Prime Minister has strenuously defended the principle that members of Parliament and Ministers should not make personal attacks upon individual judges but that everyone has a right to comment critically on the judgments and decisions of the court. The Federal Attorney-General, Daryl Williams, has disavowed any function as a general defender of the High Court, that having been regarded in the past as a function of the Attorney-General. This is a pragmatic decision on his part, but he defends it, and I think correctly, on the basis that having members of Parliament defending the judges is more likely to embroil them in a political dispute than save them from it.

The present Chief Justice of the High Court, Sir Gerard Brennan, delivered an address to the Law Institute in 1995. He spoke of the tension between the judicial power and the powers of the legislature and the executive and said:

> In some respects, there must be a tension. It is a function of the judicial branch to ensure that the exercise of power by the other branches of Government conforms to the law—that is, there is no assumption of power that has not been lawfully conferred and the power is exercised in a manner which is procedurally fair. If legislative or executive power were exercised without the limits of law, injustice if not tyranny could run without restraint. As the judicial branch of Government is appointed to interpret and administer the law, it is inevitable that the law's application will be seen by some to be a frustration of the powers of the elected Government.

These sentiments are very reassuring: they uphold and reinforce the separation of powers. Unfortunately, these high principles are sometimes loss sight of in individual cases. One such case was the decision of the High Court in *Theophanous v The Herald and Weekly Times* in which a majority of the judges (four to three) based a decision in relation to defamation laws on a ground previously not discerned by anyone else that there is implied in the Commonwealth Constitution a freedom to publish material discussing Government and political matters. In the light of that freedom, the judges fashioned a defence which requires a defendant to show due diligence, and this is unabashed judicial legislation. That was a four three decision, as was the recent Wik decision.

Only this week the High Court is reviewing the Theophanous decision to see whether or not they will uphold it. This is creating the impression that decisions depend upon the whim or personal preference of judges: not upon the law, not upon some high principle, not upon the rule of law, but upon the idiosyncratic view of individual judges. This notion is corrosive of confidence in the judiciary and, ultimately, will lead to a form of anarchy which derives from a failure to have respect for our institutions of Government be they political or judicial.

SMALL BUSINESS

The Hon. T.G. CAMERON: I rise to say a few words about small business in South Australia.

The Hon. R.D. Lawson: The building business?

The Hon. T.G. CAMERON: No, it is not the building business; it is the law business. I guess the honourable member would know all about business operations. I will make some observations about small business in South Australia and about the way in which the Government is conducting its relationships with small business via its tendering and contracting operations. South Australia is particularly reliant on a healthy small business sector for jobs and economic growth. I provide the following statistics to members of the Government because it would be in their own interests to look at them. In South Australia, an estimated 60 700 private sector, non-farm, small businesses account for 96 per cent of all firms, that is, more than 56 per cent of all private sector employment and a third of all employment in the State. It is estimated that small business enterprises produce a total of 45 per cent of our State's gross domestic product and dollar for dollar small retailers employ three people for every one employed by the large retailers.

A recent report in the *Advertiser* stated that the Olsen Government was planning to switch Government cleaning and maintenance contracts from small business operators to large firms. The switch in contracts has the potential to cause real problems for South Australian small businesses. One local operator said that about 20 per cent of his business relied on Government contracts. A few other comments at which the Government should look include comments recently made by the Chamber of Commerce when it stated that small retailers and small businesses in South Australia can look forward to a bleak year in 1997. David Rush, the project officer for the Chamber of Commerce, stated that it was probably the worst survey in the past 12 years and it shows that the economy has been flat for 18 months now and there is nothing to suggest it will get any better. The Liberal Party for many years—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Angus Redford will get a chance.

The Hon. T.G. CAMERON: The Chamber of Commerce has made it clear in what direction it sees the South Australian economy going. I put it to the Liberal Party that for decades it has taken small business for granted. It has seen small businesses as its own traditional constituency. It has played them on a string and, by and large, small business has delivered a significant vote to the Liberal Party at each election. However, we now find that small business is currently evaluating its relationship with the Liberal Party. We have 30 000-odd self-employed, small business people in this State who—in the new brave world of competitive tendering, outsourcing and the approaches by this Government to the contracting process—have seen their businesses, in particular businesses that they have had with the South Australian Government, carved up into small pieces.

The tendency by this Government is to look after the big end of town. For example, what do we see happening with the water contract, the new cleaning contracts and the computer contracts? We have a big business entering into a contract with the South Australian Government. I do not know whether the South Australian Government is hiding its head but, if it believes that the work is being performed by these big contractors, it is completely wrong. We only have to look at the computer contract, for example, to see that some of these successful, principal firms have now sublet their contracts and, in turn, those companies are subletting their contracts.

ECOLOGICALLY SUSTAINABLE ENERGY BILL

The Hon. SANDRA KANCK obtained leave and introduced a Bill for an Act to establish the Ecologically Sustainable Energy Authority; to promote energy efficiency; and for other purposes. Read a first time.

The Hon. SANDRA KANCK: I move:

That this Bill be now read a second time.

In July last year, I introduced an earlier version of this Bill and, at the time of introduction, I said that I was putting the Bill on the public record to allow further discussion. I was not expecting any debate or voting in this place. I am pleased to say that members of the Australian and New Zealand Solar Energy Society and the United Scientists for Environmental Responsibility and Protection, to whom I had sent the Bill, were largely satisfied with it, and I have made a few minor

amendments on the basis of that feedback. I am delighted to reintroduce the Bill now, as I have more information to add about the necessity for South Australia to take strong and positive action on the development and use of alternative and less polluting energy sources.

Last September I attended an international conference in Canberra organised by Greenpeace and the AMA on the topic 'The Health Effects of Greenhouse', which revealed more than ever the urgent need for our governments to be taking strong and urgent action to reduce the emissions of greenhouse gases. Late last year the CSIRO issued its revised predictions about the greenhouse effect on South Australia. It is predicting a 1.5° temperature increase by the year 2030, reduced winter rains and unpredictable summer rains—predictions which are consistent with what we have experienced in the past month and which are not unlike the predictions that were made a few years earlier.

These changes are caused by the heating of our atmosphere, which is an unintended consequence of energy use. Thirty years ago people were talking about the greenhouse effect as an emerging theory, but every day it becomes less of a theory and more of a reality. At Cape Grim in Tasmania the CSIRO has been measuring atmospheric CO_2, and from 1976 to 1996 it has measured a CO_2 increase of 330 parts per million to 355 parts per million, and an increase of methane from one quarter of a part per trillion to six parts per trillion, which is quite a massive increase.

It is an incontestable fact that greenhouse gas concentrations have continued to increase. Each year we human beings on this planet add seven gigatonnes of carbon into the atmosphere, and this is done principally as a consequence of our use of fossil fuels, that is, coal, gas and oil. There is no doubt that warming is occurring and, since the year 1910, the Australian atmosphere has warmed overall by slightly less than .5°. But it is not only in Australia that we see these effects: in Ethiopia the temperature in the highlands has increased by 1°, which has resulted in a malaria increase in the highlands of .1 incidences *per annum* in 1960 to 100 incidences *per annum* in 1992.

In Tajikistan heavy rainfall resulted in an overflow of sewage, with 4 000 cases of typhoid fever being reported as a consequence. We have observed the situation 500 kilometres off the coast of Peru of the development of huge algal blooms killing off shellfish and resulting in 500 000 cases of cholera from people who ate shellfish from that region. It is well worth considering what this atmospheric heating is already doing and what it is predicted to do. It will not be a problem that we can walk away from, as some might do when the Marshall Islands or the delta region of Bangladesh are permanently inundated, because it will be a problem that will face us locally.

One problem to be faced in Australia will be an increase in what we have previously assigned as tropical diseases. Ross River virus is on the increase in South Australia and all around Australia. Indeed, in the first couple of months this year South Australia equalled its record of cases for last year. The effect of Ross River virus, for instance, should not be written off as just a health issue because it also becomes an economic one, with losses in work productivity and reductions in tourist numbers to areas where the epidemics break out. A few years ago there were four main sites for fruit fly in South Australia; now there are nine, so there are consequences to our agricultural economy.

The potential for malaria will double in tropical areas with an invasion into areas that are not now malaria prone—we are talking about the possibility of catching malaria in Alice Springs. Japanese encephalitis and dengue fever will become part of the lifestyle in the north of Australia, and the equine morbillivirus that killed horse trainer Vic Rail in Queensland may well be a portent of things to come. Some people have argued that the greenhouse effect will be a positive, although I doubt it. One speaker at that international conference referred to a 'cascade of uncertainties in the intellectual food chain'.

Scientists offer a series of best guesses that do not acknowledge the extremes at either end. An increase in rainfall could lead to increases in cereal production, but it could also result in pest increases. There could also be greenhouse cooling in the upper atmosphere. Certainly, the recent torrential rains and resultant flooding in the north and north-west of this State could well be an indication of an aggravated greenhouse effect. The upside of that rain may well be good pastures for stock in the ensuing months; the economic downside has obviously been in the damage and loss to property, the damage to roads and damage to the rail line, while there could be a health downside as a result of the huge increase in the mosquito population, an increase that was so bad the army had to be called in to assist in their eradication.

Computer modelling of the greenhouse effect does allow us to make predictions, but the recent rains in South Australia show the limitations of those predictions. As one of the scientists at the Greenhouse and Health Conference observed, we may be vastly underestimating the costs of the 'business as usual' approach, and overestimating the financial cost of instituting change. Unfortunately the global climate models cannot predict an extreme climatic event in a specific region, so the potential for cyclones, for instance, cannot be calculated. They cannot, for instance, tell us that a rail bridge near Olary will be washed out.

In the environment movement, a term we have been using for quite some time is that of the precautionary principle. The precautionary principle says that we should act slowly and carefully, giving time to determine what all the consequences are, both short and long term, for any particular action and, when an action has been taken, to allow time enough for feedback and evaluation to check to see whether all the original assumptions and predictions were correct and, if need be, in the light of that to put other actions on hold or substitute other actions in their place. In 1992, the Earth Summit Convention agreed that all OECD countries and Eastern Europe should return to their 1990 levels of greenhouse gas emissions.

The Berlin Conference in 1995 agreed that even the original commitment on emissions was inadequate, yet at the Geneva Conference in 1996 the Australian Government objected to legally binding targets, arguing that in the interests of business, and particularly the coal industry, Australia needs to be exempted from its commitments to reducing greenhouse gas emissions. The Government's recently issued Green Paper, which claims to be aimed at developing a sustainable energy policy for Australia, continues in this 'I'm all right Jack' vein. Professor Ian Lowe of Griffith University has argued that the old ways of doing things are terminally ecologically illiterate, and that, just as we have done with tobacco, we need to turn into social pariahs those people who are responsible for continued greenhouse gas emissions.

One way in which South Australia could begin to counteract the potential damage greenhouse effect would be to

support actively the development and use of ecologically sustainable energy. The purpose of the Bill that I am now introducing is to set up the Ecologically Sustainable Energy Authority in South Australia, or ESEA, as I now call it. I must acknowledge that when I introduced this Bill previously it was the Minister for Education and Children's Services in this Council who pointed out the acronym to me; it is a very suitable name.

Last year, the New South Wales Government set up its Sustainable Energy Development Authority (SEDA). Although I do not agree with it, I recognise that this Government is very attached to a free market philosophy. So I have taken that philosophy into account in defining the role of ESEA. SEDA, as well as providing assistance to appropriate industries, is able to 'engage in the development, commercialisation and promotion of sustainable energy technology'. Ideally, this is the way that I would want to go but, because I want the Government either to support my Bill and adopt it as its own or to directly copy it, I have not gone down that path. I have designed this Bill so that the Government can be very comfortable with it, particularly as it would assist it in keeping its 1993 election promise that, within 10 years, 20 per cent of the State's energy will be derived from renewable energy resources.

Whereas SEDA in New South Wales is an active and hands-on player in developing renewable energy with or without private industry, ESEA's role would be to encourage private industry to take the initiative. That is not the only role that ESEA would have. Its principal objectives are to develop and implement laws, policies and practices designed to minimise the use of renewable energy sources, to optimise the use of ecologically sustainable energy sources, to minimise greenhouse gas emissions and pollutant wastes associated with energy production and to minimise energy use in this State.

Within the Bill I am rather proud of the definitions that we came up with, particularly the definition for energy efficiency. I am not sure whether there is a better one around; in fact, it took a group of us about an hour to come up with this definition. We have defined 'energy efficiency' as meaning a measure of the amount of energy used to achieve a specified end result whilst minimising environmental damage.

We have defined 'non-renewable energy' as energy derived from depletable sources such as coal, gas, petroleum or uranium. I recognise that uranium is not a non-renewable resource, although it may be in the longer term. There is many hundreds of years supply of it around the world, but it does not fit into the framework of an ecologically sustainable energy source which we have defined as energy derived from non-depletable sources such as the sun, wind, geothermal sources, biomass, tidal and wave motion, ocean and thermal gradients, hydro-electric sources or hydrogen.

To achieve the objectives set out in the Bill, ESEA will be required to assist in the development of relevant State and local government laws. It would also either research or promote research into energy and energy efficiency. Again, I note that there is that option of a hands-off market driven approach should the Government decide that that is what is needed. ESEA would consult with and make recommendations to relevant authorities, including electricity corporations, energy management authorities and Government, about different energy efficiency matters. These would include setting targets for reducing the use of non-renewable energy, optimising the use of ecologically sustainable energy, finding ways to maximise energy efficiency during the generation stage and, in general, minimising energy use throughout the State.

If ESEA existed now I imagine that one thing it might recommend is that no appliances with a one or two star energy rating should be allowed to be sold. ESEA would also give advice on pricing arrangements which encourage the use of electricity generated from ecologically sustainable energy sources and would discourage excessive use of fossil-based energy. Like the Energy Information Centre, which has become almost an institution in Adelaide, ESEA would provide information to consumers about the best way to use non-renewable fossil-based energy so as to use the least amount of it and to use it efficiently. It could also provide information to consumers to assist them in making decisions about energy efficiency ratings. I envisage that the Energy Information Centre would continue to exist as part of the Ecologically Sustainable Energy Authority.

The cogeneration of electricity produced from ecologically sustainable sources and its use in the national electricity grid would be encouraged by ESEA. Great savings can be made in energy conservation through more intelligent design, siting and construction of buildings—be they shops, offices or homes. ESEA would consult with and make recommendations to appropriate authorities—generally speaking that would be local government—about directing building site planning and use and building design practices towards minimum energy use.

During the heatwave a fortnight ago my office illustrated the stupidity of some designs when it comes to energy conservation. As most members know, my office is temporarily out of this building in a high-rise building. Two sides of my office have the sun coming from the east or the north, and this means that for the whole day my office has sun coming into and on it. Although the windows are double glazed, which is a very sensible addition to any office building, the framework is aluminium. The heat therefore directly transfers through the aluminium, and the double glazing is totally ineffective. As a consequence, the air-conditioning had to go like the clappers for that week in which we had those incredibly hot temperatures.

There are things that can be done in the design of buildings to ensure that the bulk of windows face north with suitably sized overhang. With houses, that can be not just with eaves but with a verandah or a pergola based on the size of the windows so that the windows are shaded in summer, allow in the sun in winter and also minimise windows at the southern end of the building, which is likely to have shade on it all year round. Another simple measure that most developers seem to forget is that trees can be retained on a vacant block rather than wholesale clearing occurring when a house is built so that the house automatically has shade once people move into it.

These are not all the tasks with which ESEA could be involved, but it covers most of them. In the main, it is a body which would consult with other bodies and make recommendations. One of the more interesting things it would be required to do is produce an annual report on each administrative unit of the Public Service, that is, each Government department, regarding its energy consumption, including any measures it has taken in the previous year to reduce its use of non-renewable energy resources. This is a way in which the Government can lead by example; in fact, it is something that the Government should be doing now as a matter of course.

Despite the Liberal Party's laudable promise to have this State using renewable energy for 20 per cent of its energy

needs by the end of the year 2003, very little has happened to allow that target to be met. ESEA puts in place a structure that would greatly assist the Government in meeting its election promise whilst still maintaining its philosophical position about the free market. At a time of chronically high unemployment in this State, it could allow the Government to make a positive contribution to job creation.

A decade ago South Australia could hold its head up high in regard to the development of ecologically sustainable energy technologies: now we are lagging behind other States. The establishment of the Ecologically Sustainable Energy Authority is an opportunity for South Australia which I hope the Government and Opposition will welcome. I would even be delighted to see them pinch it and have it as part of their forthcoming election policies. I commend this Bill to all members.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

INFORMATION TECHNOLOGY

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council—

1. Condemns the Government for its repeated withholding of information from the Select Committee on Contracting out of State Government Information Technology and notes that the Government—
   (a) has continued to refuse to supply a copy of the contract to the committee;
   (b) has not supplied a summary of a contract to the select committee despite an agreement signed between the Government and Opposition on 9 August 1996;
   (c) countermanded a request to all 'Wave 1 Agencies' to supply answers to questions direct to the select committee by 22 November 1996. The Government instructed the agencies instead to send the answers to the Department of Information Industries and these have not been forwarded to the select committee; and
2. Requests that the Premier arrange for the immediate release to the select committee of full copies of the original answers from all 'Wave 1 Agencies' which were prepared for the select committee but were diverted to the Department of Information Industries.

(Continued from 26 February. Page 975.)

The Hon. K.T. GRIFFIN (Attorney-General): I spoke on this motion when it was moved last week because I wanted to put into context the process which the Government had followed in relation to the contract summaries. There is no need for me to take that part of the motion any further, except to say that the contract summaries are still with the Auditor-General and, as soon as they are approved by the him, the committees will receive them.

The motion deals also with the request to all Wave 1 agencies to supply answers to questions direct to the select committee. That was a matter upon which I was not able to provide the Council with information but undertook to do so. The information which the Minister for Information and Contract Services has supplied me with is as follows, and it relates to paragraph 1(c) and paragraph 2 of the motion.

The questions asked of agencies by the select committee included a request for financial information and for information which was not available within the agencies but which was held by the Department of Information Industries, now the Department of Information Technology Services, which I will abbreviate as DITS. The financial information held by agencies is based on figures derived from their accounting records which are based on differing accounting practices, depending on whether it is a cash based or an accrual accounting based agency or a Government corporation operating as a commercial undertaking. For the EDS contract, it was necessary to establish consistent costing of IT services. The audit of costs and due diligence was coordinated by DITS. As the contract is for the whole of Government, DITS maintains the financial database which records the cost details for all agencies.

The Minister for Information Technology at that time, now Minister for Information and Contract Services, is the Minister responsible for the EDS contract. DITS, through the Minister, is the responsible agency. Agencies were therefore requested to provide their responses to DITS to enable the provision of information and preparation of a consolidated response. This was a commonsense and efficient use of Government resources and, further, ensures that the select committee is provided with information which is compatible, has been the subject of a critical analysis and is in a coherent and accurate form, given that the EDS contract is a whole of Government contract.

To consider responses from Wave 1 agencies in isolation and without whole of Government consideration by DITS would not provide a true reflection on the effect of the EDS contract. It is therefore inappropriate for the Government to supply to the select committee, as the honourable member suggests, individual agency replies, as they may be misinterpreted or, when taken in isolation, misleading or incomplete.

The Government does not question the right of parliamentary committees to send for records or to summon witnesses; nor is there an attempt to withhold information or obstruct the work of a parliamentary committee, as the honourable member suggests.

The Minister for Information and Contract Services has offered to arrange a departmental briefing on the effect of the EDS contract which should allay any concerns the honourable member may have. I urge the honourable member to contact the Minister and arrange for that to occur. When I spoke on the last occasion, I indicated that the Government would oppose the motion. I reiterate that position.

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

STATUTORY AUTHORITIES REVIEW COMMITTEE: LEGAL SERVICES COMMISSION

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

That the report of the Statutory Authorities Review Committee on Review of the Legal Services Commission (Part 2) be noted.

(Continued from 26 February. Page 977.)

The Hon. ANNE LEVY: I rise to support the motion. I will confine my remarks mainly to the first chapter of this second report on the Legal Services Commission which deals with the effects of the commission and legal aid generally on women. One of the original terms of reference for the Statutory Authorities Review Committee in this regard was to look at our Legal Services Commission in relation to the report produced by the Australian Law Reform Commission detailing the discriminatory effects, however unintended, of our legal system on women.

The Australian Law Reform Commission's report showed clearly that women were receiving less attention from legal aid bodies and that they were effectively discriminated against in the provision of legal aid because legal aid

commissions gave far greater priority to criminal law matters, where women make very few applications for legal aid, and much less priority to family law matters, which is the area where women make far more applications for legal aid than do men.

The Australian Law Reform Commission recommended that Legal Aid Commissions should amend their legal aid guidelines to better balance priorities between criminal matters, and civil and family law matters. It felt that this was something that Legal Aid Commissions should do. The Australian Law Reform Commission also recommended that the Commonwealth Government should ensure that family and civil matters be given greater priority in legal aid funding and that the Legal Aid Commissions should examine the gender implications of alternative dispute resolution processes.

One thing the Statutory Authorities Review Committee set out to do was to see what is the current situation in our own Legal Aid Commission with regard to these matters and what the reaction of the Legal Aid Commission was to the report from the Australian Law Reform Commission. First, I will look at the reaction of the Legal Aid Commission to the Commonwealth report. It set up a group within the commission to look at the recommendations. It called it the Inequality Before the Law Committee, which reported to the commission in September 1995 and again in July 1996.

This committee made a number of recommendations to the Legal Aid Commission as to what it should do to improve its gender equity. It recommended that there should be a much better statistics criteria and that there should be a thorough review of its current practices in determining eligibility for legal aid, as it was felt that perhaps inappropriate questions were being asked where women applicants were concerned. It recommended a review of its policies, guidelines and procedures, with particular reference to upgrading its guidelines and policies for meeting the needs of women from a non-English speaking background; to continue and expand the commission's present program to educate staff on issues of concern to women, particularly gender, cultural awareness and domestic violence issues; and that there should be establishment of a working group to develop guidelines and a list of priority issues to be disseminated throughout the commission so that there would be scrutiny of appeal decisions and perhaps test cases undertaken on issues with implications for the way that legal aid is provided to women.

However, the final report from this committee to the commission was nine months ago, in July last year, which was approximately the time that the Commonwealth announced its horrendous cuts to legal aid. The commission told the Statutory Authorities Review Committee that it had not been in a position to undertake any reforms or initiatives except in the context of cost savings. While this is understandable, nevertheless the committee was unanimous that we were disappointed that the implementation of some of these recommendations would not involve financial matters, and we were critical of the fact that, while some of the recommendations would appear to have little or no financial implications, they have not been formally implemented. We can understand that in the current situation reforms that require extra resources would not be feasible for the commission. However, many of the matters on the list of recommendations made to the commission regarding gender equity do not involve extra resources but merely a look at guidelines, a reallocation of priorities and a greater sensitivity through education of staff of the commission. We were definitely critical that the commission had not implemented those matters which it could have done where they had no cost implications.

As I indicated earlier, as a result of the report from the Australian Law Reform Commission, we looked at the figures which apply within our own South Australian Legal Aid Commission and the effects on women. I will look, first, to the actual grants of legal aid, which takes a very large part of the commission's budget. We found that our Legal Aid Commission falls fair and square into the type of figures reported by the Australian Law Reform Commission for the whole of the Commonwealth. In the 1995-96 financial year, while 75 per cent of applications made to the Legal Aid Commission were for criminal matters, only 19 per cent were for family law matters and 6 per cent for civil matters.

However, because a large number of legal aid grants are made in criminal matters, where 82 per cent of the grants were made to males, the end result is that 71 per cent of all the recipients of legal aid are men, and only 28.6 per cent of legal aid recipients are women. We wanted to look to see why this enormous discrepancy was occurring. Of course, one suggestion is that women make fewer applications for legal aid than men. We looked at the figures for the application rates, and we found that women make only 30 per cent of the applications for legal aid. Of course, this will partly explain why they receive fewer grants for legal aid. However, if we look at the approval and rejection rates, we see that a slightly different picture emerges.

In criminal matters, where most of the applicants are male, the approval rate is about 88 per cent for both sexes; in other words, for both sexes, about 12 per cent of applications for legal aid are refused. For family law matters, the approval rate for women is slightly higher than the approval rate for men—70 per cent versus 62 per cent. However, because the approval rate is much lower for family law matters for both sexes than it is for criminal matters, it means that the overall rejection rates for women are much higher.

In fact, of all the applications for legal aid which are rejected by the Legal Aid Commission, 38 per cent of those applications are from women, even though the women make only 30 per cent of the applications. So, their overall refusal rate is much higher than it is for men. As I say, this comes from the fact that legal aid applications for criminal matters have a much lower rejection rate; the rejection rate for family law matters is much higher, and women make disproportionately more applications in family law matters compared to men.

So, overall, not only are women making far fewer applications for legal aid but, when they do, they are more likely to be rejected than are men. Their low frequency amongst recipients of legal aid for legal representation is not only due to the fact that they make fewer applications but also because they are more likely to be rejected. The commission made no bones about it: it wrote to the committee as follows:

> Merit tests are applied less stringently to criminal law applications than to other types of application.

In other words, the merit tests are not applied as strictly in criminal matters as they are in family law matters where women predominate. This raises the question of the types of priorities which the Legal Aid Commission is making in it guidelines. It was stated to the committee that the reason merit does not count for so much in criminal matters is because criminal matters can result in imprisonment with consequent enormous social and economic dislocation for the individual concerned, and not only the individual but his or

her family (though it is usually his family rather than her family).

However, we must realise that when someone is committed to prison they in fact have committed a crime and in consequence must expect a penalty and consequent dislocation of their life to occur, and we make no apology as a community for that. These people who go to gaol have committed a crime, deserve their punishment and have a debt to pay to society for the offence which they have committed.

But, if we look at the area of family law, where women make applications for legal aid far more often than men do, it seems to me that the commission is not taking sufficient account of the effects which lack of legal aid can have on individuals in a family law case. I am not thinking only of situations where there has been domestic violence—which, of course, is an offence—but of situations where there is not an equitable property settlement following the dissolution of a marriage and where it is not possible readily for a woman to gain a restraining order against a violent former partner. Both these matters can have very serious financial and physical safety consequences for that woman. We must remember that in family law matters there is no criminality involved: in the dissolution of a marriage no crime has been committed. There are, one can say, two victims of unfortunate circumstances and because no crime has been committed one should not expect that people will have to pay penalties and suffer severe financial and social consequences which can affect them for the rest of their lives.

The Australian Law Reform Commission did suggest that Legal Aid Commissions should alter their priorities so that greater emphasis was given to family law matters than currently is the case, even if this means a reduction of assistance given in criminal matters, given financial constraints. I endorse that view for our own Legal Aid Commission, given the figures which were extracted by the committee from the data given to us by the commission.

I feel that the strong emphasis on criminal matters compared to the merit tests applied for family law matters should be reviewed by the commission and that greater emphasis should be given to family law matters so that the rejection rate for family law matters is much more similar to that for criminal law matters; that family law matters should be just as important to a Legal Aid Commission as are criminal law matters and that a different merit test should not be applied. If greater emphasis were given to family law matters than is currently the case this would have the effect of redressing the gender balance somewhat in the number of legal aid grants which are given to men and women respectively.

Mr Acting President, as you yourself know very well, having heard all the evidence presented to the Statutory Authorities Review Committee when considering this matter, the Legal Aid Commission not only grants legal aid for legal representation in court matters (although that does take a very large part of its budget) but also has a telephone advice service and runs an advisory service with interviews within the commission. We found that, for these services, the gender balance was much better than that which applied for legal representation. In the face-to-face advisory program, about 48 per cent of recipients were women; and, of the telephone advice service, 56 per cent of the callers were women.

These services reach a far greater number of people—well into the tens of thousands—and, doubtless, provide a great deal of assistance to the people who make use of these services. However, it is not expensive legal aid and we can only hope that these telephone advice services and the one-to-one, face-to-face advisory program do assist people, though perhaps not to finality as no legal aid is provided in terms of representation in court cases. But given the extremely valuable role that these telephone and advisory services play in the role of the commission, the Statutory Authorities Review Committee was unanimous in saying that, if any cuts are applied to the Legal Services Commission resources, they should not be disproportionately applied to these telephone and advisory services. If there are to be cuts, the cuts should go across all forms of advice and certainly not fall disproportionately on the telephone and advisory services which provide an enormous number of people with legal advice and assistance and in relation to which the gender balance is much better than it is in the expensive provision of legal aid.

One matter which came before the committee frequently was the question of domestic violence and how this is dealt with by the Legal Aid Commission. We were pleased indeed to see that in recent years the Legal Aid Commission has employed a specific domestic violence worker in a domestic violence unit within the commission so that there is someone available who is extremely knowledgeable, supportive and sensitive on these matters. We commended the commission for this and hope that other legal aid commissions around Australia will follow suit.

I turn now to look briefly through this report on the effects on women of the proposed cuts to the Legal Aid Commission, cuts coming from the Commonwealth Government. I know negotiations are still proceeding and at the moment we are unsure exactly what the extent of these cuts will be—and I am sure the Attorney would not want to tell us at the moment while negotiations are still proceeding, as obviously to make public the subject of delicate negotiations could affect the results of those negotiations. On the published information there is to be a huge cut of about $2.7 million to our Legal Services Commission, on the basis that Commonwealth money should be used only for Commonwealth matters. As carefully set out in our report, the commission estimates it spends at least 90 per cent of Commonwealth money on what the Commonwealth has described as Commonwealth matters, that is, family law in the main, but also other matters relating to Commonwealth legislation. If there is to be a $2.7 million cut to the commission, the commission estimates that this will mean a cut of about 30 per cent in the aid it can provide to family law matters, and, as I said, that is predominantly aid which goes to assist women.

On the basis that Commonwealth money should be used only for Commonwealth matters and State money for State matters, this would mean a huge drop in the assistance given in family law matters. We were left in no doubt that that would be the effect of the cuts. The commission told our committee that it viewed the cuts as resulting in one-third less grants of legal aid to parents in family law matters—and, as I say, the parents who receive this legal aid are predominantly women; that there would be one-third less appointments of child representatives in family law matters; and that there would be a one-third reduction in advice and community legal education services in respect of Commonwealth law related matters, which could result in a cut of 16 000 South Australians not receiving the services which they are currently receiving. Clearly, if the Commonwealth makes cuts of this size so that Commonwealth money is used for only Commonwealth law matters, it will be the family law area which will take a huge cut and many thousands of people

now receiving legal aid in family law matters will no longer receive it, and this will disproportionately affect women.

I draw the Council's attention to the numerous quotations in the report from the Coalition policy documents provided before the last Federal election.

The Hon. R.D. Lawson: Hear, hear!

The Hon. ANNE LEVY: Yes, 'Hear, hear!' indeed. The Coalition policy documents clearly stated that a Coalition Commonwealth Government was committed to measures to redress the particular difficulties faced by women in accessing the justice system and recognised that financial disadvantage, lack of knowledge of rights or means to enforce them, lack of access to information, constraints due to family circumstances and lack of understanding of the needs of women by those in the justice system all operate to put women at a disadvantage in dealing with the legal system: a recognition by the Coalition prior to the last election of the disadvantages which women face.

It promised to examine ways of increasing the extent to which legal aid is granted in civil proceedings, particularly in the family law area. The hypocrisy of a Government which makes these promises before an election and then proceeds to cut legal aid knowing that it will particularly affect family law legal aid, and hence particularly affect women and put them at an even greater disadvantage in terms of access to the law than they currently have, is absolutely outrageous. I note that this opinion was shared by all members of the Statutory Authorities Review Committee, and I hardly need remind the Council it comprises a majority of Government members.

One final matter I should like to comment on in the chapter relating to women concerns child care. The Australian Law Reform Commission identified non-availability of child care as one of the difficulties faced by women when seeking justice from the courts. It certainly recommended that child care should be provided in all courts, and the committee is very concerned that there is no provision of child care in any of the State's courts. Great renovations are taking place in the Magistrates Court at the moment, which provides for everything imaginable, including separate toilets for staff and judges, who apparently cannot use the same toilets (shades of Parliament House 25 years ago), but no child care is provided. I fully recognise that plans for these renovations were started under the Labor Government and that no provision for child care was included in those preliminary plans by the Labor Government. I complained about it at that time, so I am not being hypocritical in complaining about it now; and I will continue to complain about lack of child care provisions in courts. I feel it is absolutely disgraceful that renovations to courts should be taking place without provision of child care facilities.

The Attorney suggested that the ongoing costs would be something that he did not feel the Courts Administration Authority could be expected to bear. However, the committee sought evidence from persons associated with South Australia's Family Court with respect to the cost of providing child care. The Family Court in South Australia does provide child care facilities, and the Judge Administrator of the Family Court in South Australia told the committee that the grand annual estimated cost of these facilities was only $50 000, hardly a huge sum in the context of what the courts cost. This amount included rent, salaries, provision of toys and other facilities and, at a cost of only $50 000 per year, I feel it is extremely parsimonious for the State Government not to provide child care in at least the central courts in Adelaide. Compared with the costs of running the courts, it would be a flea bite, hardly noticed, almost something that would go into petty cash, and I strongly feel that the women of South Australia are being let down by this Government's not providing child care facilities in the courts.

The Hon. R.D. Lawson: We would have been able to do so if you had not sent the State broke.

The Hon. ANNE LEVY: At a cost of $50 000 a year! For heaven's sake, it is a trivial amount. To pretend that that sort of sum will break the State Treasury is ludicrous in the extreme. I would have expected better of the honourable member than to make such a stupid remark.

Finally, I make a very brief comment on chapter 2 of the report which is before the Parliament and which considers a range of recommendations that were made to the committee in terms of how the justice system as a whole could be perhaps altered to save costs, particularly costs involved in legal aid. I will not discuss that in detail as I am sure the Hon. Angus Redford will have a great deal to say on that matter. I merely make the comment that many suggestions were made to us relating to both the Dietrich case and the Re K case, and other procedures involved in running the courts, some of which obviously have promise in terms of reducing court costs and hence the costs of legal aid, and others of which are perhaps less desirable. I could not help but notice that defence lawyers made suggestions as to how the prosecution and the courts could improve their practices; that prosecutors made suggestions as to how defence lawyers and the courts could improve their practices; and the courts, through judges and magistrates, made suggestions as to how both prosecution and defence could improve their practices. In other words, everyone had advice as to how everyone else could improve their practices, but not necessarily much to say about how their own practices could be reformed. I will leave further comments on chapter 2 to the Hon. Angus Redford.

In summary, the first chapter of this report relating to women and the legal aid system in South Australia is of great importance. I hope that women's organisations around the State will take note of it and, while most of the recommendations relate to legal aid funding from the Commonwealth, there is certainly a role that the State can play in terms of providing child care, and a role that the commission itself can play in terms of reconsidering the relative priorities given to criminal and family law matters. I support the motion.

The Hon. R.D. LAWSON: I, too, support the motion. Part 2 of the review of the Legal Services Commission by the Statutory Authorities Review Committee is a report well worth receiving. The recommendations of the report are, I would have thought, not terribly controversial or novel. I would have thought that they are reasonably modest recommendations. There are, however, a number of points in the report, mainly points of emphasis from which I would depart. The topic of the delivery of legal services to women by the commission has been the subject of a spirited address from the Hon. Anne Levy. I must say that, upon reading the evidence presented in this report on this subject, I was not convinced of the correctness of the assertion by the Australian Law Reform Commission that there is a 'systemic discrimination against women in our legal aid system'. It appears that the committee seems to have accepted that proposition. I would not have thought that the evidence presented in the report supports the proposition that there is any systemic discrimination against women in our legal aid system. As the report points out, of the 11 000 applications

for legal aid approved in 1995-96, some 71.4 per cent were from men and some 28.6 from women.

The Hon. Anne Levy: That's not applications: that's grants.

The Hon. R.D. LAWSON: If the honourable member, who is a joint signatory to this report, examines table 1.3, she will find that these are applications for legal aid approved by gender and law type in the year 1995-96—

The Hon. Anne Levy: They are not applications: they are the approved applications.

The Hon. R.D. LAWSON: Yes, the applications that were approved. In the area of criminal law, the approval rates for men were 87.9 per cent, almost identical to the approval rates for women at 88.4 per cent—

The Hon. Anne Levy: In criminal matters.

The Hon. R.D. LAWSON: Yes, in criminal matters. I would not have thought that approval rates for men and women varying by as little as that amount—in fact, women exceeding men—is evidence of any systemic discrimination against women. Likewise, in the total—

The Hon. Anne Levy: But that's only in criminal matters.

The Hon. R.D. LAWSON: The honourable member says that that is only in criminal matters. I will come to the rest. Don't worry, I have examined the report. Of course, criminal matters are the most significant area of activity of the Legal Services Commission. On page 10 the report goes on to say that it should be noted that, while women constitute only 28.6 per cent of the total number of recipients of legal aid, 38.6 per cent of the commission's total legal representation budget was spent on legal aid grants to women. It seems to me that that is not evidence of systemic discrimination against women.

The Hon. Anne Levy: It is.

The ACTING PRESIDENT (Hon. T. Crothers): Order!

The Hon. R.D. LAWSON: It is not discrimination against women at all. The Australian Law Reform Commission report recommended the establishment of specialist women's legal services. It seemed to me that this claim of systemic discrimination against women was part of the rhetoric to support the establishment of separate women's legal services. I do not believe that it was appropriate to establish separate women's level services: more appropriate would have been the provision of additional resources to the Legal Services Commission, rather than duplicating the administrative and other overhead support. The specialist women's legal service—

The Hon. Anne Levy interjecting:

The ACTING PRESIDENT: Order! There are too many interjections. The speaker has the right to be heard, and I call the Hon. Ms Levy, in particular, to order.

The Hon. R.D. LAWSON: The specialist women's legal service was something which I would not have supported in the initial stage. However, it was established by a financial commitment from the Federal Government and it is just beginning its service now. Time will tell whether it was an appropriate use of scarce resources to establish a separate women's legal centre.

However, the committee's recommendations, which arise out of this debate about the provision of services for women, are fairly modest. The committee merely recommends that the commission seek additional funding, particularly from the Commonwealth Government, in order to ensure that greater assistance is provided in relation to family law matters and other areas of concern to women. That is a reasonable recommendation. However, given the current Commonwealth budgetary climate and other pressures upon the legal aid budget, it is not a recommendation which is likely to succeed, at least in the short term.

I refer to section 2.3 of the report which deals with the decision of the High Court in *Dietrich* and its effect upon the provision of legal aid. Table 2.1 sets out the Legal Services Commission's criminal commitments which exceeded, by case, over $20 000 over a number of years, beginning in 1993-94. The table is an interesting one. In 1993-94 the commission committed between $20 000 and $50 000 to nine individual cases. In the following year, 1994-95, there were, again, nine cases, but six of the cases were between $20 000 and $40 000 and three were over $60 000. So, there was a marked jumped in the number of very expensive cases. But in those two years we are dealing with nine cases in which the commitments exceeded $20 000.

In 1995-96, the last year for which figures are provided in the report, some 30 cases exceeded $20 000—12 in the band between $20 000 and $30 000, six in the band between $30 000 and $40 000, two in the band between $40 000 and $50 000, three in the band between $50 000 and $60 000 and seven cases over $60 000. This shows that in the field of legal aid for criminal cases there was a marked increase in the number of cases where a substantial financial commitment had to be made. This is a problem that needs to be addressed.

In its report the committee dealt with the Criminal Law (Legal Representation) Amendment Bill, which was introduced by the Attorney in 1996. A number of criticisms of the Bill are set out, particularly the criticism of the Law Society and the Bar Association that that Bill had transferred the responsibility for determining indigence from the courts to the Legal Services Commission. That is something that they criticised. The report notes that the Attorney previously announced that he would introduce legislation later to address the issue.

It is somewhat disappointing that the report does not point the way to a particular solution: it does not give us the options of which I would have hoped to read in this report. When the Criminal Law (Legal Representation) Bill comes before Parliament, it seems that this report will not provide much in the way of resource material to examine the policy issues that will necessarily arise.

The committee dealt at some length with the separate representation for children in the Family Court, and that is a particularly timely chapter. I must say from my own legal experience that I take a different view from that which was quoted by one of the witnesses who said that it was inappropriate to direct that the parents of children pay the cost of legal representation where children are separately represented. I know of a number of cases where both husband and wife are independently wealthy, in some cases both professional people, who are arguing over access or custody matters, and an order for separate representation is made in circumstances where those parents, each of them, could easily have met the costs of separate representation; but instead that cost has fallen upon the taxpayer, in effect, through the Legal Services Commission. I do not believe that the approach of the commission, and perhaps of the court, in not being more proactive in ensuring that parents met the costs of their separate representation has been sufficiently addressed.

The section on civil matters is very brief, only some 15 lines, and, whilst I quite understand that the time constraints and the fact that the Legal Services Commission is providing less and less legal aid in civil matters amount to a justification of such short treatment of that important issue,

it seems to me that it is a very important one that might, had time permitted, have warranted a more detailed examination.

I read with interest the list of submissions and evidence received. I must say that the list betrays rather poor editing. It is interesting that the members of the committee and other members of Parliament are all accorded their honorific titles but no-one else, including personages as eminent as the Chief Justice, are similarly accorded those honours. I think that is an editing matter and was perhaps an oversight on the part of someone. However, as I said in relation to the first report, this report is a valuable resource in relation to the state of legal services at the moment in South Australia.

The Hon. J.F. STEFANI secured the adjournment of the debate.

PRIMARY INDUSTRIES

Adjourned debate on motion of Hon. Caroline Schaefer:

That the Legislative Council acknowledges the continuing enormous contribution of primary industries to the economy of South Australia and, in particular, the positive effects which will flow from the second record grain harvest in two years.

(Continued from 12 February. Page 901.)

The Hon. R.R. ROBERTS: I support the motion. The Hon. Caroline Schaefer is absent from the Chamber on parliamentary duties, and I note that the Attorney-General is also engaged in other parliamentary duties. However, I advised them that I intended today to make some comments on this motion in which they would be interested.

This motion acknowledges the continuing and enormous contribution of primary industries to the economy of South Australia, particularly the positive effects that will flow from the second record grain harvest. That is a fact and we all agree on that, but we must look behind it. Primary producers are doing an enormous job, and they have been ably assisted by Federal Governments and State Labor Governments in the past.

I draw members' attention to the sterling work that was done by Mr Bob Collins as Federal Minister for Primary Industries when he made a positive contribution to those farmers, particularly on the West Coast, where the Hon. Caroline Schaefer resides. Indeed, she was involved in the process. We saw positive help coming from the Government, something which has been lacking from this Government in South Australia and which is being compounded by the policies of the Federal Government which are putting a greater strain on primary producers and grain producers, particularly those in South Australia.

The State Liberal Government applied to the Hon. Mr Collins for Federal assistance for those suffering hardship on the West Coast. He received a late application for $3 million. Although it was sent after closing time, the Hon. Bob Collins allowed a contribution to be made, and he put forward a comprehensive plan to assist farmers on the West Coast. Indeed, he made $11 million available, when Liberal members stated that it was probably too little, too late. If $11 million was too little, what was the point of the application made by the Hon. Dale Baker at that time for $3 million?

The results that the Hon. Caroline Schaefer has outlined come straight from Primary Industries reports, so I do not intend to go over them individually. Primary producers are obtaining these results against enormous odds. They are faced with a Government which is slashing services right across South Australia. It is closing down ETSA stations, EWS camps and highways camps, and cutting back on numerous Government services in South Australia.

Since this Government came to power, it has gone on a services slashing spree right across South Australia, and that is impinging not only on primary producers but also on those people who live in small country towns. As an example, I will read a letter that I received from a resident of Cummins, on the West Coast, and it is typical of what primary producers and people living in rural South Australia are facing. It typifies their hopelessness because they are not getting support from this Government, which has abandoned rural South Australia and primary producers in particular. I received this letter some time ago, from one of the Liberal Party's former constituents, I imagine. It reads:

> The township of Cummins has many qualities. We have a modern hospital which has pledged support for two resident doctors—

in other words, the community pays for the doctors, although one would have thought that the Government would do that—

> as well as a wonderful aged care hostel and 18 units catering for senior citizens, which are maintained by the council. Our town is also serviced well by a chemist, a visiting dentist, medical specialists, an optician, a physiotherapist, plus other health services. We also have a terrific volunteer group of people who man our ambulance—

so the community is looking after the ambulance—

> the CFS and the SES 24-hours a day. Our children are catered for well with a child/parent centre, primary and a secondary school.

Further, he says (and he is talking about the constituents who contacted the Hon. Mike Rann):

> I have lived and worked in the small community town of Cummins for the past eight years. In recent years I have watched a number of people in our community move away from Cummins in the hope of finding work as their jobs have become redundant.

This is the legacy of the Liberal Government that will save South Australia! The letter continues:

> Many of these losses have been as a result of Government cutbacks. Already we have sustained the loss of 26 families due to scaling down within ETSA, Telstra, EWS (SA Water) and the CBH. This is 3 per cent of our population already gone. Exactly the same percentage as Port Augusta is facing with the possible closure of ANR.

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: And you'd have an interest in that. You won't even tell Port Augusta what's going. You want to be quiet. I've got some more coming for you. Further, the letter states:

> We are looking at losing six ANR families (when they shut down), one ETSA, three Telstra—

from your mates in the Federal Government, that's right; your political colleagues—

> two SA Water—another 12 families. Our community cannot sustain these losses. Recently we watched our BankSA close its doors, our shoe store and possible closures of another two stores and our ETSA depot before Christmas.
>
> On 17 January we lost our ANZ bank, another four jobs and families to leave our district. Our numbers at the school will drop with families leaving the district which in turn means a reduction in teachers.

That is another Liberal policy. It continues:

> Once again more people leaving our community!

They ask, and rightly so:

> Where does it all end? Cummins cannot sustain any more reductions!

It further states:

> ETSA plan to shut down Cummins, Streaky Bay and Wudinna depots whilst maintaining two to work from home. What a wonderful idea to someone sitting in an office in Adelaide.

They are talking about this Government's policy for centralisation, a reduction of services, of jobs and of opportunities for children to be educated in rural South Australia. It continues:

But let's think about this. If one person is on holidays, one person has to come from Port Lincoln each day to help out. It is also interesting to note that, if there is work to be done in other areas, for example, Wudinna, Ceduna, and our Cummins ETSA workers go to help out, someone from Port Lincoln comes up to do Cummins area work daily. So in reality ETSA workers in Cummins can be gainfully employed all year round, but Port Lincoln ETSA workers obviously have not enough work they can easily be shuffled out to other areas.

Fascinating, isn't it? They call if centralisation. We call it making Cummins a ghost town!

The letter goes on to talk about the profits of ETSA and how they are not being put back into country South Australia. This is a story being repeated right across South Australia, from Cummins and Streaky Bay to Millicent and Mount Gambier and such places in the South-East. We are seeing in the Mid North—that services are being cut, ETSA gangs are being wound down, highways depots are being closed down and job opportunities are diminishing. The important thing is that every time this Government slashes another Government job in a rural area, there is another child in one of those high schools who will never get an opportunity to take that job. So it is two for one all the way, and primary producers and people living in rural South Australia are being affected.

The Labor Opposition has always been supportive of rural South Australia. As members can see from our record in primary industries, combined with the record of the Federal Government with, as I pointed out, the Hon. Bob Collins' efforts, we have always attempted to be fair and give people in South Australia a fair go. It was with this in mind that I responded to a letter from a member of the church in the north of South Australia last week. In an effort to get some bipartisanship and some statesmanship into the process of dealing with those people in Mid North around Olary who were the victims of recent unseasonal and unusual flooding, in my introduction last Thursday in the Old Parliament House Chamber, I raised these issues in a very conciliatory way and tried, on behalf of constituents, to get some bipartisanship and some sensitivity into the process. In his correspondence, my constituent pointed out:

The Government's lack of response has made it seem little more than politics as usual.

It is politics as usual when members opposite are flying up to the Mid North, in their helicopters. In a bipartisan spirit I supported the Premier, and supported the fact that he ought not to have gone up there. My constituent talked about—and this obviously pricked the conscience of the Attorney-General and that of the Minister for Transport—being sick of people gaining cheap political mileage at their expense. At the bottom of the letter, he quotes from Romans 12:9 when he said:

Let love be genuine.

That was a very pointed remark towards the Liberal Party. I raised this matter on the basis that I wanted to know when the Minister and the Premier will be in a position to announce the State Government's intention with respect to disaster relief for people in South Australia. I wanted to know how the State Government relief was being coordinated with the Federal Government's relief. I also wanted the Minister or the Premier to explain why it appears that the New South Wales scheme—that is, a Labor Government—can provide greater levels of disaster relief than those being anticipated by the State Government in South Australia.

I knew that discussions were taking place between the Farmers Federation and the Minister to try to look at the package that had been put up previously. The South Australian National Farmers Federation believes that it was inadequate. It had opened up discussions, and we were also told that Federal schemes were available. We were trying to give the Minister, through the Attorney-General, the opportunity to answer those questions. All he had to do was say, 'I will refer those matters to my colleague in another place and bring back a reply.' There was the opportunity to let some genuine concern come out and some bipartisanship take place to let those people in the Mid North see that both sides of the House were interested in their welfare. We were being genuine. What did I receive? This is the result of bipartisanship and positive action.

The Hon. M.J. Elliott: What's the relevance of this? Come one, you haven't got a home to go to, but some of us have.

The Hon. R.R. ROBERTS: Well, I haven't got a burrow, either. The letter continues:

I do not know what the honourable member has been doing for the last couple of days because the State Government's package was announced by the Premier.

They then go on to dump on me. What do we find in relation to these primary producers—and here is the relevance—that rely on this Government, this Legislative Council, to provide provision and support? What happened? The next morning, after the Attorney-General had dumped a load on top of the Labor Party, that we did not know what was going on, on the *North and West Report* there is the Minister for Primary Industries talking about exactly what I had asked. They were still looking at the package; they were still negotiating the package. On Monday of this week, he appears on the *Country Hour*, saying, 'We were cooking up this new deal on Thursday.' At the same time as the Attorney-General was dumping on us for making positive suggestions to try to provide proper relief and explanation of the scheme, they were negotiating the deal. Who was wrong? Who was being genuine? No-one was being genuine on that side of the House.

These are the sorts of hypocritical things we have to put up with, this paternalistic patting on the head of primary producers by this Government about what has happened. This Government ought to be providing services and not being hypocritical and moving these pious motions. We have a genuine respect for the work of the primary producers of South Australia, because they have been doing it with the millstones that members opposite have been hanging around their necks for the past three years.

I will tell members opposite how genuine they are. When primary producers in South Australia did not want daylight saving there was a huge hue and cry about it. Liberal members in this and the other House represent primary producers in South Australia, but when they were asked to vote on what they were overwhelmingly saying—that they did not want an extension to daylight saving—not one of them was prepared to get up in this Chamber. That includes the Hon. Caroline Schaefer, who would not commit herself to supporting those primary producers in country South Australia, especially those on the West Coast. Someone will challenge me and say that when the vote was taken the Hon. Caroline Schaefer voted with the Opposition: she did, but right through she would not commit herself as to how she would vote, until the Democrats declared their intention to vote with the Government. When they knew they could not win, when they knew the vote could not be lost, they made the decision!

The Opposition supports primary industries and those people who live in rural South Australia, and that includes my constituent from Cummins. These are the sorts of things that

upset primary producers and people living in rural South Australia.

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: They do not want to love us, but they are growing to hate your lot. Rural South Australians are sick of their school funding being slashed. They fell for the old three-card trick. The Liberal Party said that it was 1103
health—and what did it do? It slashed and burnt right through and made their lives miserable. It gets worse: now we have the involvement of the Liberals' Federal colleagues. Your sister in the Senate, Amanda Vanstone, is doing to HECS—

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: She is a women's martyr of the Liberal Party: she is one of your factional colleagues. They have put more imposts on the opportunities that are available to country kids to get into the education system. The Liberal Party has emptied the universities of talent from the country areas—and not only that, it is putting those kids on the dole. What next? It will knock off the CES offices in country South Australia and it is closing down the Medicare and Social Security offices. This Liberal Government has raped and burnt rural South Australia and stripped it of Government services. Today the Hon. Sandra Kanck raised the matter of Government supply in rural South Australia: members opposite will not even support small rural businesses.

One can only support this motion. While it reads well, it is dripping with hypocrisy. I am very happy on the basis of Romans 12:9: 'Our love is genuine'—but that of members opposite is not—to support the sentiments of the motion. In future I hope that we can move these motions on the basis that we can stand proudly in this Legislative Council and say, 'Yes, they have done a great job, and we have been able to assist them, not put millstones around their necks.' I support the motion.

The Hon. J.F. STEFANI secured the adjournment of the debate.

TOURISM COMMISSION

Adjourned debate on motion of Hon. R.R. Roberts:

1. That a select committee of the Legislative Council be appointed to inquire into matters surrounding the—

(a) termination of the employment of Mr Michael Gleeson as Chief Executive of the South Australian Tourism Commission;

(b) attempts to terminate the employment of a senior executive of the Tourism Commission, Mr Rod Hand;

(c) appointment of Ms Anne Ruston to the position of General Manager of the Wine and Tourism Council of South Australia,

including the role of the Minister for Tourism, the Hon. G. Ingerson M.P., in these matters.

2. That Standing Order 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 presented to Council.

4. That Standing Order 396 be suspended as 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 26 February. Page 980.)

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I rise to speak to this motion, which seeks to establish the nine thousand four hundred and fifty second select committee of the Legislative Council which the Labor Party and the Democrats have sought to establish in our brief three years in office. I have been provided with some responses prepared by the Deputy Premier and his officers, and I will read the responses to the questions from the Hon. Michael Elliott. I think the contribution of the Hon. Ron Roberts does not merit much of a considered response. Having had a detailed look at it, there was really nothing substantive raised by him—

The Hon. T.G. Roberts: He would be hurt by that.

The Hon. R.I. LUCAS: Yes, he would be hurt by that, I am sure—as I suspect is normally the case with contributions of the Hon. Ron Roberts. The Hon. Michael Elliott has raised a series of specific questions and the Deputy Premier has undertaken publicly and privately to put on the public record the response to those questions, and I therefore now read that response.

On 26 February 1997 the Hon. Michael Elliott MLC asked a series of questions in this Council. He raised a number of questions concerning the termination of the South Australian Tourism Commission's former Chief Executive, Mr Michael Gleeson, and his employment contract. He also wanted answers to questions raised in the Council relating to the appointment of Ms Ruston, which has been debated at length in another place. All that information is available and on the public record.

It is important to read the statutory declaration of the Chairman of the board of the South Australian Tourism Commission who was also on the selection panel which appointed Ms Ruston. That panel unanimously came to the view that Ms Ruston was the preferred candidate. Mr Lamb's statutory declaration clearly confirms this. I seek leave to table a copy of the statutory declaration made by Mr John Lamb, Secretary of the South Australian Tourism Commission, in relation to this issue.

Leave granted.

The Hon. R.I. LUCAS: Further, Ms Ruston's appointment was not raised with the board by Mr Gleeson until after his employment contracted had been terminated. The Council should note that Mr Gleeson had the opportunity at a board meeting six days after the appointment was made to raise any concerns: he chose not to. Rather, Mr Gleeson said, 'It is really important that Anne is in place to start directing some of these issues because there is no-one sort of looking after it at the moment.' We are left to wonder why a diligent CEO would not have raised his concerns at this, the first opportunity. Michael Gleeson had nothing negative to say until after he had been told that he was no longer required.

The second matter relates to the termination of Mr Gleeson's employment contract with the SATC. This Council should be aware that both sides agreed to confidentiality in relation to the arrangements. This agreement, the Council should note, has been breached by Mr Gleeson a number of times. At the time Mr Gleeson's contract was terminated there was a proposal by this Government that the SATC, Office of Recreation and Sport and Australian Major Events, be restructured. As a result, one of the Chief Executive positions became surplus. After discussing the matter with the board Chairman, Mr Gleeson's employment contract was terminated.

I inform the Council that no payments were made to Mr Gleeson other than those to which he was entitled under

his contract conditions. No payments were made in relation to confidentiality conditions. There was no hush money. There were no deals with Mr Gleeson to go away and hide. The total termination payment to which Mr Gleeson was entitled was $115 479.90. This comprised payment in lieu of notice totalling $21 456.20 and termination payments pursuant to his contract for each of the two incomplete years of his contracted service which totalled $94 023.70. He was further entitled to an accrued recreation leave payment of $22 677.20.

Mr Gleeson received superannuation entitlements in accordance with his contract and the Superannuation Act 1988. His entitlements were no different from those of any other member of the lump sum scheme. As he commenced with the public sector in July 1993, he was not a member of the scheme for a long period. The benefit to which he was entitled is significantly less than one year's salary, but the precise details are confidential between the member and the Superannuation Board. The Superannuation Board did not enter into any special arrangements with regard to Mr Gleeson's termination. However, the Deputy Premier has been advised that the total payment of all moneys, including superannuation, received by Mr Gleeson was less than $200 000, not $500 000.

The third issue the Hon. Mr Elliott raised concerns staffing matters within the SATC. The Deputy Premier has advised me that employment matters have always been—and always will be—the responsibility of the Chief Executive and the SATC board. From time to time, as is perfectly proper, employment issues were discussed with the Deputy Premier by both the Chief Executive and the Chair of the board. This is a normal part of Government. The Deputy Premier has been advised by the SATC that Mr Hand, Mr Evans and Mr Rossiter are all still employed by the SATC. In September 1996, Mr Gleeson organised a position for Mr Hand serving on secondment as the Project Manager, McLaren Vale Visitors Centre. The Deputy Premier has advised that he is still there. The Deputy Premier has been advised by the SATC that Mr Rossiter was appointed by Michael Gleeson in February 1996 to the position of Manager, Advertising. He is still employed by the SATC.

Further, the Deputy Premier has been advised that Mr Gleeson arranged for Mr Evans's secondment to work on special projects, an appointment which was made in November 1995. He is still employed by the SATC. The fourth matter concerns Ms Mathewson. The Deputy Premier has been advised by the SATC that she was employed in January 1994 by Mr Gleeson on three months' probation. Mr Gleeson chose to terminate the contract within the period of that probation. The fifth matter concerns Brian Price and Godfrey Santer. The Deputy Premier has been advised by the SATC that on 29 January 1997 the board decided not to renew either of their contracts. This decision was made by the SATC board and at the time the Deputy Premier was no longer the Minister responsible for tourism.

In relation to the sixth matter raised by the Hon. Mr Elliott concerning Wirrina, every project within the Government's infrastructure support program for the development has been approved by Cabinet, which examined the projects in some detail. Further, these projects have been approved by the parliamentary Public Works Committee and they have been available for scrutiny by the parliamentary budget Estimates Committee. I am surprised by the Hon. Mr Elliott's questions and spurious claims concerning the member for Coles's overseas trip in 1995. I am informed the honourable member later had the good grace and decency to write a formal letter of apology to the member, which, I am told, has been accepted. The letter states that the Hon. Mr Elliott has unreservedly apologised to the honourable member over questions raised last Wednesday and I commend him for doing so.

I interpose into the Deputy Premier's explanation to say that I welcome the approach by the Hon. Mr Elliott. It does the honourable member a great deal of credit, I believe, to acknowledge that he had been misinformed on this issue and at the earliest possible opportunity for him not only to apologise to the member but also to stand up in this place and do so. Certainly, there would be no criticism from Government members—and from Labour Party members as well—of the way in which the honourable member has handled that retraction and apology to the member for Coles. As we are informed by this statement, the member for Coles has accepted that apology as well. For any of us who occasionally make mistakes, errors of judgment, or whatever, to stand up in the Chamber and to acknowledge that that is the case certainly would not attract too much criticism from most members of the Legislative Council. I certainly congratulate the Hon. Mr Elliott for the way in which he has approached his withdrawal in relation to this issue.

I return to the prepared statement from the Deputy Premier. For the public record, the South Australian Tourism Commission made a payment of $10 000 to the Australian American Chamber of Commerce for a South Australian tourism promotion in America in 1995. This payment was made by the South Australian Tourism Commission directly to the Chamber as part of a very successful promotion of this State to the American market. It seems a shame that a project with such benefits to South Australia could become the subject of political mud-slinging, and it is to be hoped that the source of these baseless allegations feels at least some sense of remorse.

In conclusion, the Hon. Mr Elliott asked a number of questions concerning the Government's dealings with Kangaroo Island Fast Ferries. The South Australian Tourism Commission established a marketing program worth $100 000 to promote Kangaroo Island as one of Australia's finest tourist destinations. The Deputy Premier is advised that the program was funded out of the commission's capital funds. Further to this, not one cent of that money went to Kangaroo Island Fast Ferries. Further payments totalling $113 000 were made by the Department of Transport to capital works at Glenelg. A further $35 000 was spent by the SATC in Kingscote. Another $250 000 has been made available for geo-technical studies on the berthing site as part of the State Government's Patawalonga project. None of this money has been paid to Kangaroo Island Fast Ferries. This expenditure came from capital funds.

The Government has made a commitment of $213 000 to the project and Kangaroo Island Fast Ferries has been paying the Government at $1 per passenger journey since it began the service. An arrangement has been entered into by the SATC and Kangaroo Island Fast Ferries to underwrite some fuel costs in the event of bad weather necessitating the use of different berthing facilities in the metropolitan area. Kangaroo Island Fast Ferries has never made a claim under this arrangement.

In conclusion, let me reaffirm that the Deputy Premier has never sacked departmental staff. These allegations and rumours which have been circulating for more than six months are a slur on his reputation and an entirely undeserved

attack with more basis in the ugly realities of political point scoring and jealousy than in fact. I seek leave to table a document of three pages prepared, I am told, by the Deputy Premier's staff providing some further information that the honourable member was seeking, in particular on the Wirrina project.

Leave granted.

The Hon. J.F. STEFANI secured the adjournment of the debate.

FAIR TRADING (UNCONSCIONABLE CONDUCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 577.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government opposes this Bill. This Bill is similar to the Trade Practices (Better Business Conduct) Amendment Bill 1995, introduced during the term of the previous Commonwealth Government by Senator Chris Schacht. This Bill is, however, far broader than the Commonwealth Bill, which aimed specifically to prohibit the exploitation of economically captive firms, and applied in only limited circumstances in that it, *inter alia*, excluded from the commercial relationship the initial negotiations relating to the formation of the relationship; excluded from its ambit parties engaged in other than a regular or continuous relationship; required the commercial relationship to be of major significance to the weaker firm; and required the weaker firm's freedom of action to be substantially reduced. The Bill is not subject to these limitations.

The section 57 proposed in the Bill differs from the existing 57 section in that, *inter alia*, it covers conduct that is harsh or oppressive as well as unconscionable. It covers not only the supply of consumer goods and services to consumers but all goods and services, including those used wholly for business purposes (this results in part from the deletion of subsections (5) and (6)). By deleting reference to 'supply or possible supply of goods or services' the potential coverage of section 57 is extended to cover all relations in trade and commerce, including those that do not involve the supply of goods or services. In view of the wide definition of the terms 'goods and services' in section 46 of the Fair Trading Act, it is not clear what such relations might be.

There are good reasons to oppose the Bill. The Hon. Terry Cameron, who introduced the Bill, did not clearly identify the problems that he seeks to remedy, nor the industries in which they are most prevalent. Specific legislation already exists to address the inequality of bargaining power of big and small businesses in some key areas where problems are often cited. The Retail Shop Leases Act and the Credit Code are examples of legislation that address specific industry-related problems. It is, in the view of the Government, preferable to address specific identified problems rather than applying a broad brush, which will have far-reaching effects and perhaps unintended consequences.

Section 57 of the Fair Trading Act is in part 10 of the Act which is a mirror provision and which applies provisions of the Commonwealth Trade Practices Act 1974 to individuals as well as corporations. The Commonwealth Act applies to corporations. It is mirrored in similar legislation in other States. If South Australia were to proceed unilaterally to enact this Bill, then the Fair Trading Act would be out of step with the Commonwealth Trade Practices Act and the legislation of other States. This would create a lack of uniformity.

The Bill, if enacted, would also give rise to considerable uncertainty as to the rights of parties, and would be likely to involve parties in costly litigation. For example, litigation would inevitably arise on the extent to which section 51AA of the Trade Practices Act, which concerns unconscionable conduct by corporations, covers the field in that matter. Litigation would centre on the extent to which State legislation can enter a field dealt with in the Commonwealth legislation. The wide coverage of the Bill in itself creates uncertainty (especially as, under the Constitution, the Commonwealth has responsibility for corporations).

The test as to what constitutes harsh or oppressive conduct is unclear, especially as the factors listed in section 57(2) for determining whether section 57(1) has been breached are similar to those presently applying to unconscionable conduct alone. This uncertainty might well have a detrimental effect on business in this State. The Bill, if enacted, would affect the responsibilities of the Commissioner for Consumer Affairs, particularly in the form of complaints from businesses about the conduct of other businesses. The Commissioner does not deal with business versus business complaints at present.

The House of Representatives Standing Committee on Industry, Science and Technology is presently conducting an inquiry into fair trading, and expects to report to Federal Parliament later this year. Part of the remit of that committee is to inquire into business conduct issues arising out of commercial dealings between firms, including claims by small business organisations that some firms are vulnerable to and are not adequately protected against harsh or oppressive conduct in their dealings with larger firms. In particular, the committee has been asked to consider possible legislative remedies to protect small business against such conduct.

In view of the fact that the provisions sought to be amended by this Bill are in the trade practices mirror provisions of the Fair Trading Act, it would be in order to await the outcome of the Commonwealth committee's consideration of the matter and the Federal Government's response before considering any action in this matter in South Australia. It may be that the outcome of the committee's deliberations is a need for amendment to our Fair Trading Act, but the Government is of the view that unilateral action is not appropriate at this time. As I said at the beginning, the Government opposes this Bill.

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

[Sitting suspended from 6.2 to 7.45 p.m.]

INFORMATION TECHNOLOGY

Adjourned debate on motion of Hon. M.J. Elliott (resumed on motion).

(Continued from page 1091.)

The Hon. M.J. ELLIOTT: I do not think there is any need to cover much of the ground that has already been covered. Paragraph 1 of the motion makes quite plain what has happened, and I do not think there can be any disputing the accuracy of that paragraph, that is, that the Government has refused to supply a copy of the contract to the select committee relating to the outsourcing of information

technology, that it has not supplied a summary of the contract to the select committee and, finally, that it did countermand a request to all Wave 1 agencies to supply answers to questions direct to the committee by 22 November 1996. I note that to this day the select committee still has not received those answers.

On the basis of that absence of information that the committee should have—information which the Government has either refused to supply or on which it has dragged its feet—I think that the second part of the motion is important, that is, that the Premier does arrange for the release to the select committee of full copies of all the original answers from all Wave 1 agencies which had been prepared for the select committee.

I have no objection to the Government's supplying corrections to those answers where it thinks they are necessary, but if the Government wants to have its promises of accountability taken seriously its game will have to change, and that will include the supply of that information. I urge all members to support the motion.

The Council divided on the motion:

AYES (9)

Cameron, T. G.	Elliott, M. J. (teller)
Holloway, P.	Kanck, S. M.
Levy, J. A. W.	Nocella, P.
Roberts, R. R.	Roberts, T. G.
Weatherill, G.	

NOES (8)

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

PAIRS

Pickles, C.A.	Davis, L.H.
Crothers, T.	Laidlaw, D.V.

Majority of 1 for the Ayes.

Motion thus carried.

DEVELOPMENT (TELECOMMUNICATIONS) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to amend the Development Act 1993. Read a first time.

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

That this Bill be now read a second time.

It is important for several reasons, and I note first that the Local Government Association has been requesting similar legislation for some time. It is important that we have this safeguard to ensure that local communities—

Members interjecting:

The PRESIDENT: Order! There is too much background noise. Neither I nor *Hansard* can hear the honourable member.

The Hon. M.J. ELLIOTT: It is important to have this Bill as a safeguard to ensure that local communities have a say in the overhead cables and telecommunications towers debates. The Australian Democrats have always opposed making telecommunications carriers immune from State and Territory laws. The present regime came into place in 1991 with major Party support. The Democrats were concerned about wide-ranging exemptions and opposed the legislation and the blanket exemption on this issue. We tried to prevent the immunity that was granted to telecommunications companies by the then Federal Government, and we sought to move amendments in the Senate which were defeated. Because of our failure to get certain amendments through the Senate, the telecommunications companies have complete immunity from State planning laws at this stage.

The Federal Government controls the regulation of telecommunications carriers under a national code. I note that that code is currently being scrutinised in the Federal Parliament. A package of 11 telecommunications Bills are being scrutinised by a Senate committee, and they involve a whole new regulatory regime for the industry which is due to come into operation on 1 July. I understand from my Federal colleagues that the Senate committee's report on the telecommunications Bills was due to be tabled today but, at this stage, I have not had a chance to see it.

The Democrats put the view that the Government should be urgently negotiating and developing an integrated national approval system along the lines that has been recommended by the Australian Local Government Association. We also believe that the definition of 'designated overhead lines' should capture all cabling which could cause community or environmental concerns. We also believe that the transitional arrangements should be deleted from the Telecommunications Bill 1996.

I note that there are transitional arrangements that seek to allow a further exemption of time during which the telecommunications companies can continue not to be subject to State law. My understanding is that the current proposal is that the 30 June deadline in relation to cabling may be extended to September and, in relation to telecommunications towers, it may be extended to December. That subject is about to be debated in Federal Parliament.

In listening to debate, I have noted that members of all Parties have expressed personal concern about the impact of cables and telecommunications towers. If that concern is genuine, we should take the opportunity that this legislation offers to amend the Development Act to make quite plain that cables and telecommunications towers are deemed to be developments so that, when the Federal legislation lapses, be that 30 June or at a later date which is currently being debated in the Senate, State and local government authorities will be in a position to intervene immediately and to ensure that community wishes are properly taken into account.

No justification has been given as to why one form of development, that is, telecommunications, should have a rule that is different from all other forms of development in this State. I would be surprised and disappointed if the State Government or the Opposition were to argue that telecommunications should have different rules from those of any other industry or any other form of development in this State. The Bill that I have introduced is not complex. It has a relatively small number of clauses, and the people who read it will find that the effect of the Bill is simply to deem telecommunications towers and cabling as development under the Development Act and therefore subject to development plans. With those few words, I encourage all members of this place to support the Bill.

The Hon. A.J. REDFORD secured the adjournment of the debate.

FAIR TRADING (UNCONSCIONABLE CONDUCT) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from Page 1100.)

The Hon. R.D. LAWSON: This Bill seeks to amend the provisions of the Fair Trading Act. Section 57 of that Act presently provides that a person shall not in trade or commerce in connection with the supply or possible supply of goods or services to another person engage in conduct that is in all the circumstances unconscionable. The purported intent of the Bill is to expand that prohibition to conduct which is not only unconscionable but is also in the alternative harsh or oppressive.

On the face of it, that would seem to be an appropriate amendment. If one asks any layman, I suspect that they would say that, if conduct that is unconscionable is already prohibited, it is fair and reasonable also to make illegal conduct which is harsh or oppressive. Unfortunately, things are not as simple as they might appear to the mover, so I have studied with great care the second reading speech of the Hon. Terry Cameron. It is a speech that is long on rhetoric, strong on good intentions but ultimately fatally flawed.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: The Hon. Terry Cameron says that this is what small business wants. Small business wants effective legal protection, not rhetoric, good intentions or high sounding motherhood statements: it wants real redress. They want actual benefits, not simply political rhetoric and grandstanding. The Hon. Terry Cameron, in his—

Members interjecting:

The PRESIDENT: Order! There will not be cross-conversations.

The Hon. T.G. Cameron: Don't yell at me; he started it.

The PRESIDENT: Order! The Hon. Terry Cameron might have had a good dinner tonight, but I suggest that he sit back and think a little about his behaviour.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! If the Hon. Terry Cameron wants to have a spell, he is heading in the right direction.

The Hon. T.G. Cameron: That decision's in your hands.

The PRESIDENT: Order! Yes, it is, and the honourable member should remember that.

The Hon. R.D. LAWSON: It might have been a bad dinner, but it will be a scintillating after dinner speech. The Hon. Terry Cameron looks as though he is excited by the prospect.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: The mover of this Bill, in the second reading contribution, spoke of the material inequality of bargaining power and the substantial disadvantage which small business has in dealing with big business. That is an undoubted fact of life. Big business has an advantage over small business in most dealings. However, there is nothing legislators can do to alter the fact of life that big business has an advantage over small business. Big government has an advantage over small government—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: No legislative mechanism can really create a level playing field in that regard. In legislative terms, all one has to do is ensure that unacceptable and illegal dishonest conduct is proscribed, both for big business and small businesses. In making laws, we do not seek to favour one side or the other. All legislators can do is create the same regulations with which all must comply. The Hon. Terry Cameron was full of rhetoric when he said:

> It should not be assumed that what is good for big business is good for the economy as a whole.

We on this side of the Council do not assume that what is good for big business is necessarily good for the economy as a whole. We on this side of the Council are strong supporters of small business, and we will support any appropriate measure that will foster small business in this State. Grandstanding of this kind does not foster the interests of small business at all. The existing provision in section 57 of the Fair Trading Act, which proscribes unconscionable conduct, is a provision which is replicated in the Federal Trade Practices Act. That section has largely been a dead letter. 'Unconscionable conduct' might sound wonderful in second reading speeches to anybody who ever bothers to read them, but it has been—

The Hon. T.G. Cameron: Well, the Small Business Association has read it; I've got all its letters supporting it.

The Hon. R.D. LAWSON: The honourable member says that he has letters supporting his measure. I would like him to produce a letter from anybody who says he read his speech.

The Hon. T.G. Cameron: The Small Business Association.

The Hon. R.D. LAWSON: Did they read the speech?

The Hon. T.G. Cameron: I've got a fax from the Motor Trade Association. Tricky Dicky also supports it; even he supports it.

The PRESIDENT: Order!

The Hon. R.D. LAWSON: I also support the honourable member, when he said:

> Stopping the abuse of market power is the essence of trade practices law.

Quite so. 'Abuse of market power' is already proscribed in the Federal Trade Practices Act and is already proscribed in the State Fair Trading Act. There is no necessity to include this measure which adds to the notion of unconscionable, harsh or oppressive. The honourable member said—

Members interjecting:

The Hon. R.D. LAWSON: This is actually a transport matter, apparently. The honourable member said:

> This is the classic situation of small business versus the big end of town.

What populist rubbish! This measure will provide absolutely no comfort or benefit to small business. Small business wants certainty, absence of litigation and the same set of rules to apply to all who are engaged in this conduct. What is the point of introducing a measure in South Australia which is not included in, and actually has been specifically excluded from, the Federal Trade Practices Act? In a national economy the Trade Practices Act must be the legislation with which national companies and all companies have to comply. It is futile to seek to introduce measures of this kind into State legislation such as the Fair Trading Act.

I am not one of those who thinks that uniformity in all things has much to commend it. However, in relation to regulation of this kind, where one is seeking to regulate largely national companies and the ways in which they conduct their business, uniformity is absolutely essential, otherwise measures of this kind, however well intentioned they might be, will fail. Frankly, I am not even prepared to accord good intentions to the honourable member, as it is quite obvious from his interjections that this is purely grandstanding for the purpose of making himself popular in small business circles. They will not fall for it. This notion of a level playing field—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: I oppose this measure, not only for the reasons given the Attorney earlier today in relation to the same measure but also on the basis that it is really a feeble minded—

An honourable member interjecting:

The Hon. R.D. LAWSON:—and, as the honourable member said, misguided attempt to garner support from the small business circles. I oppose the measure.

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

PRIMARY INDUSTRIES

Adjourned debate on motion of Hon. Caroline Schaefer (resumed on motion).

(Continued from page 1098.)

The Hon. CAROLINE SCHAEFER: It behoves me to sum up after the Hon. Ron Roberts's diatribe this afternoon in response to what was a genuine motion on my behalf. In his speech he accused me of various things including muckraking and looking for political gain. What I attempted to do was to bring some publicity to one of our major industries. It is not uncommon for members to move motions on the great value of the arts to the State or on the wonderful results that our Year 12 students gained, so I thought that it was not unreasonable that I should move such a motion.

As usual, the Hon. Ron Roberts did not do his homework or get anything right. The last two or three speeches that the Hon. Ron Roberts has made have been so wide of the mark as to be absolutely amazing. A couple of weeks ago he made a speech on the aquaculture legislation: when the Bill was about declaring an area around aquaculture nets he spoke about everything but that. Last week he made a speech on the Livestock Bill, but talked for some 20 minutes about the abattoirs. His speech had absolutely nothing to do with branding or—

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: Exactly, you were talking about dead stock—and most of what you talk about is pretty dead by the time you get around to it. So, it is pretty typical.

The Hon. T.G. Cameron interjecting:

The Hon. CAROLINE SCHAEFER: I think he is, actually. Tonight the Hon. Ron Roberts has again surpassed himself.

The Hon. T.G. Cameron interjecting:

The Hon. CAROLINE SCHAEFER: It was a truly typical speech. One of the many things which Mr Roberts talked about and which had absolutely nothing to do with my motion was how wonderful and genuine is his love. If we are to be biblical, God help us if he is genuine. One of the things he waxed lyrical about was a letter that he tabled in the Parliament last week expressing the concerns of an Anglican minister in the northeast region as to our treatment of the people there with regard to the management of their flood relief. As usual, Mr Roberts did not bother to contact his constituent or follow up the letter. I happen to have the Reverend Warren Huffa's next letter which (in part) states:

> I was glad to hear on the radio of the loans being offered to the pastoralists in the North-East, and that if the three year loan at a low rate of interest was unacceptable there were other options to extend the period of the loan. This will be a great help to those hit hardest by the floods to get up and productive again. I have passed on my thanks to Rob [Kerin] over the phone.
>
> You may remember that in my letter I said I would be raising the inadequate response of the Government to the crisis in all the churches which I service. You may like to know that I am the sort of person who will easily criticise when it is appropriate, but I will also give credit where that is due. So, last Saturday and Sunday, and this weekend also, I have and will be alerting everyone to the very good response that the Government is making to the crisis!

What a pity the Hon. Rob Roberts did not follow up and contact his constituent. But then he is no good at doing his homework. He mentioned in his diatribe this afternoon the $11 million that the Hon. Bob Collins gave to Eyre Peninsula. That again shows such a total lack of understanding of his portfolio because it was bipartisan, bi-political funding which was instigated by the State Government and for which the State Government paid half of the money.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: No, it paid half of the money.

The Hon. A.J. Redford: You're out of your depth, Ron!

The Hon. CAROLINE SCHAEFER: Yes, he is, but he is dog-paddling well. Give him his due: he has his little beak just above water and he is paddling well. The Hon. Ron Roberts accused, therefore, the State Government of doing nothing for Eyre Peninsula when, as I say, it was a State Government initiative. Bob Collins had a good grasp of his portfolio, unlike the shadow Minister in this place.

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: No, I do not believe that I saw that. The Hon. Rob Roberts's reputation for accuracy is such that I do not necessarily believe anything he says. He also talks about closing down ETSA stations, EWS camps and Highways camps. Certainly some have been closed. I have quite good knowledge of a number of Highways people who will admit happily that they are busier now than they ever were under private contract—and that is logical because there have been many more country roads attended to in the past four years than there were in the 20 years preceding that.

The Hon. R.R. Roberts: How many locals have got jobs?

The Hon. CAROLINE SCHAEFER: The unemployment rate in rural and regional areas has fallen considerably. Mr Roberts also had a go at me—and you could only say that it was a go—with regard to the issue of daylight saving. I think he called me 'gutless'. I find that fascinating coming from someone who is locked in to a policy for Eastern Standard Time. I would be happy to bring on a motion for, say, Central Standard Time, or a motion opposing the adoption of Eastern Standard Time—and then we will see how brave the Hon. Ron Roberts is. I crossed the floor. I was not going to play ring-a-ring-a-rosy with the Hon. Ron Roberts.

I was out of the Chamber at a meeting when the Hon. Rob Roberts launched his latest activity in imagination. Once before I have said that he is the buffoon of the Labor Party, but I think he is more the Peter Pan of the Labor Party. He sprinkles pixie dust and dances around the truth. I will conclude now, because to continue longer would only add credence to the argument of someone who really must sooner or later look up, if not the meaning of, at least the spelling of, 'genuine'.

Motion carried.

CANNABINOID DRONABINAL

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council requests that the Minister for Health extend the trialing of cannabinoid 'dronabinal' for medical purposes to include the trialing of cannabis to eligible patients.

(Continued from 26 February. Page 985.)

The Hon. DIANA LAIDLAW (Minister for Transport): I propose to speak briefly in response to the Hon. Mr Elliott's motion on this matter. At the outset, I acknowledge the sentiments behind the honourable member's intention in moving the motion. I do not think, however, that there would be anyone amongst us who would not wish to see enhanced forms of treatment for the conditions that he mentioned—glaucoma, cancer and AIDS. As the honourable member recognised, the Minister for Health is forward thinking in his pursuit of better health care and better forms of treatment for South Australians.

The synthetic cannabinoid 'dronabinal' is approved for use on a trial basis in the treatment of weight loss associated with AIDS. Interestingly, I am advised that of the few practitioners in this State who have registered to provide the drug none has yet done so. The reasons for this are not clear. Perhaps it is related to the fairly high price of the drug. I am advised that there is some suggestive evidence of the utility of cannabis for some medical conditions. However, as is often the case when one contemplates moving in new directions there is a need to get the ground rules right. This is particularly so when one is talking of a somewhat radical departure from conventional treatment: to build a patient's hopes up only to see them dashed when an obstacle appears down the path is in no-one's best interest, least of all the patient's.

By way of example, I am advised that a proposal for a thorough scientific study into the effectiveness of smoked cannabis versus oral THC in the treatment of AIDS wasting syndrome was recently developed in the United States. The protocol for this study was approved by the United States Food and Drug Administration in 1994. However, it ran into other obstacles, including not being able to secure Government approved supplies of marijuana through the National Institute of Drug Abuse. I understand that a revised protocol for the study is to be submitted to the United States National Institute of Health later this year. The South Australian Drug and Alcohol Services Council has undertaken to prepare a discussion paper on the scientific, legal and ethical issues around the conduct of therapeutic trials of cannabis and related compounds for the ministerial council on drug strategy.

This is clearly a complex area. Consideration of this issue needs to take into account the Australian context and there needs to be a very clear understanding of the scientific, legal and ethical issues. The proposed discussion paper to be prepared by the South Australian Drug and Alcohol Services Council will explore all these issues. One cannot prejudge what may come out of that process and, for that reason, and on behalf of the Government, I am unable to support the Hon. Michael Elliott's motion at this time.

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

TRANSPORT STRIKE

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

That this Council deplores the actions of the Australian Workers Union and affiliated metals unions for their unnecessary bans and pickets on Tuesday 12 November 1996, which caused so much inconvenience and distress to public transport users, especially year 12 students at their exam time.

(Continued from 5 February. Page 828.)

The Hon. SANDRA KANCK: I believe that the motion moved by the Hon. Mr Redford is very provocative and—

The Hon. A.J. Redford: How could you say that?

The Hon. SANDRA KANCK: Well, I know butter would not melt in the honourable member's mouth.

The Hon. A.J. Redford: I am absolutely wounded by that.

The Hon. SANDRA KANCK: I am sure the honourable member is; I can understand it. I am sure it was not meant to provoke, but the fact is that I certainly cannot support the motion because of the Hon. Mr Redford's wording and I will seek leave to amend it. I really question some of the wording in the motion. The honourable member talks about the distress and inconvenience for year 12 students. I suggest that, yes, there would have been inconvenience: I doubt that there would have been distress.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: I certainly have and, if the honourable member would like to come and talk to me afterwards, I will tell her about a distressing experience before an exam and she can compare it and see what distress is. There was a 10 a.m. start for those exams and there was time for students to make alternative arrangements. I certainly drove into work on that day. I live at Athelstone and I drove all the way into town looking to see if there were people at the bus stops who did know about the strike. I was willing to bundle people into my car, but I saw not one person. So, I had a very different experience. I attempt to use buses on nights when I know we are not sitting.

I certainly did not see those people. I cannot deny that the Hon. Mr Redford and the Minister for Transport saw such people and received phone calls from the year 12 students, but that is certainly not my experience. One of the more memorable quotes made by the Hon. Mr Redford was that the AWU hatched a plot to disrupt the exams of year 12 students. That was one of the very early things the honourable member said in moving his motion. It was the fantasy of a statement such as that that had me thinking that this motion was not for real, because statistically some of the unionists involved in making this decision would have had to have children of that age who were year 12 students, and I am certain that they would not have been plotting to disrupt those students. No person behaves in that way.

The Hon. G. Weatherill: It's just union bashing.

The Hon. SANDRA KANCK: I agree with the Hon. Mr Weatherill that it is union bashing. I grew up with a very strong unionist father. As I grew up we had strikes lasting up to six weeks and we were in absolute poverty at the end of those six weeks. I remember my mother in tears entreating my father to go back to work and his trying to explain to her the reason why they were continuing to strike and how important it was that they continue that struggle. So, I know that unionists do not strike for the hell of it. Quite clearly, things had reached a point in negotiations where the unions saw that they had no other alternative. I will not go through what all those reasons were because the Hon. Ron Roberts has already presented that chronology and, in the process, very clearly detailed the inaccuracies of the Hon. Mr Redford,

such as only the AWU felt that negotiations had broken down, when clearly other unions that were involved also had the same perception.

I am pleased to note in the Hon. Mr Redford's speech his recognition of the importance of unions but, despite that, he continued throughout his speech to bash the unions. It makes me wonder who provided him with his information. I am moving—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: I have an amendment to the motion. I move:

Leave out all words after 'That this Council' and insert the following:

'recognises that:

1. The industrial actions of the Australian Workers Union and affiliated metals unions on Tuesday 12 November inconvenienced public transport users, especially some year 12 students who had to arrange alternative transport in order to reach their examination centres;

2. That the unions concerned saw no other course of action but to take industrial action in order to bring certain industrial relation issues to a head.'

I have very carefully chosen those words. I said that it inconvenienced public transport users, and I was probably one of those people inconvenienced. I cannot remember whether the Council was planning to sit that night; if it was not, I had probably planned to catch a bus, in which case I would have been inconvenienced, but the strike certainly would not have caused me distress. Certainly, there is no doubt it inconvenienced some year 12 students. However, I do not have evidence other than what the Minister for Transport and the Hon. Mr Redford have said, and an article in the *Advertiser*.

As I said, unions do not take this sort of action unless they feel they have reached the end of their tether and, in this particular case, after three years the unions have taken this action. I do not consider the action to have been all that terrible, especially considering that it was applied during only a few hours of the day.

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

The PRESIDENT: The honourable member does not need leave if it is on this matter.

The Hon. A.J. REDFORD: In her contribution, the Hon. Sandra Kanck called me a union basher. I deny that strongly and vehemently. If the honourable member had taken some trouble to read my contribution, she would have read that I in fact praised the union movement and said quite clearly that I was condemning the union's actions, not the union itself, and that I am not a union basher. The honourable member sought deliberately to misrepresent me and my position, and I resent that.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

CONTROLLED SUBSTANCES (CANNABIS DECRIMINALISATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 583.)

The Hon. DIANA LAIDLAW (Minister for Transport): As the Hon. Michael Elliott indicated when he introduced this Bill, he has spoken on this matter on previous occasions. I have spoken on the Bill previously and, like him, I do not intend to cover all the ground again. When I last spoke in April 1996, I outlined some interesting research that was being undertaken. I intend to provide an update on the situation for members' information. As members will be aware, in South Australia the Cannabis Expiation Notice (CEN) scheme for dealing with minor cannabis offences has been operating since 1987.

For some years the Drug and Alcohol Services Council, in collaboration with the South Australian Police and other agencies, has been working towards undertaking a thorough evaluation of the social impacts of the CEN system. The last time I spoke I outlined in some detail the findings of phase 1 of a research study into the social impact of cannabis laws in various Australian jurisdictions. I foreshadowed the conducting of phase 2 of the study, and I am pleased to say—and I am sure the honourable member who has moved this motion would be equally pleased—that the Commonwealth Department of Health and Family Services has now provided the necessary funds through the South Australian Drug and Alcohol Services Council to undertake phase 2 of this study.

Like the honourable member, I believe that the Commonwealth Government's agreement to provide these funds and the fact that the South Australian Drug and Alcohol Services Council is now able to proceed with phase 2 of the study are positive advances in this area. It is a study of national importance and will include substantial comparisons with data from Western Australia, a jurisdiction with a total prohibition approach to minor cannabis offences. In terms of the funding from the Federal Government for this project undertaken by the South Australian Drug and Alcohol Services Council, South Australia will have a standard base—as is the case in Western Australia which has total prohibition—by which to measure the success or otherwise of what is being undertaken.

The Hon. M.J. Elliott: What is the time frame of the study?

The Hon. DIANA LAIDLAW: The study will be fully operational within the next few weeks, and a report is expected to be provided to the Ministerial Council on Drug Strategy later this year. In terms of the honourable member's motion, this issue is being taken seriously by South Australian and Federal Governments in terms of the study, that it is being funded, and that a time frame has been set in which the findings of this study are to be reported to the Ministerial council later this year. A considerable amount of work has already been done on the project, with the Drug and Alcohol Services Council working with the South Australian Police on the preparation of a significant amount of data on expiable cannabis offences over the past few years.

A component of the research will be undertaken independently by staff of the Department of Criminology at the University of Melbourne, and I believe that is an important part of reinforcing that this is a national undertaking. The findings will form part of the final report of the overall study. This research will form an important resource for any jurisdiction considering its cannabis laws. I believe that we would be well advised to await the findings of this further research before considering changes of the nature contemplated by the Hon. Mr Elliott's Bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

WATER RESOURCES BILL

In Committee.

(Continued from 4 March. Page 1073.)

Clause 2—'Commencement.'

The Hon. M.J. ELLIOTT: Unfortunately, in the Minister's eagerness to close the second reading debate last night I was not able to make my second reading contribution, so I will take the opportunity now to make some overview comments. Having had discussions with the Minister in charge of this Bill—that is, the Minister for the Environment and Natural Resources—over a considerable period, I am aware that for a long time his view has been that we should have a piece of legislation which covers all landcare activities together. I note that this legislation does not do that. I know that the Minister had been in New Zealand and had been impressed by legislation there which picks up not only issues of water but also those relating to soil, and so on. We have a Government which is legislating in relation to water resources alone.

I understand that a review of the Soils Act is taking place at the moment and that perhaps towards the end of the year we will see changes in that respect. A number of other Bills which cover similar territory are all being treated separately. I think that is a major mistake. The Government should have had either a single piece of legislation or had all these pieces of legislation being reviewed simultaneously and brought to the Parliament cognately. That has not been done. On the advice of the Minister for Education and Children's Services, I will now attack the Government. He suggested I should do that, so I will do so.

The Hon. R.I. Lucas: Are there any other ideas that you want to attack us on?

The Hon. M.J. ELLIOTT: I am always open to those sorts of suggestions. There has been a major failure, which was politically driven in the first instance. The origins of this legislation are that the former Premier, Dean Brown, sought a major emblem that he could hold up at the next election in terms of a major achievement. He identified the Murray River as that emblem which he could hold up in terms of an issue that was being tackled.

I have no problems with the fact that the Premier has recognised the problems of the Murray River and sought to tackle them. However, this Bill has been driven solely by that consideration in the first instance, and it is moving much faster than the other pieces of legislation, which I would argue at the very least should have been treated cognately if not in a single Bill. Having recognised those political realities, the Democrats do not have any problems supporting the legislation, although we will move quite a few amendments.

I note that the Government has consulted widely and, although many people have acknowledged that the consultation has occurred, a significant number of people believe that issues that they thought were important were not adequately addressed. It is fair to say that consultation means not that you do what anybody suggests but that you give them a chance to say it. The Government has picked up quite a few of the suggestions that were made during what was a lengthy consultation process. In my view, and certainly in the view of others, some issues could have been better handled.

As a consequence, a significant number of amendments will be moved by the Democrats. We will move those amendments on the encouragement of farming groups, local government groups and legal eyes which have been cast across the legislation and suggested some anomalies. Quite a cross-section of people in the community have suggested changes, and I note that similar changes have been recommended by quite different groups within the community.

I will briefly describe the issues that I will be tackling as we proceed through each of the amendments. I will seek to ensure that there is a requirement that available water is shared on a fair basis. At several points in the Bill that point is not made sufficiently clearly, and I will move amendments to attack that issue. My understanding is that this is substantially what motivates some of the amendments that will be moved by the Hon. Angus Redford.

There is a fair degree of concern about the Bill in terms of the amount of power that resides solely with the Minister or the Governor, which essentially means the Minister as directed by Cabinet. I will move a number of amendments which seek a little more accountability and which will put in place mechanisms to allow more expert input into decisions that are to be made. I will give just a few examples of those matters.

I will move some amendments in relation to the membership of the council which I hope will improve the input that comes from the community. Importantly, as to the appointment of water management boards, rather than having the Minister directly appoint those boards, I propose that the Water Resources Council should put forward the nominees from whom the Minister can choose. I want water management boards to be depoliticised as much as possible, because at least one of the catchment boards that operates in Adelaide is still quite political in its composition.

The Hon. A.J. Redford: In what respect?

The Hon. M.J. ELLIOTT: In terms of the people who have been appointed to it. Politics had as much to do with their appointment as anything else. The expertise that I would hope to see on those boards is not satisfactory at this stage. That is one of the reasons why, when I was first lobbied on this issue, I resisted representations that were made to me that local government would put on a few, that conservation groups would put on a few and the Minister would put a few more on to a board. It seemed to me that it was more logical to define the sort of expertise that we wanted on the boards, and the Government has already addressed that to some extent and I will move some amendments to refine it further.

We should rely on the Water Resources Council to nominate the people who fit into the various categories of expertise. It is at that council level that the various interest groups have their input. Via the Water Resources Council, the influence of local government, conservation groups, farming groups, and so on, is brought to bear and, through their influence, they will seek to ensure that people who are suitable to carry out the job are appointed.

It is most important that the boards comprise people who have relevant expertise and life experience, and that political considerations or the selection of friends or people one knows well, which unfortunately tends to happen, are not the major consideration when boards are appointed. I make that comment not just in relation to the current Minister: regardless of Government, when boards are directly appointed by Ministers, I am sure that more often than not people get onto them for not all the right reasons. I do not suggest that there has been inappropriate or corrupt behaviour, but it is often more a matter of who knows whom as to who gets on a board, and some people seem to make careers of it.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: We could discuss election, but we are trying ensure that we have boards with relevant expertise and life experience, so we need to define the composition of those boards and then have an independent body, the Water Resources Council, make the initial nominations and choose people who fit into those categories. My amendments will enable the council to put forward two nominees for each of the positions on the board. The Minister will make the final choice in each case from the available nominees. So, the Minister's choice will be somewhat restricted.

The Hon. A.J. Redford: They do the nominating, not the Minister.

The Hon. M.J. ELLIOTT: The council will nominate the people from whom the Minister chooses. It will be the first filter, and that is very important. I will also move amendments to ensure that the Water Resources Council is adequately resourced. It is pointless having a council and giving it a role which relates not only to the nomination of people to boards but also to the giving of advice, unless it has the resources to be able to do that. So, it will require some funding.

I also have some amendments on file in relation to persons who will be placed onto boards. The amendments require that, as far as practicable, boards will include persons who are either aware of the interests of the persons who use or benefit in any way from the water resources in the area; who are part of a group or groups who are major users; or who own land in the board's catchment area. That does not mean that all members of the boards will fit into those categories. If you cannot find a person with the relevant expertise from among those groups, then you would choose such an expert outside that category. If, for instance, you can find a landowner or a major water user who has significant knowledge and experience in the use of water resources, it would be ideal if such a person was chosen. I will be moving amendments also to ensure that there is openness in terms of the behaviour of these boards, so annual reports will be available for inspection and purchase by members of the public.

I will move amendments in relation to the State water plan in terms of what the plan must do, stating that the plan must: assess the state and condition of the water resources of the State and identify existing and future risks of damage to or degradation of the water resources of the State; set out an order of priority for the management and monitoring of the State's water resources; and, as far as practicable, be consistent with plans under other Acts for the management of natural resources. I certainly am seeking to ensure that, as the State water management plan is produced, it takes into account soil plans and various other plans that are being produced under other Acts.

I will also move amendments where the Water Resources Council has made recommendations to the Minister in terms of what changes it feels should happen. Where the Minister does not accept those recommendations, the Minister shall provide a written statement for reasons for not accepting them and, by notice published in the *Gazette* and a newspaper circulating throughout the State, inform interested members of the public of the address or addresses at which the council's recommendations and the Minister's reasons are available for inspection and purchase.

I am seeking to not give the Water Resources Council any power. The power in relation to the plan is held solely the Minister. However, many advisory bodies are set up which are ignored, and ignored often without reasons given. With this amendment, if the Minister chooses not to take the advice of the body that has been set up to advise him or her, the Minister will give clear reasons why not. Surely that is not an unreasonable thing to require.

One of the more important amendments I will be moving will be to clause 104. I have received some deputations and had a significant amount of correspondence and discussion with people in the Willunga Basin. They have a concern that there are proposed changes to water allocation in the Willunga Basin which will significantly disadvantage 20 per cent of the users and be to the advantage of 80 per cent. At this stage, the decision has been made on a somewhat democratic basis, and the 80 per cent have outvoted the 20 per cent.

I have no argument that water usage patterns may change; for instance, we might find that water is being over used and there might need to be a cutback. I do not disagree that some crops use a large amount of water and that the overall economy would benefit by the water being used for lower use crops. There are certainly examples in the Murray Basin, where the growing of cotton and rice is grossly inefficient in the use of water. If that same water was used for horticulture, you could produce an economic benefit as much as eight times as great, with the same amount of water. There are all sorts of reasons why you might want to come up with mechanisms that encourage more efficient use of water and the like.

Some of those arguments may be running in the Willunga Basin now. Certainly, a question is being asked as to whether or not there is adequate water in the basin to sustain current practices. Some people are arguing that the water is better used on grapes than on almonds. That may well be true. However, I ask any member how they would feel if they had been growing almonds for a considerable number of years and had been an historic user of water at a certain level only to find that the rules had changed overnight and their water allocation reduced dramatically. Obviously, their income would be slashed and, depending on their borrowings, they could be placed in severe financial difficulty. Whilst there may be some good reasons at a basin-wide level for change, certain growers such as almond growers are being penalised, whilst others are not.

In my amendments to clause 104, I am proposing that, when the Minister is asked to adopt a plan in relation to a particular catchment, the Minister must refuse to adopt the plan if it includes a provision that changes the basis on which water is allocated from the resource, if that provision would result in significant discrimination against the person or group affected by the plan. The Minister really must ensure that, if there are any changes, they must be significantly discriminatory against just one group of users relative to other users. That is the only fair thing to do. If there has to be a change in water use patterns, mechanisms must be found that do not produce disadvantage.

For the most part, mechanisms would have to be ones which are more gradual. If water is to be taken away from one group to go to another, it simply should not be taken away, it should be paid for. Mechanisms must be found so that economic disadvantage does not fall onto one group of users who have not been doing anything wrong, who have been behaving in a perfectly legal way, in a way that was deemed to be acceptable until the proposal for the plan to be changed. I stress that that does not mean that we will not need to make some tough decisions from time to time about

restricting water usage. I am suggesting that, where we make those tough decisions, you have to be fair at the same time.

An issue that will clearly be of significant intention when we proceed further to Committee will be in relation to levies. Local government has asked what I think is a very fair question: why, under the current Bill, are we being asked to be the collector of moneys, to be the collection agency? They make the point that they have no say whatsoever in terms of the size of the levy or the way in which the levy is to be raised. Under the Bill the Government simply goes to councils and says, 'You will raise this much money and this is the way you will raise it,' and when they put out their rate bills they will be expected to raise this other money as well.

There are a couple of reasons why I have difficulty with the Government's proposal. The first is that there is no special reason why local governments should be the collector of levies: there are other Government agencies that equally could collect the levies. I note that local government does not have all the information necessary to immediately impose the levy and that that information will be supplied to it by a Government department. That being the case, that Government department can easily supply that information to any other Government agency which could raise the levy instead of local government doing so.

The other concern I have is that try as they will to differentiate between what are local government rates and what is the levy for the Water Resources Bill people will be signing a cheque which will cover both the council rates and the levy. In a couple of years this could cause some significant difficulties for local government because local government is about to go into a two-year rate freeze, and during the period of this freeze suddenly appearing on the bill will be this extra levy.

When the rate freeze finishes—and a lot of councils will be in difficulty because of that freeze—the councils will seek to make some adjustment to their rates. People will say, 'But my bill has expanded'—because of the levy sitting on top of the rates—and there will be significant resistance from the community about this. Local government will be seeking to do some of its own environmental and social work and all the other things it does but it will probably get resistance from people who will say, 'My bill is getting too big already.' The point I make is that a component of that bill is not a local government levy but a State Government levy for the purposes of this Bill.

The Hon. A.J. Redford: It is a local water resource levy.

The Hon. M.J. ELLIOTT: You can call it that, but the point I make is that it will be on the rates notice.

The Hon. A.J. Redford: I bet you councils go to a lot of trouble to say that it is not their fault.

The Hon. M.J. ELLIOTT: They will. The Burnside council already sends out separate letters explaining that this is not its levy, but that ends up costing the council money. I can understand why it is doing that. There is no good reason why it should be collecting the levy. There are a number of other matters, but I will leave those to the clause by clause debate during the Committee stage.

The Hon. T.G. ROBERTS: There have been negotiations, which I indicated were continuing at the time of my second reading contribution. I also said that I would be looking at the amendments that were to be filed by the Hon. Angus Redford, the Democrats and the Government, and that the Labor Party would work out its position after consultation with the three major groups which had indicated that they still wanted discussions with us to try to get a better consensus about the development of the Bill. I have to report that the negotiations have been carried out fruitfully and in good spirit. It is a very important Bill: it is a large Bill with a lot of clauses. Everybody has been very patient during the final stage of the drafting of the Bill to the point where the last amendment has just been tabled.

The position that the honourable member has outlined in relation to the contact that is required with a large number of groups, individuals and bodies that have to either administer or be a part of downstream implications associated with the Bill are accurate and will be ongoing. Once the Bill has been enacted it is up to all of us to make sure that the cooperation between landowners, potential users, local government, the State Government and, in some cases, the Federal Government is built into that cooperation. Through negotiations one gets those commitments, and I think that in this case we have got that.

The large bodies that have been affected and their members—the local government, SAFF, the Conservation Council, the conservation groups and the potential users—have come away with something that, hopefully, they can all get behind. Administratively I think there will be a lot of people analysing the impact of the final outcome. I guess it will be up to the Government to make sure that the integration, application and intention of the Act are carried out in the smoothest possible way, given that there are all these vested interests to placate.

One reference I would like to make is to the 1992 intergovernmental environmental committee that signed an agreement in 1992 which basically was a commitment that all intergovernmental agencies within the three tiers would be responsible for environmental management and, within those roles and responsibilities, the commitment that the State has to local government has to be made. The Minister has made those arrangements for local government to be able to consider themselves partners in the commitment to the process, whereas in the early stages I think that that possibly was not the case. The Government has now made a lot of infrastructure cost management commitments which, I think, have alleviated many of the problems that the LGA had with its members. Consequently, I hope that there will be a strong commitment from local government to administer the Act so that we get the best environmental outcomes that we can get.

I think the problems that the Hon. Michael Elliott raised about rate capping coming at a bad time for expanded environmental responsibilities by local government is a valid one. It is a problem that we have raised as well. There is an expanded role that local government should be playing in the future: I would like to see more environmental officers employed by local government. It may be that this Bill might encourage the amalgamated bodies to employ more environmental officers to monitor the outcomes and to look at liaising with some of the boards, the council and helping to draw up the State plan. I think there is the potential for that cooperation to develop out of the Bill. I think just at the right time, at the death knell, all those pieces of the jigsaw puzzle have been put together appropriately. I think everybody has had to make small compromises to get the jigsaw puzzle right.

I hope that the passage of the Bill goes relatively smoothly, not only to give us some early nights but also to get the final Bill enacted so there is a continuity and a confidence that people can go away and work together across the various fields. Hopefully, the rate capping problems that some of the councils have raised in relation to expanding their budgets to

accommodate not only the Water Resources Bill but other responsibilities they have can be included in applications to the Minister for exemptions to the rate capping, and some of those other problems associated with Commonwealth-State revenue sharing can be sorted out so that the appropriate moneys can be granted to local government to make sure that they are equal partners in the application, because they will certainly be needed at a local level to assist the boards to carry out their role and responsibilities in relation to reporting back to the State.

Clause passed.

Clause 3—'Interpretation.'

The Hon. DIANA LAIDLAW: I move:

Page 4, after line 13—Insert definition as follows:

'prescribed water resource' includes underground water to which access is obtained by prescribed wells;

This is a drafting amendment. Its purpose is to insert a new definition. It aims to ensure that there is no doubt that underground water is a prescribed resource, if the wells giving access to the resource are prescribed. So, it is a technical and drafting amendment and warrants support.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—'Object.'

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

Page 8, after line 14—Insert new word and paragraph as follows:

and

(c) that ensures as far as practicable that available water is shared on a fair basis.

I commented earlier that a couple of my amendments relate to issues of fairness of allocation and fairness of decision-making and also touch on some of the issues raised by the Hon. Angus Redford, particularly where there is an unallocated water resource at this stage and a desire to see that there is real equity in terms of that allocation, because there is no doubt that there will be significant capital gain made by those who get possession of that water.

The Hon. T.G. ROBERTS: The Opposition indicates that it will not support the amendment. It understands what the Democrats are trying to achieve, but it does not think the amendment will achieve that. Fairness and equity is very difficult to deal with. We certainly do not want it to become a feast for litigation. The definition of fairness could be one of those definitions that is so vague that it might precipitate more litigation than it brings about negotiation.

The Hon. DIANA LAIDLAW: The Government strongly opposes this amendment. We do not consider that it is an appropriate matter to be included in the object clause. However, the principle behind the amendment is not opposed and I forecast that later amendments to be moved by the Hon. Angus Redford will have the Government's support. We believe that by supporting those amendments the matter being highlighted by the Hon. Michael Elliott will be resolved to everyone's satisfaction. I add that the object clause, as it stands, has been very carefully drafted and has the strong support of the environmental interest groups. The proposed amendment simply does not mesh with the principal object. If it does anything at all, it simply confuses the meaning of the very broad motherhood statement in the present clause 12 and it may confuse the careful description of the principle of ecologically sustainable development, development, which, I add, provides the maximum social economic and environmental benefits for present generations while allowing the same benefits to be reaped by future generations.

We believe strongly that there is a need for fairness and the sharing of resources and this is already a fundamental element of the equation in terms of ecologically sustainable development. Unfair sharing is clearly not something that provides for the social, economic and physical well-being of the State. A court faced with interpreting the clause with the proposed amendment by the Hon. Michael Elliott would have to attempt to impart some extra meaning to the proposed new provision and thus distort the fine balance of the object. The object of the Bill, as I mentioned previously, has been very carefully worded in terms of the important principles in terms of fairness that are encompassed. I highlight that we are not opposed to the sentiments; we just believe that it is not appropriate to provide for those sentiments in this clause.

The Hon. A.J. REDFORD: I must say I have much sympathy for this amendment. I draw members' attention to the fact that I am proposing to move an amendment to clause 101. The proposed amendment provides:

In providing for the allocation of water take into account the present and future needs of the occupiers of land in relation to the existing requirements and future capacity of the land and the likely effect of those provisions on the value of the land—

and so on. I concede that the word 'fairness' is not inserted in that provision. I invite the Minister to answer the following questions.

First, I appreciate the Minister's comments that there is a fine balance in the object clause. I am not sure how the insertion of the honourable member's amendment would upset that fine balance; in other words, what is the fine balance and how does fairness interfere with that fine balance? Secondly, the Minister specifically says that this amendment might cause harm. If a court is faced with a difficult issue—and when one looks at this legislation overall it is a difficult and complex piece of legislation—why would this amendment not assist a court in coming to a final conclusion on the basis of fairness? For example, for 300 years courts have been endeavouring to incorporate fairness into all their decisions and courts, particularly the courts of equity last century and the adoption of equitable principles in courts right up to this very day, seek to enhance fairness.

I had a conversation with Michael Beamond (a very prominent planning lawyer) only two days ago. He said that many occasions have arisen where the incorporation of fairness principles within the object of an Act enable someone who is being treated unfairly to seek redress in that regard. I know that is a long, convoluted series of questions but this is a very important issue. I am grateful for the Government's response that it will be supporting my later amendment, and that seeks to overcome some of the problems that the Hon. Michael Elliott put so carefully and clearly.

The Hon. DIANA LAIDLAW: Perhaps more than most members, the Hon. Angus Redford would understand some of the sensitivities in relation to this Bill. The object of this Act has been the subject of intense and often trying discussion between various parties, and all parties—the various environmental groups, the Farmers Federation, people in the South-East generally, local government and the Government—have come together (and I note that the Labor Party also understands this issue) and agreed with the framing of the object and have debated, in many instances, the meaning of particular words and the relationship of those words into a sentence.

It has been painstaking but worth while because everyone has agreed to the reference in terms of the object. The honourable member would appreciate, and I suspect even applaud, that, in terms of a debate about ecologically sustainable development, much progress has been made in

our community at large about what that term means and a general acceptance of the concept. I remember debates on this issue in this place a number of years ago, and there was no accord at all as to what that term meant. It is a great credit to the Government that it has been able, through patience and with a lot of goodwill from many parties, to agree to this wording and, as the Hon. Terry Roberts has suggested, it should be supported in this form.

We understand the sentiment of the amendment and, in fact, the sentiment is probably even embraced in the object as it is now. I see that the Hon. Michael Elliott shakes his head, suggesting 'No'. I say to him that if there were not fairness encompassed in the object I would not be able to stand in this place and say that there is agreement with these various parties for the wording as it is now unless there was a sense that this was fair; otherwise, there would be vehement opposition to the object itself and we would not have made much progress on the Bill as a whole.

We would argue very strongly that the progress made to date, and the goodwill and support on a sensitive subject, reflects enormous maturity in our community at large by parties that have probably been opposed to such objects in the past. The words proposed by the amendment do skew that balance.

The Hon. M.J. ELLIOTT: I will not digress too much into this debate about ecologically sustainable development, but I make the point that this Bill certainly could enable it to occur. This Bill could also enable it not to occur. In fact, there is nothing in this Bill that gives any guarantee that we will have ecologically sustainable development in the way that most people who would understand it to mean, because most people think that ESD means economically sustainable development and not ecologically sustainable development, and they regularly confuse the two. That is a digression at this stage; I will not go off into that debate.

There is nothing within clause 6 as it currently stands that in any way gives any guarantee of fairness. I do not think that talking about the social wellbeing of the people of the State would give enough indication to the court that it must look at questions of fairness when allocation of water occurs. If, when we are talking about a Bill that relates to perhaps the most basic resource we can have after air itself, but in this case a resource in this State that is in short supply, we cannot give some sort of guarantee of fairness in relation to its usage, allocation, or changes in rules, or whatever occurs under plans etc., that evolve under this Act, then this Parliament has not done its job.

The Hon. A.J. REDFORD: I listened with great care to the Minister's answer and, as I understand it, the reason that this should be part of the object is that the principal stakeholders spent some considerable time very carefully framing this form of words. I am not sure who those principal stakeholders were specifically, but I suspect they would include certain environmental groups, the Farmers Federation and local government. I must say that the Farmers Federation did not identify many of the issues in its submission that I raised in my second reading contribution, so I think it is incumbent upon us, as members of Parliament, often to look behind some of these representative groups.

Depending upon the Minister's answers, I will indicate whether or not I support this amendment. I am concerned that if the only reason we are not accepting this notion of fairness is that that is what other people outside this Parliament agreed to then, with all due respect, that is simply not good enough. We are legislators: they are not. My questions are: did earlier drafts of the Bill include this sort of notion of fairness in the object, or was there any discussion about their being a notion of fairness in the object? Which specific party to this agreement insisted on not having fairness as part of its object? Was there vehement opposition—because the Minister mentioned the term 'vehement opposition'—to inserting such a clause and, if so, from where did it come and why, other than that these are carefully chosen words by these particular groups?

The Hon. CAROLINE SCHAEFER: I oppose this amendment. It appears to me that paragraph (a), which refers to sustaining the physical, economic and social wellbeing of the people, in itself implies a fair and equitable share of the resource. If we are quite honest about the object of this Bill, and part of the Bill ensures that these resources continue to meet the reasonably foreseeable needs of future generations and to protect ecosystems, including biological diversity that depend on these resources, it would be very difficult to define what is, as far as practical, a fair and equitable basis for distribution.

I also understand that one main aim of this Bill is to set up management boards that have a strong basis of expertise and local knowledge, and that distribution and allocation of the water resource will largely be up to that body, and so I really see no need to enshrine that within the Bill at this stage.

The Hon. A.J. REDFORD: I indicate my support for the amendment in the absence of a response by the Minister to the questions I just asked.

The Hon. DIANA LAIDLAW: The second round of questions from the honourable member were no different from his first round of questions, and I answered them fully. I do not wish to be difficult, but everyone with whom we have consulted understands the genuineness of the Government's wish to see fairness in this, and they therefore laboured over the words and believe, as the Hon. Terry Roberts has indicated, that the words, in terms of fairness, are fundamentally embraced or encapsulated in this object. Therefore, at this stage, to introduce new matter without its having been thoroughly canvassed is not wise in terms of the general support for the object of this Act.

The Hon. M.J. ELLIOTT: I will respond in part to the Hon. Angus Redford's questions. I have circulated my amendments to a number of the key stakeholders who, I presume, are the same ones to whom the Minister refers. They have made comments in terms of other amendments and of hoping for something different or suggesting something extra. I do not believe that any of the representations which I received from any of the stakeholders suggested that they had a problem with this amendment. I have to be convinced that we do not have a situation—which often happens with legislation—where the Minister or the Minister's advisers say, 'This is the way we had it when we started and we do not really want to change it.' Sometimes, there can be a touch of petulance in that people do not want things amended because it was not the way they had it. That is the reality; it has happened for years. We need thorough debate on all these things. To my knowledge there has been no opposition from any of the key groups. So, one can only assume that if it has not come from the key groups the real reason is that it is just a matter of, 'We do not want to change it.'

The Hon. T.G. ROBERTS: One reason why I was not in a position to support the word 'fair' in this context in the amendment is that I did not want to see any encouragement of litigious activity by people who use the word subjectively and who argue fairness at a level that might compare one

allocation against another but not in terms of apples with apples. They may be looking at allocations that are worked out by management plans through the boards or whatever mechanisms exist. It leads to unnecessary argument among people over allocations which may not have anything to do with fairness and equity but which may have something to do with long-term feuds among parties. It might encourage new feuds among parties that had not been warring before. The word is 'fairness', but fairness to whom? Is it fairness to the potential user? Is it fairness to the ecology?

The Hon. A.J. Redford: You are a painting a fine picture. It has to be consistent with sustainable development as well. You can have sustainable development and total unfairness when you give all the water in the South-East to one person and tell him not to use it.

The Hon. T.G. ROBERTS: If one person got all the water that was to be allocated in the South-East, the objects of the Bill would have been defeated at the first stage of negotiations; the rest of the Bill would look fairly silly. If that is to occur, it means that all other aspects of the Bill are not working. Checks and balances are built into the negotiating procedures within the Bill. If there was any interference at all—and the Hon. Mr Elliott raised a point about political appointments to the boards, and that is probably different from the fairness about which we are arguing here—in allocating the resource unfairly, I am sure that, because the boards are so locally structured and because there are checks and balances between the council and the State plan, if fairness and equity are not now built into the structure of the Bill the words themselves will not have a lot of credibility, especially if those people who have the responsibility for allocating fairness and equity in the management of the whole of the Bill cannot get it right. But if it is a semantic argument about who will be socially the best dressed person in the Parliament and about whether we are absolving ourselves of responsibilities if we do not put 'fairness', 'equity', 'social justice' and all the other words in, we are no different from the groups that have debated it outside.

From the information given to me and in talking to people, I understand that the debate has raged around tables about how to structure the objects. They probably had the same debates and raised the same points as we have. I indicate that we will support the Government's position on this clause.

The Hon. J.C. IRWIN: I oppose the amendment because I, too, aspire to the notion of fairness. Throughout this debate in which I have been involved that point has been raised over and again. I have already seen and experienced a degree of unfairness in the distribution of water usage. I put it to the Committee that fairness is in the eye of the beholder. I do not know how we can ever overcome that with a formula or with the word 'fairness'. It depends on the dominant philosophy of fairness at a certain point in relation to how, in this instance, water is to be divided amongst users. If it is done on a first in first served basis, that is unfair to some. If it is a bidding process of auctioning or bidding for water, it would seem unfair on someone who is on a downer financially and who cannot afford it.

I have no doubt that a Liberal notion of fairness in the industrial relations arena is no different in philosophical terms and actuality from an ALP notion of fairness in the same arena. A conservative notion is different from a socialist notion. That is how I have seen this debate, and so it is with water. I am confident that in the Minister's evolvement of this legislation—and I think the Minister said this—there is embodied a notion of fairness without actually writing it down in the objects. I support the Government.

Amendment negatived; clause passed.

Clause 7—'Right to take water.'

The Hon. DIANA LAIDLAW: I move:

Page 10, line 1—After 'drinking' insert 'or cooking'.

This subclause allows a person to take small quantities of water from a prescribed resource for drinking. It will benefit people camping beside prescribed water resources and should include water taken for the purposes of cooking as well as drinking.

The Hon. M.J. ELLIOTT: Now that the Government has recognised that there may be some people who want enough water to drink—and perhaps even enough water in which to cook their potatoes—it would be fair to ask why, since we are using a regulation to prescribe an amount, might they not be allowed to wash themselves occasionally as well. How does this apply if a person is in a much better position to catch water off their roof to drink than to wash themselves with as well? I do not—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: A garden is another thing again. It is a question of where you draw the line. It is reasonable for the Government to answer why it would not allow for those basic essentials under some circumstances. For instance, if you live next to the Murray River why would you not allow a person to draw enough not only for personal use for drinking and cooking but also for washing?

That might be quite different from allowing people to sink their own bores on the Adelaide Plains, where clearly that would have a significant negative impact. In relation to the Murray River, allowing users in more isolated spots to draw water for their own use, as long as that was a small, prescribed amount, would not create a difficulty at all.

The Hon. DIANA LAIDLAW: I have been advised that this relates to water rights and the rights that have principally been confirmed in respect of stock and domestic use. I understand that there was some discussion about this major point and one wondered whether, if it was thought that there was some inclusion for washing, it would then be suggested that you could use any amount of detergent, powder, soap or the like which would be a pollutant in some instances, and it was thought that should not be encouraged.

Members interjecting:

The CHAIRMAN: I remind members of the Standing Orders. Members are required to stand in their place if they want to attract the attention of the Chairman.

The Hon. T.G. ROBERTS: The Opposition supports this clause. In my second reading speech, I asked a question about native title and the rights of Aboriginal people in relation to this legislation. The response was that it does not impinge on native title. I do not think this has any reference to that.

Amendment carried; clause as amended passed.

Clauses 8 to 11 passed.

Clause 12—'Activities not requiring a permit.

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

Page 14, after line 21—Insert paragraph as follows:

(ab) to authorise a person to erect, construct or enlarge contour banks to divert surface water solely for the purpose of preventing or reducing soil erosion.

The Government also has an amendment on file to stop people erecting contour banks where they do so to prevent or reduce soil erosion. I note that the Government has essentially adopted the same amendment as I but has gone a little further.

What is it seeking to prevent from occurring by the additional subparagraphs (i), (ii) and (iii)?

The Hon. DIANA LAIDLAW: I do not support the Hon. Mr Elliott's amendment and instead move the following amendment:

Page 14, after line 21—Insert paragraph as follows:

(ab) to authorise a person to erect, construct or enlarge contour banks to divert surface water solely for the purpose of preventing or reducing soil erosion but only if—

(i) the land concerned is in the district of a soil conservation board under the Soil Conservation and Land Care Act 1989; and

(ii) an approved district plan or approved property plan that includes guidelines, recommendations or directions in relation to the erection or construction of contour banks is in force; and

(iii) the contour banks are erected or constructed in accordance with those guidelines, recommendations or directions.

After discussion with the South Australian Farmers Federation, we have proposed an amendment to address this issue which is more specific in terms of setting the standard for contour banks. In terms of the Hon. Michael Elliott's amendment, generally it suggests that any standard would be acceptable. The Government, after discussion with the South Australian Farmers Federation, agrees that that is not acceptable.

The Hon. M.J. Elliott: Did you say that the Farmers Federation said that it was not acceptable?

The Hon. DIANA LAIDLAW: I said that the Government, after discussion with the South Australian Farmers Federation, has agreed that any standard as proposed in the honourable member's amendment is not acceptable. Our amendment accommodates the same issue but is more specific about the standards that we require in terms of contour banking. The Government's new provision will ensure that a person acting in good faith to carry out contour banking in accordance with guidelines contained within an approved district plan developed by a soil board will not need to double up with a permit under the Water Resources Act.

The Government's amendment removes the requirement to obtain a permit to erect contour banking but only if the plan under the Soil Conservation and Land Care Act includes guidelines or recommendations as to the construction and those guidelines are followed. Very strict criteria are encompassed in the Government's amendment, so that there will not be any doubling up or confusion as to the different permits that will be required for the same activity under various Acts.

The Hon. T.G. ROBERTS: The Opposition supports the Government's amendment rather than that of the Democrats, if only because it is more descriptive. Although the Democrats' amendment provides for the erection, construction or enlargement of contour banks 'solely for the purpose of preventing or reducing soil erosion', the Government's three-point plan will prevent any contours being drawn up without the assessments that have been made in subparagraphs (i), (ii) and (iii).

Water diversion could occur, and in one case in the South-East it could be argued that soil contours have been constructed solely for the purpose of protecting soil from erosion. It could also be argued that some water has been diverted from neighbouring properties by the same soil erosion plan. If one board can police or accurately assess the reasons for an application, that makes more sense to us than the amendment that has been moved by the Democrats. I congratulate the Democrats for their foresight, but the Government's amendment improves on the Democrats' amendment, so the Opposition will support the Government.

The Hon. M.J. ELLIOTT: I was not too fussed about whether my amendment or the Government's succeeded because they seek essentially to do the same thing. I merely sought clarification from the Government—

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Not overly, but I will not keep the argument going.

The Hon. J.C. IRWIN: I support the amendment, but I am somewhat cynical about all of clause 12 and the amendment which adds to it. I was very familiar with the now defunct Tatiara drainage Act, which went out of action a few years ago with the advent of the South Eastern Water Conservation and Drainage Act. I had experience with the 100-year surface water floods that went through the Tatiara region, from Victoria to the Black Range in 1982. I asked for the records with regard to the Tatiara Drainage Act. It was supposed to give permission for putting up contour banks and/or irrigation banks or whatever. I am saying that farmers are very good at finding a means or an excuse to divert water from their property to someone else's, and they will do it to their best friends with a bulldozer or shovels in the middle of the night. I have seen it happen, and it will happen again. The great problem with the Tatiara Drainage Act is that no records were kept of where water was being diverted to or why they gave permission to put up contour banks or any sort of irrigation banks.

My quick reading of the amendment indicates to me that the amendment, and clause 12 itself, allows things to happen without permission. The Minister ought to keep a very close eye on this. Will records be kept in some way or another around the State—not just for the South-East—of where various banks are and why permission is given for various farmers to divert water from one place to another on one property or to another property?

The Hon. DIANA LAIDLAW: That would be somewhat difficult, although it is desirable that that be the case. In terms of setting some standards, we have suggested that the contour banks be in accordance with guidelines contained in an approved district plan, as developed by the soil board. We have some standards and we ask that they be met, otherwise the practice that the honourable member referred to on the part of friends, acquaintances or others whom he may not know at all would be the standard embraced in terms of the Hon. Michael Elliott's amendment. In relation to my interjection about being mean spirited, I said that because the honourable member raised this matter and upon consideration we thought this matter was worth pursuing. We did so and have set some new standards which should be endorsed. The honourable member should recognise—without my having to say that he is terrific and all the rest for introducing the subject—that not only have we adopted the concerns but have taken them further in terms of giving practical guidelines on this matter.

The Hon. A.J. REDFORD: What is meant by 'approved district plan or approved property plan'?

The Hon. DIANA LAIDLAW: It is a specific term under the Soil Conservation Act.

The Hon. M.J. ELLIOTT: The debate we are having on this clause and some of the issues raised by the Hon. Jamie Irwin underline the concern I expressed earlier about treating the water resources issue separate from soils, and so on, and that we should have one encompassing Act or be debating the various Acts cognately, because there is an awful lot of

overlap. At least the Government, with its amendment to my amendment, has effectively created a linkage between the two Acts, and that is not a bad thing in itself.

The Hon. M.J. Elliott's amendment negatived; the Hon. Diana Laidlaw amendment's carried.

The Hon. DIANA LAIDLAW: I move:

Page 14, lines 26 and 27—Leave out paragraph (c) and insert paragraph as follows:

(c) to undertake an activity that is development for the purposes of the Development Act 1993 and that is authorised by a development authorisation under that Act or under a corresponding previous enactment.

The reference in clause 12(1)(c) to development authorisation under the Development Act is too wide because of the width of the definition of that term in the Development Act itself. Therefore, the amendment makes clear that the exemption to this clause applies only to an activity that is deemed to be development under the Development Act.

The Hon. A.J. REDFORD: Members might recall that in my second reading speech I explained to the Council that at Bordertown an abattoir applied for council approval to build and council said, 'Well, if you want your abattoir, you have to put out parks, gardens, lawns and big tall trees in front of it, because we don't want to look at it.' During a dry period not so long ago, in the past month or so, when they were busily sprinkling their parks and gardens to ensure that the public did not see their abattoir, some official came along and told them that they needed a water licence, that they had to pay for the water and that they were to desist from watering until they got it. Is this the sort of thing that would be covered by this amendment? If not, is there some other provision within this Bill that would cover that sort of situation?

The Hon. DIANA LAIDLAW: I am advised that it will be encompassed either within the water licence or it will be deemed to be a domestic purpose. Does that help?

The Hon. A.J. REDFORD: I hope you are right, because I will tell the abattoir next week.

The Hon. DIANA LAIDLAW: In view of their concern I undertake to provide a more specific response.

The Hon. M.J. ELLIOTT: I am not sure whether paragraph (c) even as amended might still create some sort of a problem. It is possible that a plan could be developed for the catchment of a smaller watercourse and then, in spite of that plan, a developer could come along with some bright idea that could have a significant impact on the catchment. The developer could get approval via the development approval process without ever having to comply with the plan. This is precisely what this amendment does. I find that quite intriguing. What is the point of having water management plans if some developments, which could be of some magnitude and be quite contrary to the plan and which could have a significant impact on other water users and other people within that catchment, could simply go through the development approval process and circumvent the requirements that everyone else in that catchment has to comply with? **The Hon. DIANA LAIDLAW:** There are two matters I would like to raise in response. Most importantly, in proposing regulations it will be mandatory that there be referrals under the Development Act in terms of development applications. It would be mandatory that a development application be referred to and considered under the Development Act.

The Hon. M.J. Elliott: Who would consider that?

The Hon. DIANA LAIDLAW: The catchment board.

The Hon. M.J. Elliott: Can you actually do that?

The Hon. DIANA LAIDLAW: That is proposed under the regulations.

The Hon. M.J. ELLIOTT: How can you do that? It is *ultra vires*. Under what clause are you able to do so?

The Hon. DIANA LAIDLAW: Under the development regulations themselves—schedule 8 of the Development Act.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: The normal appeals that are available under the Development Act would apply in such circumstances. In all instances I would say that the catchment boards would be obliged to liaise with the councils in terms of the development plan. So both those elements would have to come into play.

The Hon. M.J. ELLIOTT: I would like this question to be answered tomorrow because I want the Minister responsible for the Bill to look at it. Why do we not have a clause in the Bill which perhaps directly amends the Development Act itself and which makes it clear that a development which is contrary to a water management plan cannot be approved unless there are certain circumstances—and that might be unless it goes through the major projects phase of the Development Act. It is a farce to have water management plans for an area if you can get a development under the Development Act which goes against that water management plan. I would ask the Minister to consider the question as to whether or not we should be directly addressing it in this Bill and outlining how the Development Act should handle developments which are contrary to water management plans.

The Hon. DIANA LAIDLAW: I will provide an answer tomorrow.

The Hon. J.C. IRWIN: I am curious about the wording which is in both paragraph (c) and the amendment, and the words are 'under a corresponding previous enactment'. What does 'previous' mean—in 40 years time when we look at this Act? Can previous mean anything up to the time we look at it or previous to the day we pass this legislation? Is that normal terminology?

The Hon. DIANA LAIDLAW: It is previous to the date on which the application is looked at, and it is related to planning approvals under the previous Act.

Amendment carried; clause as amended passed.

Clauses 13 and 14 passed.

Clause 15—'Minister may direct removal of dam, etc.'

The Hon. DIANA LAIDLAW: I move:

Page 16, line 25—Leave out ', occupier or other person'.

This is a drafting amendment. Subclause (1) only provides for the service of the notice on the owner of the land. The reference in subclause (3) to service on the occupier or other person is therefore incorrect and is removed by this amendment.

Amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17—'Duty not to damage watercourse or lake.'

The CHAIRMAN: I draw members' attention to the clerical correction on page 18. In line 19 'bed, banks and shores' should read 'bed, banks or shores'. The necessary clerical correction will be made to the Bill.

Clause passed.

Clause 18—'Permits.'

The Hon. DIANA LAIDLAW: I move:

Page 19, after line 22—Insert subclause as follows:

(4a) Subject to its terms, a permit is binding on and operates for the benefit of the applicant and the owner and occupier of the land to which it relates when it is granted and all subsequent owners and occupiers of the land.

Subclause (4a) makes it clear that a permit operates for the benefit of subsequent owners and is binding on them.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 19, line 32—Leave out 'cancel' and insert 'revoke'.

Page 20, line 9—Leave out 'cancel' and insert 'revoke'.

The term 'revoke' is substituted for 'cancel' in relation to permits, for consistency with other provisions.

Amendments carried; clause as amended passed.

Clauses 19 to 21 passed.

Clause 22—'Well driller's licences.'

The Hon. DIANA LAIDLAW: I move:

Page 23, after line 13—Insert subclause as follows:

(6) The holder of a well driller's licence or the former holder of a licence may appeal to the court against a decision of the Minister under subsection (4)(a) or (5) on the ground that the decision was harsh or unreasonable.

This gives the holder or former holder of a well driller's licence the same right of appeal to the Environment, Resources and Development Court which the holder or former holder of a water licence has when the licence is suspended or cancelled.

The Hon. A.J. REDFORD: Why is this just confined to harsh or unreasonable? Decisions can be made by a body to take a licence off a well driller that might not be harsh or unreasonable but simply wrong. Why is it confined to that? What is the nature of the appeal? I am sorry to use legal terms but I know the Minister is being advised by a lawyer: is it an appeal *de novo,* is it just an appeal on the basis of error of law, or what specifically?

The Hon. DIANA LAIDLAW: The wording is proposed so that it is consistent with other clauses. I also add that, if it is wrong, it would be regarded as *ultra vires* and the Minister would have no power to make such a decision: it would be challenged.

The Hon. A.J. REDFORD: It is an appeal *ab initio* or an appeal *de novo*?

The Hon. DIANA LAIDLAW: I do not know what *de novo* means. Can the honourable member use common language?

The Hon. A.J. REDFORD: I understand the Minister's difficulty. I can use the common language but it will take me much longer to explain it. It is just a simple point.

The Hon. DIANA LAIDLAW: It would be whatever the honourable member said.

The Hon. A.J. Redford: An appeal *de novo*?

The Hon. DIANA LAIDLAW: Yes.

The Hon. M.J. ELLIOTT: While we are on clause 22, under what circumstances is a well driller deemed to be not a fit or proper person to hold a licence? What sort of thing would a well driller do to make them not a fit or proper person to drill wells?

The Hon. DIANA LAIDLAW: Apparently there is a well drilling committee which determines whether you are a fit and proper person. This committee and these standards have been around for a very long time. Unless a person was a well driller they would not be familiar with it, but it is there.

The Hon. M.J. ELLIOTT: Does this well drilling committee, advisory body, or whatever it is, have legal status at present and, if so, does this Act give it status or will it need to be give it status?

The Hon. DIANA LAIDLAW: No, it already has status.

The Hon. M.J. ELLIOTT: Status under what Act?

The Hon. DIANA LAIDLAW: Water Resources Act 1990.

The Hon. M.J. ELLIOTT: Will it have status under this Act?

The Hon. DIANA LAIDLAW: Yes.

The Hon. M.J. ELLIOTT: Under what clause?

The Hon. DIANA LAIDLAW: Clause 23.

The Hon. M.J. ELLIOTT: The issue of whether there is to be some challenge about a fit and proper person is important. I imagine that you would want to take away a well driller's licence if they had not been perhaps casing their wells correctly (or something such as that) and causing difficulties. If there was a court challenge they might have some argument about the fact that they were not capping them as the well drilling committee wanted them, but I am not sure whether or not that means that they are not a fit and proper person. It might cause a problem in a court of law if someone tried to argue that. I have no problems with what the Government is trying to achieve, but I am wondering how watertight it would be in a court of law.

The Hon. DIANA LAIDLAW: It is watertight in the sense that we are not changing anything; we are simply reinforcing the standard that has applied for a long time.

The Hon. M.J. ELLIOTT: This is not an attack on the Government; it is deep concern.

The Hon. DIANA LAIDLAW: I did not see it as mean-spirited again on the honourable member's part, but as a genuine question. As I mentioned before, we are involved in some vineyards in the Barossa and the integrity of the work of a well driller is extraordinarily important to the viability and ease of operation of a vineyard, or whatever production one is in. I respect the genuineness of the honourable member's question, but the standards are set; they are well established and well regarded in law. We are not changing anything; we are simply reinforcing that we want those standards applied in this legislation.

The Hon. M.J. Elliott: I do not think it will stand up in a court; that is all.

The Hon. DIANA LAIDLAW: The honourable member may want to challenge it. It has not been challenged to date, so I cannot say that it would stand up, but no-one has sought to test it. A committee of people has been set up by law and it has good reason to ensure that fit and proper people are involved in this business.

The Hon. A.J. REDFORD: I know of about 60 odd cases where the concept of fitness and propriety has been discussed by the courts and it boils down to whatever is a fair thing. Fitness and propriety for a person to be a judge is different from fitness and propriety for a person to be a builder's labourer or a bus driver. The courts apply the standards based upon the nature of the occupation.

Amendment carried; clause as amended passed.

Clauses 23 to 33 passed.

Clause 34—'Allocation of water.'

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

Page 28, lines 3 to 6—Leave out subclause (2) and insert subclauses as follows:

(2) Subject to subsection (2a), allocations obtained from the Minister will be free of charge (except for fees to cover administrative costs and expenses) unless the relevant water allocation plan provides for payment.

(2a) Subsection (2) does not apply in relation to an allocation that—

(a) the Minister has purchased; or

(b) has been forfeited to the Minister on cancellation of the water licence on which it was endorsed.

(2b) If the relevant water allocation plan provides for payment, all allocations obtained from the Minister must be sold by the

Minister in accordance with the regulations by public auction or tender or, if either of those methods fail, by private contract.

I draw members' attention to the existing clause 34(2) which imposes upon the Minister a right to sell water which is already unallocated. I covered that point extensively in my second reading speech, so I do not propose to go over the same arguments. I seek to ensure that in relation to that water which is not allocated and which is currently available for use for land-holders—and I am particularly thinking of water going under the ground for South-East land users, who have not had to pay for it in the past—the *status quo* remains subject to the overall environmental objective in respect of water use. The Government has indicated its support.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

The Hon. T.G. ROBERTS: The Opposition supports the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 28, after line 9—Insert subclauses as follows:

(3a) Before allocating water the Minister may direct that an assessment of the effect of allocating the water be made (at the expense of the person to whom the water is to be allocated) by an expert appointed or approved by the Minister.

(3b) The Minister may refuse to allocate water to a person who has committed an offence against this Act.

Both proposed subclauses ensure consistency of these provisions with other provisions in the Bill. Proposed subclause (3a) provides that the Minister can obtain an assessment of the effect of a proposed allocation of water before allocating the water. It complements clause 39(2) which provides for an assessment of the effect of transferring a water allocation. Proposed subclause (3b) enables the Minister to refuse to allocate water to a person who has committed an offence against the Act. This is in line with clause 39(3)(d) of the Bill, which enables the Minister to refuse to grant a licence to a person who has committed an offence.

The Hon. T.G. ROBERTS: The Opposition supports the amendment.

Amendment carried.

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

Page 28, line 10—Leave out 'subsection (2)' and insert 'subsection (2b)'.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 35 passed.

Clause 36—'Allocation on declaration of prescribed water resource.'

The Hon. DIANA LAIDLAW: I move:

Page 28, line 32—Leave out 'proclamation' and insert 'declaration'.

This is a drafting amendment and is consequential on the change from 'proclamation' to 'regulation' as the means of declaring water resources under clause 8.

Amendment carried.

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

Page 29, lines 28 to 30—Leave out subclause (8) and insert subclause as follows:

(8) If the quantity of water available for allocation exceeds the entitlements of existing users, the Minister may allocate the excess in accordance with the relevant water allocation plan and section 34.

I have covered this amendment adequately in my second reading contribution.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 29, after line 30—Insert subclause as follows:

(8a) An entitlement referred to in subsection (1)(b) may be transferred to another person with the approval of the Minister.

This amendment spells out the right of a person who has an entitlement under clause 36(1)(a) to transfer the entitlement to another person. This right will be important if the land concerned is to be transferred before the final allocation can be determined and endorsed on the new licence.

Amendment carried; clause as amended passed.

Clause 37—'Reduction of water allocations.'

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

Page 30, line 36—After 'regulations' insert 'made by the Governor on the recommendation of the Minister'.

This amendment foreshadows the next amendment in my circulated list of amendments, so I will need to address that. The general expectation under clause 37(3) is that if there is to be a reduction in water allocations it would happen proportionately, and one would argue that that is the fairest way for that to happen, if it is considered that there is a need to cut back the usage of water within a particular area. However, there may be some reasons, and they may be good reasons, why it may not be proportionate. But if it is the intention of the Minister to reduce allocations in any way that is not proportionate, I believe there need to be some checks and balances, because some important issues need to be addressed at that point.

The Hon. T.G. Roberts: That is where fairness comes into it.

The Hon. M.J. ELLIOTT: That is right. I am requiring that if it were to occur it would happen under regulations that are made by the Governor on the recommendation of the Minister. It would be the expectation of my next amendment that the Minister must consult with the water resource planning committee (which has been established in relation to the particular water resource); that the Minister also publish intentions in the *Gazette*, a newspaper throughout the State and a local newspaper within the area of concern; and also to have regard to the views of the committee and all submissions made in accordance with the notice. Assuming that the first amendment is supported, then, of course, the second amendment is related.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

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

Page 30, after line 38—Insert subclause as follows:

(5) Before making a recommendation to the Governor for the purposes of subsection (3), the Minister must—

(a) consult the Water Resource Planning Committee established in relation to the water resource; and

(b) cause to be published in the *Gazette*, in a newspaper circulating generally throughout the State and in a local newspaper a notice outlining the proposed recommendation, stating the reasons for it and inviting interested persons to make written submissions to the Minister in relation to the proposal within a period (being at least three months) specified in the notice; and

(c) have regard to the views of the committee and to all submissions made in accordance with the notice.

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 38—'Transfer.'

The Hon. DIANA LAIDLAW: I move:

Page 31, after line 14—Insert subclause as follows:

(4a) The Minister may refuse to vary the licences if the transfer of the whole or part of a water allocation is to a person who has committed an offence against this Act.

This amendment enables the Minister to refuse the transfer of a water allocation to a person who has committed an offence against the Act. It ensures consistency with the provisions enabling the Minister to refuse to grant a licence to a person who has committed an offence against the Act.

The Hon. A.J. REDFORD: I accept that the Minister should have a reasonably unfettered power to refuse to make an additional grant of a water licence. However, this affects what I would describe as an enshrined existing right. I am wondering in what circumstances the Minister might exercise her power under this Act; specifically what sort of offences are we talking about in that regard?

The Hon. DIANA LAIDLAW: Breach of licence conditions would be the most obvious circumstance; for instance, if you are provided with an allocation of water and you breach that allocation. It is suggested in these circumstances that the Minister would have a right to refuse the transfer of a further water allocation to that person. The Minister may not, but it is the option simply to provide that the Minister could do so in circumstances where there was a terrible breach of the licence conditions. For instance, if something goes wrong with a meter or a pump on one occasion it might be seen as exceptional, but if it is repeated then it is in everyone's interest if people are not abiding by their licence that the Minister have some power to refuse the transfer of further water to that individual.

The Hon. A.J. REDFORD: Is there a general right of appeal or review of the Minister's decision? It is not unknown—perhaps not with this Government—for Ministers to be unfair in the application of their discretion, and this does and can affect the position of a person who might have a significant investment. He might well have bought his irrigation equipment, ploughed his crop on the basis that he knew he could buy a water licence from a neighbour and then the Minister decides that, because the farmer votes Australian Democrat or something, he cannot have a licence.

The Hon. DIANA LAIDLAW: There are appeal rights under part 10 in clause 142.

Amendment carried; clause as amended passed.

Clause 39—'Application for transfer of licence or allocation.'

The Hon. DIANA LAIDLAW: I move:

Page 31, lines 25 to 28—Leave out paragraph (b) and insert paragraph as follows:

(b) be accompanied by the fee prescribed by regulation and the licence or licences affected by the application.

This is essentially a drafting amendment. Clause 39(1)(b) requires production of a licensee's copy of the lease only where the whole or part of the water allocation of the licence is transferred and not where the licence itself is transferred. However, clause 42 requires the Minister to endorse on a licence the name of the person to whom it is transferred. Therefore, the licence needs to be produced in this case, and that is provided for with this amendment.

Amendment carried; clause as amended passed.

Clauses 40 to 44 passed.

Clause 45—'Functions of the Minister.'

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

Page 36, after line 22—Insert word and paragraph as follows:

and

(c) specify the kind or kinds of information to which subsection (4) applies.

This amendment relates to the functions of the Minister and, in particular, to what the regulations may do. My amendment will specify the kinds of information to which subclause (4) applies, that is, where the Minister seeks the consent of persons who provide information under subclause (3)(b) to make information publicly available. They must make information publicly available if the consent and the non-disclosure of information are given under subclause (3)(b).

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried.

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

Page 36, lines 23 to 28—Leave out subclause (4) and insert subclauses as follows:

(3a) Subject to subsection (4), the Minister must make information referred to in subsection (1)(d) publicly available.

(4) Where a person has provided information of a kind to which this subsection applies (see subsection (3)(c) under subsection (3)(b), the Minister—

(a) must seek the consent of the person who provided the information to make it publicly available and must make it publicly available if consent is given;

(b) must not disclose that information to another person without the consent of the person who provided it.

This amendment is about the provision of information. This ensures that the Minister makes information referred to in subclause (1)(d), which is a compilation of information about water resources of the State, publicly available and that where a person has provided the information to which this provision applies the Minister will seek the consent of the person who provided the information to make it publicly available and must make it publicly available if consent is given. Obviously if the person does not grant consent that information will not then be disclosed.

The Hon. A.J. REDFORD: I agree entirely with the honourable member's sentiments; in fact, I congratulate him on his amendments. I point out that often you get from people information that you want kept confidential. I might ask for information that I want kept confidential only in as far as I do not want my name on it. However, it might be necessary for the information to be made public in terms of compilation of statistical data or that sort of thing. I take it that the honourable member is not attempting to catch that latter aspect.

The Hon. M.J. ELLIOTT: It might be possible that this amendment has not done quite what I wanted because, in response to the Hon. Angus Redford's question, some information is provided which, as long as you do not identify the property from which that information came, is collectively still valuable. It was not my intention that there be any ability to deny information being made available, as long as it is not identifying. It might be necessary to look closely at this amendment to ensure that that has not happened. That was already a problem under the clause as it stood, and it has remained there under the amendment I have on file. We may need to revisit it.

Progress reported; Committee to sit again.

The Hon. R.I. LUCAS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1014.)

The Hon. R.D. LAWSON: When passed, this Bill will provide parliamentary authority for continued Government expenditure for the early months of fiscal 1997-98. The budget itself will be introduced on 29 May, at which time the Appropriation Bill will be introduced. The Estimates Committees will sit in the second half of June, so the

Appropriation Bill will not pass into law until a couple of months after that date.

On the occasion of the introduction of the Supply Bill, it is appropriate to speak of some of the factors which are influencing the economic situation in this State. Members would be well aware that, when the Liberal Government was elected in 1993, the Government's financial position was parlous and the proportion of State expenditure being incurred and to be incurred in servicing the substantial debts arising from the financial failures of the previous Government was a burden that was too heavy for the economy of this State to bear. The economical fundamentals of the State are, however, sound and it is worth examining some of the factors which bear upon the economic performance of this State.

The Arthur D. Little report of 1992 is now almost forgotten, but it was commissioned to undertake an examination of the economic situation in this State, and in many respects it painted a bleak picture. It painted a picture, rather vividly, of Government policy which had, I think to use the words of the authors, fired at every passing bird. The Arthur D. Little report emphasised the necessity for this State to be economically competitive and export oriented.

The authors of that report pointed out, as was already well known, that the important manufacturing sector in this State had been overly reliant upon protective tariff and other barriers. Our white goods industry, our automotive industry and our electrical goods industries had been established and had been very successful behind high tariff walls. The cold winds of international competition were being felt as those walls crumbled. Arthur D. Little emphasised the importance of our State's becoming internationally competitive, and this Government has been taking measures to achieve that objective.

I fully support the recent statements of the Premier, who has been counselling the Federal Government against the rapid adoption of tariff cuts which will adversely affect our automotive industry and our important components industry. It is appropriate that the Premier make known to the rest of the country that this State and indeed this nation cannot afford the dislocation that will occur from rapid removal of appropriate restraints.

I am far from saying that there should be no reductions in tariffs. I believe that ultimately tariffs will disappear. However, the time frame presently proposed in the draft Industry Commission report is too tight, will cause unnecessary dislocation and will not allow this State's economy to prosper as it should. As has already been said by many others, we are competing in Asia, and many of those countries with which we compete, particularly in the automotive and textile areas, have tariff and non-tariff barriers which are higher than those that apply in this country.

I mentioned that the fundamentals of the South Australian economy are sound, and one has only to look at the statistical summaries to see the steady progress that this State has been making over a number of years. It has not been spectacular progress, not the progress of the boom 1980s, but nonetheless steady if unspectacular progress. In rural industries as well as in manufacturing and other industries, the value of production has been steadily increasing. Of course, we are subject to the vagaries of commodity prices, but in relation to commodities it is interesting to examine rural production.

In the latest figures published in the 1997 *South Australian Year Book*, one sees that, in relation to cereals, the area sown to wheat has remained relatively high—about 1.4 million hectares in 1994-95—and the figure has been basically at that level for a number of years. It was somewhat higher in 1986-87, when it was 1.6 million hectares and in 1988-89 through to 1990, when it was over 1.5 million hectares. The figure of 1.4 million hectares was first achieved in 1973-74 and, apart from a few off years in the late 1970s, it has been substantial. Barley production has been engaged in over an area of between 850 000 and one million hectares over the past 15 to 20 years. The area set to oats has similarly been at about 800 000 hectares.

Of course, spectacular growth has been achieved in recent years in the area devoted to the establishment of vineyards, and in very recent years there has been a substantial increase in the area devoted to that pursuit. We have not yet seen the full reflection of additional plantings. When one looks at livestock and associated production, one sees that the number of sheep in this State is about 13.5 million, which is somewhat down on the flock of some 17 million that we had during the late 1980s. Cattle numbers have also been remarkably static over the past few years, although current production in that field is somewhat less than it was, once again, in the middle 1970s. When one looks at the gross value of rural production over the past 10 years, one sees steady, if unspectacular, growth.

The Hon. T.G. Roberts: Not in beef prices.

The Hon. R.D. LAWSON: The price of commodities are one thing, but we are looking at production. Of course, wheat production varies from season to season. However, in recent years, especially 1995-96 and in the current season, very high production has been achieved. Barley production has also been substantial, and this State's economy remains highly dependent upon grain production; for example, the value to the economy of total crop production was $1.5 billion in 1994-95, up $100 million from the previous year, and showing a fairly steady increase through the early 1990s.

The value of wool production has decreased with declining prices and a reducing flock. Of course, that is a matter of concern to all. The value of dairy production has been one of the success stories in recent years. In 1984-85, the value of that production was some $70 million in our economy but by 1994-95 it increased to $144 million, which was more than double over that 10 year period; in fact, it was a steady increase each year during the period. The total value of rural production in 1994-95 was some $2.5 billion, up from $1.6 billion 10 years before, once again showing a steady increase over that time.

The picture in manufacturing was not quite as promising. The number of establishments devoted to manufacturing in the last year for which statistics are provided was some 2 800 in 1993; 10 years before that, it was 2 100. Employment in those establishments had declined from 90 000 in 1982-83 to some 83 000 in 1992-93. However, in value adding, the value of basic metal products had substantially increased from some $270 million to $798 million. In transport equipment, which includes the motor vehicle industries, the value of production increased over that 10 year period from $550 million to $1.8 billion. The total of production increased almost double—in fact, it did double, from $2.8 billion to some $5.7 million. The same steady increase in value of production, although not as spectacular, has been achieved in the minerals area. Natural gas has been one of the success stories of South Australian mineral production, and the production of crude oil of which there was absolutely none prior to 1983 is also a substantial contributor to this State's economy.

As I mentioned, the Arthur D. Little Report focused on the necessity for increasing the export trade of the State. The value of exports has increased very substantially in dollar terms over the past 10 years. Once again, we have seen steady increases. From 1985-86, the figure was $1.9 billion. It exceeded in the following year, namely, 1986-87 $2 billion for the first time. By 1995-96, the total export value of this State's production was some $4.4 billion.

The statistical summary shows that we have been performing well, both in terms of production and income derived from production. Most of the other indices in the statistical summary show increases. As members well know, our population increase is only modest. However, the pessimism one often hears about South Australians' prospects for the future is misplaced. We have been overwhelmed by undue pessimism in our future. The fundamentals of the economy are good but appropriate policies are needed. In its debt reduction strategy, the present Government has been applying appropriate policies to ensure that the public sector debt is kept under control and is not out of balance with the private sector debt.

The Government has not only been focussing on debt reduction. The industry policy of the Government is designed to attract to this State and encourage to stay here those industries which provide prospects for good economic development in the future, in particular, economic development which is export oriented. All the initiatives that the Government has taken in relation to information technology and public sector reform such as the water contract have been designed for the purposes of making this State's public sector more efficient and, at the same time, using the buying power of the State public sector to attract industry to the State and to attract industry development. That is an entirely appropriate strategy, and it is working. The Government must be congratulated for holding the line. As I said, our development in recent years has not been spectacular. It is fair to assume that it will take the State some years to recover from the devastating situation in which the Bannon/Arnold Labor Governments left the State. I commend the Bill.

The Hon. BERNICE PFITZNER: I support the Supply Bill, which will provide appropriation authority for the early months of the financial year until assent is received to the Appropriation Bill. I would like briefly to comment on the proposed tariff reduction in the automotive industry as recommended by the Productivity Commission's draft report. At present the commission is hearing submissions to its draft report.

The South Australian Centre for Economic Studies of the University of Adelaide and Flinders University has been very critical of the proposed reduction, as have many industry leaders. Their criticism is based on their conclusion that it would indicate significant economic benefits, both nationally and for South Australia, if the process of tariff reduction is continued beyond the year 2000. The Centre for Economic Studies believes that the commission's model is seriously flawed and that 'it uses data which understates the contribution that the automotive industry makes to South Australia's economy'.

It therefore follows that it underestimates the potential damage that tariff cuts would have on the South Australian economy. What the centre has found is that the South Australian economy, in terms of Gross State Product, loses by the tariff reduction. In effect, a reduction of automotive tariffs of 5 per cent would be an 0.18 per cent fall in South Australia's GSP, or a $60 million loss; and a 0.36 per cent decline in employment in South Australia, or a job loss of 2 400. It has also said that these figures represent the minimum cost of further tariff cuts.

From the latest graph of automotive industry exports, and notwithstanding significant reductions in industry assistance since 1984, it can be seen that the motor vehicle industry has prospered, particularly in exports which show an increase in component exports from $0.7 billion to nearly $1.8 billion in 1995; and vehicle exports of $0.05 billion to $0.5 billion in 1995.

This is a tremendously strong increase which contributes to the changed percentage export figure for South Australia of—5.9 a year ago to +29.6 percentage change for 1996. The Centre's Economic Monitor states that the positive aspects of our economy continue to be the recent rise in private capital expenditure, the continued growth of exports out of South Australia, the planned expansion of the Olympic Dam and the gearing up for the production of the Vectra at GM-H. However, the last is in great jeopardy if these tariff reductions recommended by the commission are implemented.

The current level of tariffs is 22.5 per cent and the commission proposes to cut the tariff to 5 per cent by the year 2004. South Australian industry leaders have suggested that the tariff be reduced from 22.5 per cent to 15 per cent and frozen to the year 2004 or 2005 when it then should be reassessed against the rest of the APEC countries. It is noted that the 22.5 per cent car industry tariff is lower than most of the APEC countries at this time. Until we have a level playing field for Australia, and South Australia in particular, we must look after our domestic affairs.

I will now look into the immigration issue. In the latest publication of the Department of Immigration and Multicultural Affairs (DIMA) entitled 'Population Flows—Immigration Aspects—January 1997' we note that, based on 1995-96 statistics, three-quarters of Australia's population live in New South Wales, Victoria and Queensland. The percentages are as follows: New South Wales, 34 per cent; Victoria, 25.2 per cent; Queensland, 17.6 per cent; Western Australia, 9.4 per cent; South Australia, 8.3 per cent; Tasmania, 2.7 per cent; ACT, 1.7 per cent; and the Northern Territory 1 per cent. People born overseas represent 22 per cent of Australia's population, an increase of 1.2 per cent since 1986 (10 years ago).

The overseas born represents a higher proportion of the population in Western Australia, Victoria and the ACT. People from the United Kingdom still form the largest migrant group in every State and Territory. Queensland and the Northern Territory have an above-average proportion of New Zealanders; Victoria and South Australia have an above-average proportion of Italian migrants; Victoria has a higher proportion of Greeks. Intended immigration by State shows: New South Wales, 44.7 per cent; Victoria, 22.5 per cent; Queensland, 15.4 per cent; Western Australia, 11.4 per cent; South Australia, only 3.9 per cent; ACT, 1 per cent; Victoria, 0.6 per cent; and the Northern Territory 0.5 per cent.

Queensland has the largest population growth rate at 2.57 per cent, whereas in South Australia for that same period it was 0.35 per cent. We should note that, although 8.3 per cent of the Australian population lives in South Australia, during 1995-96 we received only 3.9 per cent of overseas migrants. For South Australia the top five source countries were the former Yugoslavia, Vietnam, New Zealand and the People's Republic of China. This compares with the top source countries for all Australia which was New Zealand,

the United Kingdom, the People's Republic of China, the former Yugoslavia and Hong Kong.

It was noted that in 1995-96 the top six occupations reported amongst settler arrivals for South Australia were general managers, metal fitters and machinists, computer professionals, other labourers, registered nurses and office secretaries. By comparison, the top five occupations in Australia as a whole were general managers, accountants, office secretaries, computing professionals and registered nurses. We also note that there was a relatively higher proportion of settler arrivals in South Australia entering on humanitarian grounds.

So, with this background of population flows, it is an excellent move on the part of the Government to launch a three-year promotion strategy to halt South Australia's population decline and to entice skilled and business migrants here. The $700 000 'Immigration South Australia' program aims to encourage a greater number of these skilled and business migrants. It aims to attract a bigger share of overseas migrants into South Australia by increasing awareness about the attractiveness of the State as a migrant destination and to reduce the impediments to immigration and successful settlement.

Further, the focus is on attracting skilled migrants to alleviate skill shortages in South Australia. As well as promoting South Australia as an attractive place to live and work, the strategy will offer some unique, low cost initiatives to help streamline the immigration and settlement process, including the matching of skilled migrants with South Australian employers requiring their skills.

Immigration South Australia therefore consists of four key measures: first, an immigration promotion campaign; secondly, a state settlement package that includes an on arrival accommodation program, migrant settlement loan scheme, meet and greet service, migrant information and referral service, overseas qualification recognition service, South Australian settlement orientation service and State Government concessions; thirdly, migrant home ownership promotion; and, fourthly, a job matching scheme. DIMA statistics indicated that some of the positive factors that migrants contributed to South Australia were: 80 per cent were engaged in business undertakings; 57 per cent of the businesses were new; average employment was 2.8 jobs per new business; $693 000 average funds transfer; investment in business average of $816 250; 29 per cent had an annual turnover of $11 million or more; and 43 per cent of those in business are involved in exports.

I refer to some of the conclusions drawn from the book entitled *Immigration and the Australian Economy* by William Foster. It says that immigration influences both the demand and supply side of the economy. The demand side is shown by the increased demand for housing, household consumption goods and services, Government services, industry and infrastructure investment and imports. While new immigrants initially share residences, in the long-term they contribute substantially to housing demand. Overall, home ownership for overseas born is only slightly below that for Australian born. Immigration's impact on household expenditure tends to expand the national economy. The overseas born have not been disproportionate users of the Australian social security system, although they have a relatively high demand for education.

The supply side shows no clear evidence that immigration has an effect on business savings, although it may have raised the overall success rate of small businesses. On national savings, immigrants have a negative budgeting effect in the short term, but a positive one in the longer term and overall the overseas born make a positive budgetary contribution. Overseas born are more inclined to full-time employment than non-migrants, but evidence is sparse on the aspect of immigration's impact on labour supply. In part, the book states:

> Immigration has been thought to adversely impact on non-immigrant skills through diminishing the commitment of Australian employers in Government to the domestic education and training system. It has also been suggested that it might enhance non-immigrant skills through workplace skill transfers. However, the research can find no evidence of significant effects in either direction.

The conclusions Mr Foster makes are:

> . . . immigration has had only very small effects, if any, on the key economic indicators of economic wellbeing. . . the. . . research can find no evidence that immigration has significantly affected the Australian economy in any adverse way, and there are indications of favourable, albeit small, effects of immigration on unemployment rates and average income.

He continues:

> Finally, the evidence suggests that the traditional economic focus and debate on immigration may have been to a significant extent overdrawn by supporters and critics alike. The observed economic effects have simply not been strong enough to justify the hard positions taken by many observers.

I now turn to a very interesting report by the South Australian Women's Advisory Council to the Minister for the Status of Women (Hon. Diana Laidlaw) entitled 'Women in Small Business in Targeted Rural Regions of South Australia' December 1996. The study looked at various aspects of small business operations in the Yorke Peninsula, Eyre Peninsula and the South-East of the State. The sectors at which it looked included: tourism and hospitality; personal and other services; health services (excluding doctors); finance, business and property services (excluding lawyers and accountants); craft, clothing and soft furnishings manufacture, wholesale and retail; food retail (excluding major chains); and primary producers. The target was service sectors 84.5 per cent and primary producers 14 per cent. Three hundred surveys were sent to businesses and there was a response rate of approximately 20 per cent or 163 valid responses.

Some important recommendations of the report include further research being undertaken to explore the process of obtaining finance in women owned firms. It recommends that the Government develops a rural small business information technology policy that promotes the uses and benefits of electronic communication technology amongst regional small businesses. It also recommends recent initiatives by the Government providing new and flexible approaches to child care in rural areas be expanded and promoted. These include integrated pre-school and child care services, multi-site management of outside school hours care programs and new flexible forms of family day care. Some interesting findings include the finding that nearly a third of the businesses had no employees and two-thirds had between one and five employees. Over a third of businesses (36 per cent) used unpaid family labour. Primary producers were twice as likely to use unpaid family labour compared with services businesses. Around a third of the businesses reported earnings before interest and tax of less than $10 000 in the 1994-95 financial year, with a third of those making a loss. Nearly half of the businesses earning less than 10 per cent used unpaid family labour in the business. Further, a quarter of the businesses in the sample had earnings before interest and tax of over $50 000 in the 1994-95 financial year.

The section on ethnicity was of some interest. None of the respondents were Aboriginal and 10.4 per cent were born outside Australia. The business operators in these regions were thus predominantly of 'Anglophone' culture. An overview was that the prosperity of primary producers is directly affected by national economic factors and world commodity prices, whilst the services sectors are constrained by the size of the local population and regional economic conditions. Elements to take into consideration for proposed regional small business policy and strategy are: further research into regional small business; consideration across all areas of Government policy on the likely impact of decisions on maintaining country populations; and seeking a greater share of immigrants for settlement in country regions.

We hope that this report will be taken up by the Immigration South Australia program. I join with others in expressing my pleasure to be informed of the record grain harvest for South Australian farms, and I express my congratulations to all those farmers who have had tough times and now very deservedly are on the way up. South Australia has had a bumper crop of 5.6 million tonnes of grain harvested worth approximately $1.1 billion, which is close to 25 per cent of the State's total exports—a great contribution to our State.

This is well above the five-year average of 4.6 million tonnes. Together with a good 1995 year, the possibility of creating 5 006 full-time jobs can now be realised. The farmers are now able to upgrade machinery, land fertilisation and fences, and there will be a flow-on benefit to the 'high street' businesses. The recent Social Development Committee inquiry into rural hardship found that these upgrades were neglected. The primary producers can now do some of this upgrading, and well needed it is. We further see recent sales to Iran totally 2.5 million tonnes, and to Iraq of 150 000 tonnes per month. Increased consumption is occurring in Asia, with Indonesia increasing its millings from 4 to 5 million tonnes to 7 million tonnes in the past few years.

Wheat prices are maintained at present levels just above the long-term average. The wheat crop will reach 2.7 million tonnes; the barley crop will reach 2.06 million tonnes; and an average for oats, peas, lupins, beans, chickpeas and canola crops have all contributed to the record harvest. All South Australian areas contributed strongly with the Eyre Peninsula contributing 1.6 million tonnes; the Yorke Peninsula, 1.2 million tonnes; the Mallee area, 585 000 tonnes; the South-East, 310 000 tonnes; and the Upper, Mid and Lower North, 1.5 million tonnes. It seems to me a most auspicious year and a most appropriate sign for this our Chinese New Year.

This year the Chinese zodiac sign is the Ox. It is foreseen as being a tough year with lots of hard work but, in the end, one can expect profits and rewards—so it is with the rural community. Returning to our budget of $500 million for supply, I support the Bill.

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

ALICE SPRINGS TO DARWIN RAILWAY BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 958.)

The Hon. SANDRA KANCK: My first act after I was sworn into this Parliament was to move a notice of motion about the Adelaide to Darwin railway line, as I call it. I must express my disappointment that this Bill is called the Alice to Darwin Railway Bill, rather than the Adelaide to Darwin Railway Bill. It is obviously too late to do anything about it. I had initially thought that I might try to amend the title of the Bill, but it is tied to an agreement bearing that particular name. I think that the Adelaide to Darwin Railway Bill is a far better name because it allows South Australia to extend its ownership beyond the Northern Territory.

Given that an undertaking was made in 1910 as compensation to South Australia for handing over the Northern Territory to the Commonwealth, the line does, in a sense, belong to us. I guess that is a bit of parochialism, but sometimes I think it is useful to be parochial. That being said, I am a very firm supporter of the extension of this line through to Darwin, but it is one that we must watch very carefully because there are others who clearly do not want it built. Members may recall that in 1993 the then Prime Minister, Mr Keating, made a statement during the election that South Australia had nothing to gain by the completion of this railway line. He said that it would simply become a through route for Melbourne traffic to Darwin; he clearly had very little commitment to it.

More recently the Federal Government has moved to axe one of its funding mechanisms for infrastructure projects. It has done so as a result of the rorting that was occurring but, of course, it will disadvantage South Australia. In the end, this project is dependent on the injection of money. Through this Bill there is an agreement that perhaps $100 million of South Australian money will be given, along with $100 million of Northern Territory money.

However, it is important to read the schedule because it contains many provisos on that money coming across: it is dependent, for instance, on binding arrangements being made between the Governments and private sector participants on or before 31 December 1998; and it is dependent on the South Australian and Northern Territory Governments being satisfied that the project is commercially viable. When one starts reading the schedule, one notices that there must be a dozen provisos that could effectively stop the handing over of that $100 million. I know that the Government in Opposition made the promise that it would put that $100 million towards the line, but it remains only a commitment at this stage.

I am pleased that it remains a commitment and has not fallen off the agenda, but that is all it is. It leaves me worrying a little whether or not it can be achieved. I believe that it certainly should be achieved because, amongst other things, it would be a massive job creator for South Australia. The estimates I have seen talk about 3 500 jobs, which is not to be sneered at. Obviously not all those jobs would be for South Australians, but the impact of that across the whole nation would be extremely positive.

I indicate that I will support the Bill. It is better than a kick in the head, I suppose, but I do not know whether it will be able to achieve the required level of funding, given that $800 million must come from a combination of the private sector and the Federal Government; and the current Federal Government certainly does not seem willing. It is not in the interests of the Eastern States to build such a line. They would obviously much prefer to have a line going up the eastern coast, through Queensland and across to Darwin. The concept is one that the Democrats support and indeed have supported for many years. If this is what will move it along, we are delighted to support the Bill.

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

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill makes two important amendments to the *Stamp Duties Act 1923*.

The primary amendment proposed in this Bill seeks an extension of the stamp duty first home concession scheme. It is proposed that the scheme be amended for a 12 month period commencing 1 February 1997, by increasing the value of first home purchases eligible for a full concession from $80 000 to $100 000 and increasing the ceiling at which the concession phases out completely from $130 000 to $150 000. The increased concession will be in respect of contracts entered into on or after 1 February 1997. The increased concession will not be available for contracts entered into after 31 January 1998.

The extension of the stamp duty concession scheme will save first home buyers up to $2 830. In an environment where home loan interest rates have been driven down to their lowest level for many years, this initiative will give the real estate market in South Australia a real boost.

This initiative is in addition to the Deposit 5000 Scheme introduced in late 1996 which provides grants of up to $5 000 for approved new home buyers and the stamp duty rebate (up to $1 500) for the purchase of new strata title home units in the inner city area. The expansion of the existing first home concession scheme will assist young families get over that final barrier of home ownership.

The real estate industry is traditionally a key economic indicator. Assisting the housing industry get under way will have flow on effects through the whole economy and help boost employment prospects.

This new incentive has won strong support from the Real Estate Institute and the Housing Industry Association and is another step in the Government's plans to get the economy moving. This Government's commitment to increasing job prospects for the unemployed and stimulating business activity in South Australia is evidenced by the range of taxation assistance and incentives offered by way of rebates and exemptions to employers for trainee wages and employees contributing to value added exports and now an increased stamp duty concession for first home buyers.

The expanded first home concession scheme is estimated to have an extra budgetary cost of $3.8 million in total, comprising $1.3 million in 1996-97 and $2.5 million in 1997-98.

The other amendment proposed in this Bill deals with possible problems created as a result of a recent Victorian Supreme Court decision (*Commissioner of State Revenue (Vic) v Bradney*), which has the potential to create a wide loophole for the avoidance of stamp duty on conveyances.

In the *Bradney* case the Court decided that a long term lease for nominal rent was not an encumbrance for the purposes of the conveyancing provisions of the Victorian Legislation. It has resulted in the situation where it may be possible for valuable property to be transferred almost free of stamp duty, if the property is deliberately burdened by a long term lease for no rent, or through some other contrived arrangement which artificially reduces the value of the transferred property. It was never the intention that such a situation would be possible under the South Australian *Stamp Duties Act 1923*.

For the avoidance of doubt, the proposed provisions are designed to make the position clear and will enable the Commissioner to disregard interests, agreements or arrangements which have the effect of reducing the value of property which is being transferred. The provisions are framed so that arrangements made for valid commercial purposes, which have the incidental effect of reducing the value of transferred property, will not be disregarded by the Commissioner, and therefore will not attract more stamp duty than would otherwise be payable.

In the 1995/96 financial year the conveyance head of duty raised approximately $170 million, which is a significant portion of this State's revenue base. The proposed changes resulting from the *Bradney* case shall take effect from 7 January 1997, the date of the media release of the Treasurer. This measure is purely one that will retain the status quo and protect the existing revenue base. I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for retrospective operation of the Act. All provisions other than section 4 will be taken to have come into operation on 7 January 1997 and section 4 will be taken to have come into operation on 1 February 1997.

Clause 3: Amendment of s. 60A—Value of property conveyed or transferred

This clause amends section 60A of the principal Act by inserting detailed provisions in relation to the valuation of property (for the purpose of assessing the stamp duty payable on conveyance or transfer) that is subject to an interest, agreement or arrangement at the time of the conveyance or transfer or that will merge, on conveyance or transfer, with an estate or interest already held by the transferee. The provisions will only apply where the pre-existing interest, agreement or arrangement or estate or interest (as the case may be) was granted, made or acquired on or after 7 January 1997.

Proposed subsection (4a) provides that an interest, agreement or arrangement that has the effect of reducing the value of property being conveyed or transferred is to be disregarded unless the Commissioner is satisfied that the interest, agreement or arrangement—

- was granted or made for a purpose other than reducing the value of the property; and
- was not granted or made in favour of the transferee or a person related to the transferee.

Proposed subsection (4b) provides that where, on conveyance or transfer, an estate or interest will merge with an estate or interest already held by the transferee, the value of the estate or interest conveyed or transferred may be taken to be the value of the estate or interest produced by the merger or, where stamp duty was paid on the previously held estate or interest at the conveyance rate, that value less the value of estate or interest already held.

Proposed subsections (6), (7) and (8) are interpretative provisions (consistent with those contained elsewhere in the *Stamp Duties Act*) relating to the amendments described above.

Clause 4: Amendment of s. 71C—Concessional rates of duty in respect of purchase of first home, etc.

This clause amends section 71C of the principal Act to provide an extension of the concessions available to first home buyers for contracts entered into during the period of 12 months from 1 February 1997. The proposed amendments are as follows:

- Subsection (1)*(ab)* is amended so that during the 12 month period the concessions will apply to properties valued up to $150 000 (the maximum, otherwise, is $130 000).
- Subsection (2)*(a)* is amended to provide that during the 12 month period no duty will be payable where the property is valued at $100 000 or less (in other cases duty will cut out at a value of $80 000).
- The formula for calculating the concessional duty in subsection (2)*(b)*(ii) is replaced by a new version which provides a lower rate for contracts entered into during the 12 month period.

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

STATE RECORDS BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ADJOURNMENT

At 11.47 p.m. the Council adjourned until Thursday 6 March at 2.15 p.m.